

1981
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION
FORTY-SEVENTH LEGISLATURE
Convened January 12, 1981. Adjourned April 26, 1981.

1st EXTRAORDINARY SESSION
FORTY-SEVENTH LEGISLATURE
Convened April 28, 1981. Adjourned April 28, 1981.



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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 five dollars per set, remittance to accompany order. (No sales tax required.)
- (c) *Permanent bound edition — when and how obtained — price.* The permanent bound edition of the session laws may be ordered from the State Law Librarian, Temple of Justice, Olympia, Washington 98504 at twenty dollars per volume. (No sales tax required.) The laws of the 1981 Regular and 1st Extraordinary sessions will be printed in two volumes. 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 1981 regular session to be July 26, 1981 (midnight July 25). The pertinent date for the laws of the 1981 1st Extraordinary session is July 28, 1981 (midnight July 27).
- (b) Laws which carry an emergency clause take effect immediately upon approval by the Governor.
- (c) Law ~~which~~ prescribe an effective date, take effect upon that date.

6. INDEX AND TABLES

An index of all laws published herein, and pertinent tables, may be found at the back of Volume 2.

CHAPTER 260

[Senate Bill No. 3077]

DOUBLE AMENDMENTS—REENACTMENT, AMENDMENT, REPEAL

AN ACT Relating to the judicial council; correcting various state statutes necessitated by the amendment and/or repeal thereof in two or more laws which were enacted without reference to the other; correcting certain internal references and nomenclature therein; amending and reenacting section 5, chapter 45, Laws of 1925 ex. sess. as amended by section 2, chapter 75, Laws of 1977 and by section 3, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.020; reenacting section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 145, Laws of 1979 and by section 11, chapter 244, Laws of 1979 ex. sess. and RCW 9A.48.100; reenacting section 70, page 235, Laws of 1854 as last amended by section 2, chapter 53, Laws of 1977 ex. sess. and by section 2, chapter 248, Laws of 1977 ex. sess. and RCW 12.12.030; reenacting section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 23, Laws of 1975 and by section 47, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.080; reenacting section 9, chapter 144, Laws of 1919 as amended by section 57, chapter 30, Laws of 1975 1st ex. sess. and by section 5, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.070; reenacting section 35.13.172, chapter 7, Laws of 1965 as amended by section 15, chapter 164, Laws of 1973 1st ex. sess. and by section 14, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.13.172; reenacting section 35.18.020, chapter 7, Laws of 1965 as amended by section 26, chapter 151, Laws of 1979 and by section 19, chapter 126, Laws of 1979 ex. sess. and RCW 35.18.020; reenacting section 4, chapter 233, Laws of 1963 as amended by section 11, chapter 232, Laws of 1977 ex. sess. and by section 96, chapter 169, Laws of 1977 ex. sess. and RCW 40.06.040; reenacting section 14, chapter 289, Laws of 1977 ex. sess. as amended by section 1, chapter 49, Laws of 1979 and by section 11, chapter 156, Laws of 1979 and by section 1, chapter 82, Laws of 1979 ex. sess. and RCW 43.131.140; reenacting section 7, chapter 121, Laws of 1965 ex. sess. as last amended by section 3, chapter 61, Laws of 1979 and by section 1, chapter 63, Laws of 1979 and RCW 46.20.055; reenacting section 1, chapter 1, Laws of 1969 as last amended by section 3, chapter 176, Laws of 1979 ex. sess. and by section 59, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.308; amending and reenacting section 47.12.140, chapter 13, Laws of 1961 as amended by section 6, chapter 78, Laws of 1977 ex. sess. and by section 52, chapter 151, Laws of 1977 ex. sess. and RCW 47.12.140; reenacting section 51.16.060, chapter 23, Laws of 1961 as last amended by section 11, chapter 323, Laws of 1977 ex. sess. and by section 26, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.060; amending and reenacting section 1, chapter 166, Laws of 1921 as last amended by section 5, chapter 166, Laws of 1977 ex. sess. and by section 1, chapter 205, Laws of 1977 ex. sess. and RCW 60.28.010; reenacting section 10, chapter 307, Laws of 1971 ex. sess. as amended by section 6, chapter 94, Laws of 1979 and by section 219, chapter 158, Laws of 1979 and RCW 70.93.100; amending and reenacting section 82.50.170, chapter 15, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1975 1st ex. sess. and by section 97, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.50.170; reenacting section 84.48.110, chapter 15, Laws of 1961 as last amended by section 4, chapter 86, Laws of 1979 ex. sess. and section 185, chapter 151, Laws of 1979 and RCW 84.48.110; repealing section 15.32.370, chapter 11, Laws of 1961, section 1, chapter 73, Laws of 1965, section 1, chapter 40, Laws of 1967 ex. sess. and RCW 15.32.370; repealing section 1, chapter 186, Laws of 1963, section 12, chapter 87, Laws of 1980 and RCW 34.04.160; repealing section 36.76.010, chapter 4, Laws of 1963, section 72, chapter 232, Laws of 1969 ex. sess., section 21, chapter 42, Laws of 1970 ex. sess., section 52, chapter 56, Laws of 1970 ex. sess., section 1, chapter 9, Laws of 1971 and RCW 36.76.010; repealing section 94, chapter 130, Laws of 1943, section 138, chapter 220, Laws of 1963 and RCW 38.32.130; repealing section 43.22.160, chapter 8, Laws of 1965, section 80, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.160; repealing section 43.22.170, chapter 8, Laws of 1965, section 81, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.170; repealing section 2, chapter 76, Laws of 1972 ex. sess., section 65, chapter 75, Laws of 1977 and RCW 43.125.020; repealing section 47.12.060, chapter 13, Laws of 1961, section 1, chapter 96, Laws of 1975 1st ex.

sess., section 47, chapter 151, Laws of 1977 ex. sess. and RCW 47.12.060; repealing section 47.12.070, chapter 13, Laws of 1961, section 2, chapter 91, Laws of 1969, section 2, chapter 96, Laws of 1975 1st ex. sess., section 48, chapter 151, Laws of 1977 ex. sess. and RCW 47.12.070; repealing section 51.40.010, chapter 23, Laws of 1961, section 61, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.010; repealing section 51.40.020, chapter 23, Laws of 1961, section 1, chapter 36, Laws of 1965, section 2, chapter 80, Laws of 1965 ex. sess., section 62, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.020; repealing section 51.40.030, chapter 23, Laws of 1961, section 63, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.030; repealing section 51.40.040, chapter 23, Laws of 1961, section 29, chapter 106, Laws of 1973, section 64, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.040; repealing section 51.40.050, chapter 23, Laws of 1961, section 65, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.050; repealing section 51.40.060, chapter 23, Laws of 1961, section 66, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.060; repealing section 51.40.070, chapter 23, Laws of 1961, section 67, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.070; repealing section 72.50.040, chapter 28, Laws of 1959, section 6, chapter 49, Laws of 1970 ex. sess. and RCW 72.50.040; and repealing section 74.09.170, chapter 26, Laws of 1959, section 340, chapter 141, Laws of 1979 and RCW 74.09.170; and declaring an emergency.

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

Section 1. Section 5, chapter 45, Laws of 1925 ex. sess. as amended by section 2, chapter 75, Laws of 1977 and by section 3, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.050 are each amended and reenacted to read as follows:

It shall be the duty of the council:

(1) Continuously to survey and study the operation of the judicial department of the state, the volume and condition of business in the courts, whether of record or not, the methods of procedure therein, the work accomplished, and the character of the results;

(2) To receive and consider suggestions from judges, public officers, members of the bar, and citizens as to remedies for faults in the administration of justice;

(3) To devise ways of simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in the administration of justice;

(4) To submit from time to time to the courts or the judges such suggestions as it may deem advisable for changes in rules, procedure, or methods of administration;

(5) To report (~~biennially~~) annually to the governor and the legislature with the council's recommendations as to needed changes in the organization of the judicial department or the courts or in judicial procedure; and

(6) To assist the judges in giving effect to Art. 4, Section 25 of the state Constitution.

Sec. 2. Section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 145, Laws of 1979 and by section 11, chapter 244, Laws of 1979 ex. sess. and RCW 9A.48.100 are each reenacted to read as follows:

For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive:

(1) "Physical damage", in addition to its ordinary meaning, shall include the alteration, damage, or erasure of records, information, data, or computer programs which are electronically recorded for use in computers;

(2) If more than one item of property is physically damaged as a result of a common scheme or plan by a person and the physical damage to the property would, when considered separately, constitute mischief in the third degree because of value, then the value of the damages may be aggregated in one count. If the sum of the value of all the physical damages exceeds two hundred fifty dollars, the defendant may be charged with and convicted of malicious mischief in the second degree.

Sec. 3. Section 70, page 235, Laws of 1854 as last amended by section 2, chapter 53, Laws of 1977 ex. sess. and by section 2, chapter 248, Laws of 1977 ex. sess. and RCW 12.12.030 are each reenacted to read as follows:

After the appearance of the defendant, and before the justice shall proceed to enquire into the merits of the cause, either party may demand a jury to try the action, which jury shall be composed of six good and lawful persons having the qualifications of jurors in the superior court of the same county, unless the parties shall agree upon a lesser number: PROVIDED, That the party demanding the jury shall first pay to the justice the sum of twenty-five dollars, which shall be paid over by the justice to the county, and said amount shall be taxed as costs against the losing party.

Sec. 4. Section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 23, Laws of 1975 and by section 47, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.080 are each reenacted to read as follows:

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

Sec. 5. Section 9, chapter 144, Laws of 1919 as amended by section 57, chapter 30, Laws of 1975 1st ex. sess. and by section 5, chapter 69, Laws of

1975 1st ex. sess. and RCW 18.53.070 are each reenacted to read as follows:

The fees for application for examination and for issuing a certificate of registration shall be determined by the director as provided in RCW 43.24-.085 as now or hereafter amended, which shall be paid to the director as he shall prescribe.

Sec. 6. Section 35.13.172, chapter 7, Laws of 1965 as amended by section 15, chapter 164, Laws of 1973 1st ex. sess. and by section 14, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.13.172 are each reenacted to read as follows:

Whenever a petition is filed as provided in RCW 35.13.020 or a resolution is adopted by the city or town council, as provided in RCW 35.13.015, and the area proposed for annexation is less than ten acres and less than eight hundred thousand dollars in assessed valuation, such review procedures shall be dispensed with.

Sec. 7. Section 35.18.020, chapter 7, Laws of 1965 as amended by section 26, chapter 151, Laws of 1979 and by section 19, chapter 126, Laws of 1979 ex. sess. and RCW 35.18.020 are each reenacted to read as follows:

(1) The number of councilmen shall be in proportion to the population of the city or town indicated in its petition for incorporation and thereafter shall be in proportion to its population as last determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five councilmen;

(b) A city having more than two thousand, seven councilmen.

(2) All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170: PROVIDED, HOWEVER, That at the first general municipal election held in the city in accordance with RCW 29.13.020, after the election approving the council-manager plan, the following shall apply:

(a) One councilman shall be nominated and elected from each ward or such other existing district of said city as may have been established for the election of members of the legislative body of the city and the remaining councilmen shall be elected at large; but if there are no such wards or districts in the city, or at an initial election for the incorporation of a community, the councilmen shall be elected at large.

(b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term commencing immediately when qualified in accordance with RCW 29.01.135 and continuing until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170.

(c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term commencing immediately when qualified in accordance with RCW 29.01.135 and continuing until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170.

(d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered.

(3) When a municipality has qualified for an increase in the number of councilmen from five to seven by virtue of the next succeeding population determination made by the office of financial management after the majority of the voters thereof have approved operation under the council-manager plan, at the first election when two additional councilmen are to be elected, one of the two additional councilmen receiving the highest number of votes shall be elected for a four year term and the other additional councilman shall be elected for a two year term. The terms of the two additional councilmen shall commence immediately when qualified in accordance with RCW 29.01.135.

(4) In the event such population determination as provided in subsection (3) of this section requires an increase in the number of councilmen, the city or town council shall fill the additional councilmanic positions by appointment not later than thirty days following the release of said population determination, and the appointee shall hold office only until the next regular city or town election at which a person shall be elected to serve for the remainder of the unexpired term. In the event such population determination results in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election: PROVIDED, That the council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts.

(5) If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term.

Sec. 8. Section 4, chapter 233, Laws of 1963 as amended by section 11, chapter 232, Laws of 1977 ex. sess. and by section 96, chapter 169, Laws of 1977 ex. sess. and RCW 40.06.040 are each reenacted to read as follows:

To provide economical public access to state publications, the center may enter into depository contracts with any free public library, The Evergreen State College, regional university, or state university library, or, if needed, the library of any privately incorporated college or university in this state. The requirements for eligibility to contract as a depository library shall be established by the state library commission upon recommendations

of the state librarian. The standards shall include and take into consideration the type of library, available housing and space for the publications, the number and qualifications of personnel, and availability for public use. The center may also contract with public, out-of-state libraries for the exchange of state and other publications on a reciprocal basis. Any state publication to be distributed to the public and the legislature shall be mailed at the lowest available postal rate.

Sec. 9. Section 14, chapter 289, Laws of 1977 ex. sess. as amended by section 1, chapter 49, Laws of 1979 and by section 11, chapter 156, Laws of 1979 and by section 1, chapter 82, Laws of 1979 ex. sess. and RCW 43.131.140 are each reenacted to read as follows:

(1) The following programs shall be terminated on June 30, 1978:

- (a) Proprietary schools (chapter 18.82 RCW);
- (b) Grist mills (chapter 19.44 RCW); and
- (c) Regulation of vessels (chapter 88.04 RCW).

(2) The following state agencies and programs shall be terminated on June 30, 1979:

- (a) Driving instructors examining committee;
- (b) Water well construction operators examining board;
- (c) Escrow commission.

(3) The state agencies scheduled for termination in this section shall be subject to all of the processes provided in this chapter. The state agencies set forth in this section may also be included in the schedule of state agencies to be terminated which shall be developed by the select joint committee as provided in RCW 43.131.120. If any state agency set forth in this section is reestablished or modified, such agency shall remain subject to the provisions of RCW 43.131.120. If any state agency set forth in this section is not reestablished or modified according to the provisions of this section, then the inclusion of that state agency in the schedule provided in RCW 43.131.120 shall be null.

Sec. 10. Section 7, chapter 121, Laws of 1965 ex. sess. as last amended by section 3, chapter 61, Laws of 1979 and by section 1, chapter 63, Laws of 1979 and RCW 46.20.055 are each reenacted to read as follows:

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person who is at least sixteen years of age may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed driver who has had at least five years of driving experience and is occupying a seat beside the driver, except if the permittee is operating a motorcycle. Only

one additional instruction permit may be issued. The department after investigation may in its discretion issue a third instruction permit where it finds that the permittee is diligently seeking to improve driving proficiency.

(2) The department upon receiving proper application may in its discretion issue an instruction permit effective for a school semester or other restricted period to an applicant who is at least fifteen years of age and is enrolled in a traffic safety education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee having the permit in immediate possession to drive a motor vehicle only when an approved instructor or other licensed driver with at least five years of driving experience, is occupying a seat beside the permittee.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in the applicant's immediate possession while driving a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

Sec. 11. Section 1, chapter 1, Laws of 1969 as last amended by section 3, chapter 176, Laws of 1979 ex. sess. and by section 59, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.308 are each reenacted to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his 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. 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 upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: PROVIDED, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.520, 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. In such circumstances, the provisions of subsections (2) through (6) of this section shall not apply.

(2) 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.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. 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 such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or 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. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section 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 or denial of his

privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance 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 herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction which is a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege, or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) 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 has a license.

Sec. 12. Section 47.12.140, chapter 13, Laws of 1961 as amended by section 6, chapter 78, Laws of 1977 ex. sess. and by section 52, chapter 151, Laws of 1977 ex. sess. and RCW 47.12.140 are each amended and reenacted to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, whenever the department shall have acquired any lands for highway purposes, except state granted lands, upon which are located any structures, timber or other thing of value attached to the land, which the department shall deem it best to sever from the land and sell as personal property, the same may be sold by the department at public auction after due notice thereof shall have been given in accordance with general regulations adopted by the secretary. The department may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the department, it shall be lawful for the department to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

(2) The department (~~(of highways)~~) may issue permits to residents of this state to remove specified quantities of standing or downed trees and shrubs, rock, sand, gravel, or soils which have no market value in place and which the department desires to be removed from state owned lands which

are under the jurisdiction of the (~~(highway commission)~~) department. An applicant for such a permit must certify that the materials so removed are to be used by himself and that they will not be disposed of to any other person. Removal of materials pursuant to permit shall be in accordance with such regulations as the department shall prescribe. The fee for a permit shall be two dollars and fifty cents which shall be deposited in the motor vehicle fund. The (~~(highway commission)~~) department may adopt regulations providing for special access to limited access facilities for the purpose of removal of materials pursuant to permits authorized in this section.

Sec. 13. Section 51.16.060, chapter 23, Laws of 1961 as last amended by section 11, chapter 323, Laws of 1977 ex. sess. and by section 26, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.060 are each reenacted to read as follows:

Every employer not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which workers were employed by it during the preceding calendar quarter, the total amount paid to such workers during such preceding calendar quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay its premium thereon to the appropriate fund. The sufficiency of such statement shall be subject to the approval of the director: **PROVIDED**, That the director may in his or her discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual worker, his or her hours worked, his or her rate of pay and the class or classes in which such work was performed: **PROVIDED FURTHER**, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: **PROVIDED FURTHER**, That the department may promulgate rules and regulations in accordance with chapter 34.04 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll: **AND PROVIDED FURTHER**, That a temporary help company which provides workers on a temporary basis to its customers shall be considered the employer for purposes of reporting and paying premiums and assessments under this title according to the appropriate rate classifications as determined by the department: **PROVIDED**, That the employer shall be liable for paying premiums and assessments, should the temporary help company fail to pay the premiums and assessments under this title.

Sec. 14. Section 1, chapter 166, Laws of 1921 as last amended by section 5, chapter 166, Laws of 1977 ex. sess. and by section 1, chapter 205, Laws of 1977 ex. sess. and RCW 60.28.010 are each amended and reenacted to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to ten percent of the first one hundred thousand dollars and five percent for all amounts over one hundred thousand dollars of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: PROVIDED, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 (~~through 39.08.060~~) as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body; (a) at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor; and (b) thirty days after completion and acceptance of all contract work other than landscaping, may release and pay in full the amounts retained during the performance of the contract (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed; or

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed.

When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) If the public body administering a contract, other than a contract governed by the provisions of RCW 60.28.070, as amended, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

(4) Whenever the (~~tolled bridge authority or the~~) department of (~~highways~~) transportation has contracted for the construction of two or more ferry vessels, thirty days after completion and final acceptance of each ferry vessel, (~~the authority or~~) the department may release and pay in full the amounts retained in connection with the construction of such vessel subject to the provisions of RCW 60.28.020: PROVIDED, That the (~~tolled bridge authority or the~~) department of (~~highways~~) transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on such ferry after a period of thirty days following final acceptance of such ferry; and if such taxes are certified or claims filed, recovery may be had on such bond by the department of revenue and the materialmen and laborers filing claims.

Sec. 15. Section 10, chapter 307, Laws of 1971 ex. sess. as amended by section 6, chapter 94, Laws of 1979 and by section 219, chapter 158, Laws of 1979 and RCW 70.93.100 are each reenacted to read as follows:

The department shall design and produce a litter bag bearing the state-wide anti-litter symbol and a statement of the penalties prescribed herein for littering in this state. Such litter bags shall be distributed by the department of licensing at no charge to the owner of every licensed vehicle in this state at the time and place of license renewal. The department of ecology shall make such litter bags available to the owners of water craft in this state and shall also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming vehicles and watercraft. The owner of any vehicle or watercraft who fails to keep and use a litter bag in his vehicle or watercraft shall be guilty of a violation of this section and shall be subject to a fine as provided in this chapter.

Sec. 16. Section 82.50.170, chapter 15, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1975 1st ex. sess. and by section 97, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.50.170 are each amended and reenacted to read as follows:

In case a claim is made by any person that he has erroneously paid the tax or a part thereof or any charge hereunder, he may apply in writing to the department of (~~(motor vehicles)~~) licensing for a refund of the amount of the claimed erroneous payment within thirteen months of the time of payment of the tax on such a form as is prescribed by the department. The department shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer that such person is entitled to a refund in such amount, and the treasurer shall make such approved refund herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

Sec. 17. Section 84.48.110, chapter 15, Laws of 1961 as last amended by section 4, chapter 86, Laws of 1979 ex. sess. and section 185, chapter 151, Laws of 1979 and RCW 84.48.110 are each reenacted to read as follows:

Within three days after the record of the proceedings of the state board of equalization is certified by the director of the department, the department shall transmit to each county assessor a copy of the record of the proceedings of the board, specifying the amount to be levied and collected on said assessment books for state purposes for such year, and in addition thereto it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the seventh preceding year, and such

delinquent state taxes shall be added to the amount levied for the current year. The department shall close the account of each county for the seventh preceding year and charge the amount of such delinquency to the tax levy of the current year. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the seventh preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

(1) Section 15.32.370, chapter 11, Laws of 1961, section 1, chapter 73, Laws of 1965, section 1, chapter 40, Laws of 1967 ex. sess. and RCW 15.32.370;

(2) Section 1, chapter 186, Laws of 1963, section 12, chapter 87, Laws of 1980 and RCW 34.04.160;

(3) Section 36.76.010, chapter 4, Laws of 1963, section 72, chapter 232, Laws of 1969 ex. sess., section 21, chapter 42, Laws of 1970 ex. sess., section 52, chapter 56, Laws of 1970 ex. sess., section 1, chapter 9, Laws of 1971 and RCW 36.76.010;

(4) Section 94, chapter 130, Laws of 1943, section 138, chapter 220, Laws of 1963 and RCW 38.32.130;

(5) Section 43.22.160, chapter 8, Laws of 1965, section 80, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.160;

(6) Section 43.22.170, chapter 8, Laws of 1965, section 81, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.170;

(7) Section 2, chapter 76, Laws of 1972 ex. sess., section 65, chapter 75, Laws of 1977 and RCW 43.125.020;

(8) Section 47.12.060, chapter 13, Laws of 1961, section 1, chapter 96, Laws of 1975 1st ex. sess., section 47, chapter 151, Laws of 1977 ex. sess. and RCW 47.12.060;

(9) Section 47.12.070, chapter 13, Laws of 1961, section 2, chapter 91, Laws of 1969, section 2, chapter 96, Laws of 1975 1st ex. sess., section 48, chapter 151, Laws of 1977 ex. sess. and RCW 47.12.070;

(10) Section 51.40.010, chapter 23, Laws of 1961, section 61, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.010;

(11) Section 51.40.020, chapter 23, Laws of 1961, section 1, chapter 36, Laws of 1965, section 2, chapter 80, Laws of 1965 ex. sess., section 62, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.020;

(12) Section 51.40.030, chapter 23, Laws of 1961, section 63, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.030;

(13) Section 51.40.040, chapter 23, Laws of 1961, section 29, chapter 106, Laws of 1973, section 64, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.040;

(14) Section 51.40.050, chapter 23, Laws of 1961, section 65, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.050;

(15) Section 51.40.060, chapter 23, Laws of 1961, section 66, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.060;

(16) Section 51.40.070, chapter 23, Laws of 1961, section 67, chapter 350, Laws of 1977 ex. sess. and RCW 51.40.070;

(17) Section 72.50.040, chapter 28, Laws of 1959, section 6, chapter 49, Laws of 1970 ex. sess. and RCW 72.50.040; and

(18) Section 74.09.170, chapter 26, Laws of 1959, section 340, chapter 141, Laws of 1979 and RCW 74.09.170.

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 April 25, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 261

[Senate Bill No. 3586]

SALMON ENHANCEMENT FACILITIES—BOND ISSUE

AN ACT Relating to salmon enhancement; amending section 2, chapter 308, Laws of 1977 ex. sess. as amended by section 1, chapter 15, Laws of 1980 and RCW 75.48.020; and amending section 5, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.050.

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

Section 1. Section 2, chapter 308, Laws of 1977 ex. sess. as amended by section 1, chapter 15, Laws of 1980 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 is authorized to issue, at any time prior to January 1, 1985, general obligation bonds of the state of Washington in the sum of (~~thirty-two~~) 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 shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 2. Section 5, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.050 are each amended to read as follows:

As used in this chapter, the term "facilities" means salmon propagation facilities including, but not limited to, all equipment, utilities, structures,

real property, and interests in and improvements on real property, as well as stream bed clearing, for or incidental to the acquisition, construction, or development of salmon propagation facilities. Specifically, the term shall include a spawning channel on the Skagit river.

Passed the Senate March 25, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 262

[Senate Bill No. 3143]

PORT DISTRICTS—PROPERTY SALES

AN ACT Relating to port districts; and amending section 10, chapter 65, Laws of 1955 as last amended by section 1, chapter 30, Laws of 1969 ex. sess. and RCW 53.08.090.

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

Section 1. Section 10, chapter 65, Laws of 1955 as last amended by section 1, chapter 30, Laws of 1969 ex. sess. and RCW 53.08.090 are each amended to read as follows:

A port commission may, by resolution, authorize the managing official of a port district to sell and convey port district (~~personal~~) property of less than twenty-five hundred dollars in value. Such authority shall be in force for not more than one calendar year from the date of resolution and may be renewed from year to year. Prior to any such sale or conveyance the managing official shall itemize and list the property to be sold and make written certification to the commission that the listed property is no longer needed for district purposes. Any large block of such property having a value in excess of twenty-five hundred dollars shall not be broken down into components of less than twenty-five hundred dollars value and sold in such smaller components unless such smaller components be sold by public competitive bid. (~~As regards property valued at more than twenty-five hundred dollars~~) A port district may sell and convey any of its real or personal property valued at more than twenty-five hundred dollars when the port commission has, by resolution, declared the property to be no longer needed for district purposes, but no property which is a part of the comprehensive plan of improvement or modification thereof shall be disposed of until the comprehensive plan has been modified to find such property surplus to port needs. The comprehensive plan shall be modified only after public notice and hearing provided by RCW 53.20.010.

Nothing in this section shall be deemed to repeal or modify procedures for property sales within industrial development districts as set forth in chapter 53.25 RCW.

Passed the Senate April 24, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 18, 1981.

Filed In Office of Secretary of State May 18, 1981.

CHAPTER 263

[Engrossed Senate Bill No. 4026]

PERSONAL SERVICE—DEFINITION

AN ACT Relating to personal service contracts; and amending section 2, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.006.

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

Section 1. Section 2, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.006 are each amended to read as follows:

As used in this chapter:

(1) "Personal service contract" means an agreement, or any amendment or renewal thereto, with an independent contractor for the rendering of personal services to the state.

(2) "Personal service" means performing a specific study, project, or task which requires professional or technical expertise but does not mean personal service performed for the purpose of routine continuing and necessary services, including but not limited to routine maintenance, operation of the physical plant, security, data entry, key punch services, and graphic design.

(3) "Agency" means any state officer or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.

Passed the Senate April 1, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 264

[Substitute Senate Bill No. 4360]

NONHIGH SCHOOL DISTRICT STUDENTS—EDUCATION COST PAYMENT

AN ACT Relating to the payment of costs for educating certain students; amending section 4, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 172, Laws of 1979 ex. sess. and RCW 84.52.0531; creating new sections; add new sections to chapter 223,

Laws of 1969 ex. sess. and to chapter 28A.44 RCW; repealing section 28A.44.040, chapter 223, Laws of 1969 ex. sess., section 12, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.040; repealing section 28A.44.080, chapter 223, Laws of 1969 ex. sess., section 18, chapter 48, Laws of 1971, section 36, chapter 282, Laws of 1971 ex. sess., section 3, chapter 124, Laws of 1972 ex. sess., section 63, chapter 275, Laws of 1975 1st ex. sess., section 24, chapter 118, Laws of 1975-'76 2nd ex. sess., section 10, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.080; repealing section 2, chapter 124, Laws of 1972 ex. sess., section 64, chapter 275, Laws of 1975 1st ex. sess., section 25, chapter 118, Laws of 1975-'76 2nd ex. sess., section 11, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.085; repealing section 28A.44.090, chapter 223, Laws of 1969 ex. sess., section 19, chapter 48, Laws of 1971, section 37, chapter 282, Laws of 1971 ex. sess., section 4, chapter 124, Laws of 1972 ex. sess., section 65, chapter 275, Laws of 1975 1st ex. sess., section 26, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.090; repealing section 28A.44.100, chapter 223, Laws of 1969 ex. sess., section 20, chapter 48, Laws of 1971, section 38, chapter 282, Laws of 1971 ex. sess., section 5, chapter 124, Laws of 1972 ex. sess., section 66, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.100; repealing section 6, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.110; repealing section 7, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.120; repealing section 11, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.130; and providing effective dates.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The purposes of this amendatory act are to:

- (1) Simplify the annual process of determining and paying the amounts due by nonhigh school districts to high school districts for educating students residing in a nonhigh school district;
- (2) Provide for a payment schedule that coincides to the extent practicable with the ability of nonhigh school districts to pay and the need of high school districts for payment; and
- (3) Establish that the maximum amount due per annual average full-time equivalent student by a nonhigh school district for each school year is no greater than the maintenance and operation excess tax levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The term "student residing in a nonhigh school district" and its equivalent as used in this amendatory act shall mean any handicapped or nonhandicapped common school age person who resides within the boundaries of a nonhigh school district that does not conduct the particular kindergarten through grade twelve grade which the person has not yet successfully completed and is eligible to enroll in.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The implementation of this amendatory act shall commence with the 1981-82 school year and consist of the following three stages of implementation:

(1) No later than December 31, 1981, the amounts due by the various nonhigh school districts to high school districts for the 1980-81 school year shall be fixed, certified and paid in accordance with the provisions of RCW 28A.44.080, 28A.44.085, 28A.44.090, and 28A.44.100 in a manner which recognizes advance payments made by nonhigh school districts toward such amounts as well as agreements between high school and nonhigh school districts for the payment of lesser amounts;

(2) At such time as the superintendent of public instruction determines and certifies the maximum amounts of school district levies allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection in 1982, he shall also determine pursuant to subsections (1)(a) and (b) of section 5 of this amendatory act the estimated amount due by nonhigh school districts to high school districts for the 1981-82 school year; and

(3) Each year thereafter at such time as the superintendent of public instruction determines and certifies such maximum allowable amounts of school district levies he shall also:

(a) Determine the extent to which the estimated amounts due by nonhigh school districts for the previous school year exceeded or fell short of the actual amounts due; and

(b) Determine the estimated amounts due by nonhigh school districts for the current school year and increase or decrease the same to the extent of overpayments or underpayments for the previous school year.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The student enrollment data necessary for the computation of the annual amounts due by nonhigh school districts pursuant to this amendatory act shall be established as follows:

(1) On or before July tenth preceding the school year, or such other date as may be established by the superintendent of public instruction, each high school district superintendent shall certify to the superintendent of public instruction:

(a) The estimated number of students residing in a nonhigh school district that will be enrolled in the high school district during the school year which estimate has been mutually agreed upon by the high school district superintendent and the superintendent of each nonhigh school district in which one or more of such students resides;

(b) The total estimated number of kindergarten through twelfth grade annual average full-time equivalent students, inclusive of nonresident students, that will be enrolled in the high school district during the school year;

(c) The actual number of annual average full-time equivalent students provided for in subsections (1)(a) and (b) of this section that were enrolled in the high school district during the regular school term just completed; and

(d) The name, address, and the school district and county of residence of each student residing in a nonhigh school district reported pursuant to this subsection (1), to the extent the same can reasonably be established.

(2) In the event the superintendents of a high school district and a nonhigh school district are unable to reach agreement respecting the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year, the estimate shall be established by the superintendent of public instruction.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

(1) The superintendent of public instruction shall annually determine the estimated amount due by a nonhigh school district to a high school district for the school year as follows:

(a) The total of the high school district's maintenance and operation excess tax levy that has been authorized and determined by the superintendent of public instruction to be allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection during the next calendar year, shall first be divided by the total estimated number of annual average full-time equivalent students which the high school district superintendent or the superintendent of public instruction has certified pursuant to section 4 of this amendatory act will be enrolled in the high school district during the school year;

(b) The result of the calculation provided for in subsection (1)(a) of this section shall then be multiplied by the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year which has been established pursuant to section 4 of this amendatory act; and

(c) The result of the calculation provided for in subsection (1)(b) of this section shall be adjusted upward to the extent the estimated amount due by a nonhigh school district for the prior school year was less than the actual amount due based upon actual annual average full-time equivalent student enrollments during the previous school year and the actual per annual average full-time equivalent student maintenance and operation excess tax levy rate for the current tax collection year, of the high school district, or adjusted downward to the extent the estimated amount due was greater than such actual amount due or greater than such lesser amount as a high school district may have elected to assess pursuant to section 7 of this amendatory act.

(2) The amount arrived at pursuant to subsection (1)(c) of this subsection shall constitute the estimated amount due by a nonhigh school district to a high school district for the school year.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The estimated amounts due by nonhigh school districts as determined pursuant to section 5 of this amendatory act shall be paid in two installments. During the month of May of the school year for which the amount is due, each nonhigh school district shall pay to each high school district fifty percent of the total estimated amount due to the high school district for the school year as determined by the superintendent of public instruction pursuant to section 5 of this amendatory act. The remaining fifty percent shall be paid by each nonhigh school district to each high school district during the following November.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

Notwithstanding any provision of sections 3 through 6 of this amendatory act to the contrary, any high school district board of directors may elect to assess a nonhigh school district an amount which is less than that otherwise established by the superintendent of public instruction pursuant to section 5 of this amendatory act to be due. In the event a high school district elects to do so, it shall notify both the superintendent of public instruction and the nonhigh school district of its election and the lesser amount no later than September first following the school year for which the amount is due. In the absence of such notification, each nonhigh school district shall pay the amount otherwise established by the superintendent of public instruction pursuant to section 5 of this amendatory act.

NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts which are established as due by a nonhigh school district pursuant to this amendatory act, as now or hereafter amended, shall constitute the entire amount which is due by a nonhigh school district for the school year for the education of any and all handicapped and nonhandicapped students residing in the nonhigh school district who attend a high school district pursuant to RCW 28A.58.230, as now or hereafter amended, and for the transportation of such students by a high school district as is required by RCW 28A.24.055, as now or hereafter amended.

NEW SECTION. Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The superintendent of public instruction is hereby empowered to adopt rules pursuant to chapter 34.04 RCW, as now or hereafter amended, deemed necessary or advisable by the superintendent to effect the purposes and implement the provisions of this amendatory act.

Sec. 10. Section 4, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 172, Laws of 1979 ex. sess. and RCW 84.52.0531 are each 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 1977 for collection in 1979; for excess levies in 1978 for collection in 1979; for excess levies in 1978 for collection in 1980; and for excess levies in 1979 for collection in 1980, 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.

(2) For excess levies in 1979 for collection in 1981, for excess levies in 1980 for collection in 1981 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) 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) 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 (5) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.

(3) 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.

(4) 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.

(5) 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 subsections (1) and (2) 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.

(6) For the purpose of subsections (1) and (2) 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 four percent for levies to be collected in 1979, and 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. 11. Section 10 of this amendatory act shall become effective for maintenance and operation excess tax levies now or hereafter authorized pursuant to RCW 84.52.053, as now or hereafter amended, for collection in 1982 and thereafter.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed: **PROVIDED**, That such repeals shall not affect the purposes of section 3 (1) of this amendatory act and the RCW sections referred to therein shall be deemed operative solely for the purposes of said subsection:

(1) Section 28A.44.040, chapter 223, Laws of 1969 ex. sess., section 12, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.040;

(2) Section 28A.44.080, chapter 223, Laws of 1969 ex. sess., section 18, chapter 48, Laws of 1971, section 36, chapter 282, Laws of 1971 ex. sess., section 3, chapter 124, Laws of 1972 ex. sess., section 63, chapter 275, Laws of 1975 1st ex. sess., section 24, chapter 118, Laws of 1975-'76 2nd ex. sess., section 10, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.080;

(3) Section 2, chapter 124, Laws of 1972 ex. sess., section 64, chapter 275, Laws of 1975 1st ex. sess., section 25, chapter 118, Laws of 1975-'76 2nd ex. sess., section 11, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.085;

(4) Section 28A.44.090, chapter 223, Laws of 1969 ex. sess., section 19, chapter 48, Laws of 1971, section 37, chapter 282, Laws of 1971 ex. sess., section 4, chapter 124, Laws of 1972 ex. sess., section 65, chapter 275, Laws of 1975 1st ex. sess., section 26, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.090;

(5) Section 28A.44.100, chapter 223, Laws of 1969 ex. sess., section 20, chapter 48, Laws of 1971, section 38, chapter 282, Laws of 1971 ex. sess.,

section 5, chapter 124, Laws of 1972 ex. sess., section 66, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.100;

(6) Section 6, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.110;

(7) Section 7, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.120; and

(8) Section 11, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.130.

NEW SECTION. Sec. 13. If any provision of this amendatory 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 24, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 265

[Substitute Senate Bill No. 3845]

SCHOOL DISTRICT AUTHORIZED TRANSPORTATION

AN ACT Relating to school district authorized transportation; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.160; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter ____ (Substitute Senate Bill No. 3845), Laws of 1981 and RCW 28A.41.160; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 122, Laws of 1980 and RCW 28A.24.055; amending section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 80, Laws of 1977 and RCW 28A.24.100; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; repealing section 28A.24.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.060; repealing section 28A.24.080, chapter 223, Laws of 1969 ex. sess., section 104, chapter 176, Laws of 1969 ex. sess., section 32, chapter 282, Laws of 1971 ex. sess., section 54, chapter 275, Laws of 1975 1st ex. sess., section 1, chapter 80, Laws of 1977 and RCW 28A.24.080; and providing an effective date.

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

NEW SECTION. Section 1. Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in sections 1 through 4 of this act shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under sections 1 through 4 of this amendatory act shall be funded at one hundred percent or as close thereto as reasonably possible for the following pupil transportation services:

(1) Transportation of an eligible student from the student's assigned route stop to the student's school at the beginning of the student's school day, and from the student's school to the student's assigned route stop at the end of the school day in a transportation vehicle. Recognition of nonpassenger miles shall be included as part of transportation to and from school.

(2) Transportation between schools or learning centers of students whose basic education or other programs are offered in two or more locations. Field trips are not eligible for funds allocated for transportation costs.

(3) Transportation for student participants in activities planned, supervised, and administered by the Washington interscholastic activities association or other voluntary nonprofit entity pursuant to RCW 28A.58.125, as now or hereafter amended, if eligible for state transportation funding under rules adopted by the state board of education.

Operational costs, as determined under sections 1 through 4 of this amendatory act, for those pupil transportation services provided for in subsection (1) of this section shall be funded state-wide at one hundred percent before any funds are provided for operating costs of services provided for in subsections (2) and (3) of this section.

NEW SECTION. Sec. 2. For purposes of sections 1 through 5 of this amendatory act, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student whose residence or assigned route stop is more than one mile from the student's school, except if the student to be transported is handicapped under RCW 28A.13.010, as now or hereafter amended, and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies.

(2) "Nonpassenger miles" means road miles necessary for the following purposes when no student is being transported in a vehicle: (a) Inspection of vehicles by the state patrol; (b) mileage incurred as a result of major maintenance repairs; (c) mandated bus driver training; and (d) mileage between a school, bus garage, or storage facility and the first student route stop and the mileage between the last student route stop and the school, bus garage, or storage facility.

(3) "Superintendent" means the superintendent of public instruction.

NEW SECTION. Sec. 3. Each district shall submit to the superintendent of public instruction by May 1st of each year a report containing the following:

(1) The number of students anticipated to be eligible for to and from school transportation as provided for in section 1(1) of this amendatory act for the ensuing school year, along with a map describing student route stop locations and school locations;

(2) The actual number of miles driven for pupil transportation services provided for in section 1(2) of this amendatory act during the current school year, and the number of miles anticipated for the ensuing school year for such services;

(3) The number of scheduled miles for pupil transportation services provided for in section 1(3) of this amendatory act for the ensuing school year. Miles reported shall be limited to those that are scheduled and required for participation in activities planned, supervised, and administered by the Washington interscholastic activities association or other voluntary nonprofit entity, and approved for state transportation funding by the state board of education; and

(4) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district.

NEW SECTION. Sec. 4. Each district's annual student transportation allocation shall be based on differential rates determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate a standard student mile allocation rate for each district. "Standard student mile allocation rate," as used in this section, means the per mile allocation rate for transporting an eligible student. The standard student mile allocation rate may consist of no more than five differential rates state-wide, as determined by the superintendent, and shall include but not be limited to such factors as climate and terrain; nonpassenger miles; and the costs of insurance, district or contract-employee salaries, and benefits, maintenance, fuel, supplies, and materials. The standard student mile allocation rate shall be used to determine the transportation allocation for those services provided for in section 1(1) of this act.

(2) The superintendent shall annually calculate a standard unit mile rate for each district. "Standard unit mile rate," as used in this section, means the cost of operating an approved transportation vehicle for one mile. The standard unit mile rate may consist of no more than five differential rates state-wide, as determined by the superintendent, and shall be based on the factors used in subsection (1) of this section. The standard unit mile rate shall be used to determine the transportation allocation for those services provided for in section 1(2) and (3) of this amendatory act. For purposes of allocating funds for section 1(2) of this amendatory act, the superintendent shall use the average number of miles reported by the district for the two school years.

(3) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the committees on education and ways and means of the senate and house of representatives a report outlining the methodology and rationale used in determining the student mile and unit mile rates to be used the following year.

NEW SECTION. Sec. 5. The superintendent shall determine the preliminary, estimated student transportation allocation for each district and notify districts of their preliminary student transportation allocation by June 15. The superintendent shall include not less than twenty-five percent of the estimated student transportation allocation in the following September apportionment payment to school districts. By the following October 15th, every district shall notify the superintendent of any changes in the data utilized in calculating the preliminary student transportation allocation. The superintendent shall then make necessary corrections and shall notify districts of their final student transportation allocation before the following December 1st, and shall make the balance of the student transportation allocation in approximately equal parts as a part of the December, February, and April apportionment payments to school districts.

NEW SECTION. Sec. 6. The superintendent shall determine the vehicle acquisition allocation in the following manner:

(1) By May 1st of each year, the superintendent shall develop preliminary categories of student transportation vehicles to ensure adequate student transportation fleets for districts. The superintendent shall take into consideration the types of vehicles purchased by individual school districts in the state. The categories shall include, but not be limited to, variables such as vehicle capacity, type of chassis, type of fuel, engine and body type, special equipment, and life of vehicle. The categories shall be developed in conjunction with the local districts and shall be applicable to the following school year. The categories shall be designed to produce minimum long-range operating costs, including costs of equipment and all costs incurred in operating the vehicles. Each category description shall include the estimated state-determined purchase price, which shall be based on the actual costs of the vehicles purchased for that comparable category in the state during the preceding twelve months and the anticipated market price for the next school fiscal year. By June 15th of each year, the superintendent shall notify districts of the preliminary vehicle categories and state-determined purchase price for the ensuing school year. By October 15th of each year, the superintendent shall finalize the categories and the associated state-determined purchase price and shall notify districts of any changes. While it is the responsibility of each district to select each student transportation vehicle to be purchased by the district, each district shall be paid a sum based only on the amount of the state-determined purchase price and inflation as recognized by the reimbursement schedule established in this section as set by the superintendent for the category of vehicle purchased.

(2) The superintendent shall develop a reimbursement schedule to pay districts for the cost of student transportation vehicles purchased after September 1, 1982. The accumulated value of the payments and the potential investment return thereon shall be designed to be equal to the replacement

value of the vehicle less its salvage value at the end of its anticipated lifetime. The superintendent shall revise at least annually the reimbursement payments based on the current and anticipated future cost of comparable categories of transportation equipment. Reimbursements to school districts for approved transportation equipment shall be placed in a separate vehicle transportation fund established for each school district under section 7 of this amendatory act.

(3) To the extent possible, districts shall operate vehicles acquired under this section not less than the number of years or useful lifetime now, or hereafter, assigned to the class of vehicles by the superintendent. School districts shall properly maintain the transportation equipment acquired under the provisions of this section, in accordance with rules established by the office of the superintendent of public instruction. If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the district by deducting from future reimbursements under this section an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime or miles the vehicle failed to operate.

(4) The superintendent shall annually develop a depreciation schedule to recognize the cost of depreciation to districts contracting with private carriers for student transportation. Payments on this schedule shall be a straight line depreciation based on the original cost of the appropriate category of vehicle.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) There is created a fund on deposit with each county treasurer for each school district of the county, which shall be known as the transportation vehicle fund. Money to be deposited into the transportation vehicle fund shall include, but is not limited to, the following:

(a) The balance of accounts held in the general fund of each school district for the purchase of approved transportation equipment and for major transportation equipment repairs under RCW 28A.41.160, as now or hereafter amended. The amount transferred shall be the balance of the account as of September 1, 1982;

(b) Reimbursement payments provided for in section 6 of this amendatory act except those provided under section 6(4) of this amendatory act that are necessary for contracted payments to private carriers;

(c) Earnings from transportation vehicle fund investments as authorized in RCW 28A.58.430, as now or hereafter amended; and

(d) The district's share of the proceeds from the sale of transportation vehicles, as determined by the superintendent of public instruction.

(2) Funds in the transportation vehicle fund may be used for the following purposes:

(a) Purchase of pupil transportation vehicles pursuant to section 6 of this amendatory act and RCW 28A.41.160, as now or hereafter amended;

(b) Payment of conditional sales contracts for the purchase of pupil transportation vehicles as authorized in RCW 28A.58.550, as now or hereafter amended;

(c) Major repairs to pupil transportation vehicles.

The superintendent of public instruction shall promulgate rules which shall establish the standards, conditions, and procedures governing the establishment and use of the transportation vehicle fund. The rules shall not permit the transfer of funds from the transportation vehicle fund to any other fund of the district.

Sec. 8. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.160 are each amended to read as follows:

Reimbursement for transportation costs shall be in addition to the basic education allocation. Transportation costs shall be reimbursed as follows:

(1) School districts shall be reimbursed up to one hundred percent of the operational costs for established bus routes for the transportation of students to and from common schools as recommended by the educational service district superintendent or his or her designee, and as approved by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible; and

(2) Costs of acquisition of approved transportation equipment shall be reimbursed up to one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be held within the general fund exclusively for the current or future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW 28A.41.170 and chapter 28A.65 RCW.

Sec. 9. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter ___ (Substitute Senate Bill No. 3845), Laws of 1981 and RCW 28A.41.160 are each amended to read as follows:

~~((Reimbursement for transportation costs shall be in addition to the basic education allocation. Transportation costs shall be reimbursed as follows:~~

~~(1) School districts shall be reimbursed up to one hundred percent of the operational costs for established bus routes for the transportation of students to and from common schools as recommended by the educational service district superintendent or his or her designee, and as approved by the~~

~~state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible; and~~

~~(2)) Costs of acquisition of approved transportation equipment purchased prior to September 1, 1982, shall be reimbursed up to one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be ((held within the general fund exclusively for the)) placed in the transportation vehicle fund for the current or future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized ((and promulgated under RCW 28A.41.170 and chapter 28A.65 RCW)) in section 7 of this amendatory act.~~

Sec. 10. Section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 122, Laws of 1980 and RCW 28A.24.055 are each amended to read as follows:

~~((Every board of directors shall provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse:))~~ The operation of each local school district's student transportation program is declared to be the responsibility of the respective board of directors, and each board of directors shall determine such matters as which individual students shall be transported and what routes shall be most efficiently utilized. State moneys allocated to local districts for student transportation shall be spent only for student transportation activities, but need not be spent by the local district in the same manner as calculated and allocated by the state.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

In addition to the right to contract for the use of buses provided in RCW 28A.24.170 and 28A.24.172, any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds or programs for elderly persons at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED FURTHER, That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

Whenever any persons are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses in an amount not exceeding one thousand dollars per person per injury for the benefit of persons injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the persons notwithstanding the provisions of RCW 28A.58.420.

If the transportation of children or elderly persons is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable.

Sec. 11. Section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 80, Laws of 1977 and RCW 28A.24.100 are each amended to read as follows:

Individual transportation, board and room, and other arrangements may be authorized or provided and, in whole or part, paid for or reimbursed by a school district, when approved by the educational service district superintendent or his or her designee pursuant to rules promulgated by the superintendent of public instruction for that purpose: PROVIDED, That the total of payments for board and room and transportation incidental thereto shall not exceed the amount which would otherwise be paid for such individual transportation. (~~No district shall be required to transport any pupil living within two miles of the school which such pupil attends: PROVIDED, That all handicapped children as defined in RCW 28A.13.010 who are not ambulatory and/or who are not capable of protecting their own welfare while traveling to and/or from the school or agency where special educational aid services are provided shall be provided with transportation at school district~~

~~or districts expense. Except as otherwise provided pursuant to this section and except for the handicapped students described in this section, pupils residing within two miles of an established route may be required to travel to the route at their own expense.))~~

NEW SECTION. Sec. 12. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

The state board of education shall adopt rules and regulations for the purpose of approving activities eligible for state transportation funding under section 1(3) of this amendatory act. Any activities delegated after September 1, 1981, to the Washington interscholastic activities association or any other voluntary nonprofit entity under RCW 28A.58.125, as now or hereafter amended, shall be reviewed by the state board and approved or disapproved for state transportation funding based on criteria that emphasizes the educational value of the activity.

NEW SECTION. Sec. 13. The superintendent of public instruction shall submit a report to the legislature comparing the distribution of transportation funds to each local school district under the existing methodology and that established pursuant to sections 1 through 4 of this amendatory act for the 1982-83 school year. The report shall also contain a fiscal impact analysis of vehicle reimbursement payments under section 6 of this amendatory act. A preliminary report shall be submitted on or before September 1, 1981, and a final report utilizing updated information from the 1980-81 school year shall be submitted on or before December 15, 1981.

NEW SECTION. Sec. 14. Sections 1 through 6 of this amendatory act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A-.41 RCW.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 28A.24.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.060; and

(2) Section 28A.24.080, chapter 223, Laws of 1969 ex. sess., section 104, chapter 176, Laws of 1969 ex. sess., section 32, chapter 282, Laws of 1971 ex. sess., section 54, chapter 275, Laws of 1975 1st ex. sess., section 1, chapter 80, Laws of 1977 and RCW 28A.24.080.

NEW SECTION. Sec. 16. With the exception of sections 8 and 13 of this amendatory act, the effective date of this amendatory act is September 1, 1982. The superintendent of public instruction and the office thereof prior to the effective date of this amendatory act may take such actions as necessary for the orderly implementation thereof and during such period may carry out such data collection activities and district notification provisions as provided for herein.

NEW SECTION. Sec. 17. If any provision of this amendatory 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 26, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 266

[Senate Bill No. 3191]

JUVENILE COMMUNITY SERVICE WORKERS—INSURANCE AND INDUSTRIAL INSURANCE COVERAGE

AN ACT Relating to juvenile community service workers; amending section 1, chapter 20, Laws of 1971 as last amended by section 17, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.035; adding a new section to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; and adding a new section to chapter 51.12 RCW.

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

NEW SECTION. Section 1. There is added to chapter 51.12 RCW a new section to read as follows:

Juveniles performing community services under chapter 13.40 RCW may be deemed employees and/or workers for all purposes relating to medical aid benefits under chapter 51.36 RCW at the option of the county under whose authorization the services are performed. Any premiums or assessments due under this title for community services work shall be the obligation of and be paid for by the county in which the juvenile performed the community services from the fund created in section 2(2) of this act or from any other source. Coverage under this section commences when a county has given notice to the director that it wishes to cover juveniles performing community services before the occurrence of an injury or contraction of an occupational disease.

NEW SECTION. Sec. 2. There is added to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW a new section to read as follows:

(1) The legislative authority of a county may purchase liability insurance in an amount it deems reasonable to protect the county, its officers, and employees against liability for the wrongful acts of a juvenile, or injury or damage incurred by a juvenile, in the course of community service agreed to or ordered under chapter 13.40 RCW, and may elect to treat juveniles as employees and/or workers for all purposes relating to medical aid benefits under chapter 51.36 RCW.

(2) The legislative authority of any county desiring to purchase insurance or electing to treat juveniles as employees and/or workers under this section may, by ordinance, establish a cumulative reserve fund to be used for purchasing and maintaining insurance and industrial insurance coverage. The fund shall be known as the community service insurance fund and

shall be administered by the county treasurer. Only moneys from fines imposed upon juveniles sentenced under chapter 13.40 RCW may be deposited in the fund. Moneys may be transferred to the fund from the county's current expense fund to provide initial moneys for the community service insurance fund. Moneys from fines which are deposited in the community service insurance fund and which are in excess of those funds necessary to pay the required insurance premiums may be used to replace the moneys transferred from the current expense fund to provide initial moneys for the community service insurance fund.

Sec. 3. Section 1, chapter 20, Laws of 1971 as last amended by section 17, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.035 are each amended to read as follows:

(1) Volunteers shall be deemed employees and/or workers, as the case may be, for all purposes relating to medical aid benefits under chapter 51.36 RCW.

A "volunteer" shall mean a person who performs any assigned or authorized duties for the state or any agency thereof, except emergency services workers as described by chapter 38.52 RCW, brought about by one's own free choice, receives no wages, and is registered and accepted as a volunteer by the state or any agency thereof, prior to the occurrence of the injury or the contraction of an occupational disease, for the purpose of engaging in authorized volunteer service: PROVIDED, That such person shall be deemed to be a volunteer although he or she may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties.

Any and all premiums or assessments due under this title on account of such volunteer service shall be the obligation of and be paid by the state or any agency thereof which has registered and accepted the services of volunteers.

(2) Volunteers may be deemed employees and/or workers, as the case may be, for all purposes relating to medical aid benefits under chapter 51.36 RCW at the option of any city, county, town, special district, municipal corporation, or political subdivision of any type, or any private nonprofit charitable organization, when any such unit of local government or any such nonprofit organization has given notice of covering all of its volunteers to the director prior to the occurrence of the injury or contraction of an occupational disease.

A "volunteer" shall mean a person who performs any assigned or authorized duties for any such unit of local government, or any such organization, except emergency services workers as described by chapter 38.52 RCW, or fire fighters covered by chapter 41.24 RCW, brought about by one's own free choice, receives no wages, and is registered and accepted as a volunteer by any such unit of local government, or any such organization

which has given such notice, for the purpose of engaging in authorized volunteer services: PROVIDED, That such person shall be deemed to be a volunteer although he or she may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties; PROVIDED FURTHER, That juveniles performing community services under chapter 13.40 RCW may not be granted coverage as volunteers under this section.

Any and all premiums or assessments due under this title on account of such volunteer service for any such unit of local government, or any such organization shall be the obligation of and be paid by such organization which has registered and accepted the services of volunteers and exercised its option to secure the medical aid benefits under chapter 51.36 RCW for such volunteers.

Passed the Senate February 20, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 267

[Substitute Senate Bill No. 3342]

MALICIOUS HARASSMENT

AN ACT Relating to malicious harassment; adding a new section to chapter 9A.36 RCW; defining crimes; and providing penalties.

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

NEW SECTION. Section 1. There is added to chapter 9A.36 RCW a new section to read as follows:

(1) A person is guilty of malicious harassment if he maliciously and with the intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin:

- (a) Causes physical injury to another person; or
- (b) By words or conduct places another person in reasonable fear of harm to his person or property or harm to the person or property of a third person; or
- (c) Causes physical damage to or destruction of the property of another person.

(2) Malicious harassment is a class C felony.

(3) In addition to the criminal penalty provided in subsection (2) of this section, there is hereby created a civil cause of action for malicious harassment. A person may be liable to the victim of malicious harassment for actual damages and punitive damages of up to ten thousand dollars.

(4) The penalties provided in this section for malicious harassment do not preclude the victims from seeking any other remedies otherwise available under law.

Passed the Senate March 20, 1981.

Passed the House April 26, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 268

[Engrossed Senate Bill No. 3071]

JUDICIAL QUALIFICATIONS COMMISSION—APPROPRIATION

AN ACT Relating to the judiciary; amending section 43.10.067, chapter 8, Laws of 1965 and RCW 43.10.067; adding a new chapter to Title 2 RCW; creating new sections; and declaring an emergency.

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

Section 1. Section 43.10.067, chapter 8, Laws of 1965 and RCW 43.10.067 are each amended to read as follows:

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

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

NEW SECTION. Sec. 2. For purposes of this chapter, "commission" means the judicial qualifications commission provided for in Article IV, section 31 of the state Constitution, which is authorized to recommend to the supreme court, after notice and hearing, the censure, suspension or removal of a judge or justice for violating a rule of judicial conduct, or the retirement of a judge or justice for disability which is permanent, or likely to become permanent, and which seriously interferes with the performance of judicial duties. For purposes of this chapter, the term "judge or justice" includes justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under Titles 3, 35, or

35A RCW, and judges pro tempore. This chapter shall apply to any judge or justice, regardless of whether the judge or justice serves full time or part time, and regardless of whether the judge or justice is admitted to practice law in this state.

NEW SECTION. Sec. 3. The commission shall consist of seven members. One member shall be a judge selected by and from the court of appeals judges; one member shall be a judge selected by and from the superior court judges; one member shall be a judge selected by and from the district court judges; two members shall be selected by the state bar association and be admitted to the practice of law in this state; and two members shall be nonlawyers appointed by the governor and confirmed by the senate. The term of each member of the commission shall be four years.

The initial terms shall be determined by lot conducted by commission members as follows:

- (1) One member shall serve a one-year term;
- (2) Two members shall serve two-year terms.
- (3) Two members shall serve three-year terms; and
- (4) Two members shall serve four-year terms.

The selection by lot shall be adjusted, if necessary, so neither the two lawyer members' terms nor the two lay members' terms will expire in the same year. Initial terms shall commence thirty days following the effective date of this act.

NEW SECTION. Sec. 4. Commission membership shall terminate if a member ceases to hold the position that qualified him or her for appointment. Vacancies caused by disqualification or resignation shall be filled by the appointing authority for the remainder of the term. No person may serve more than two consecutive four-year terms. A person may be reappointed after a lapse of one year. A member, rather than his or her successor, shall continue to participate in any hearing in progress at the end of his or her term, or when the member ceases to hold the position that qualified him or her for appointment. The appointing authority shall appoint an alternate to serve during a member's temporary disability, disqualification, or inability to serve. No member may otherwise be removed from the commission before the end of his or her term except upon good cause found by the appointing authority.

NEW SECTION. Sec. 5. Commission members and alternate members shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 6. The commission may employ any personnel, including lawyers, and make any other expenditures necessary for the effective performance of its duties and the exercise of its powers. Commission employees shall be exempt from the civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 7. Each member of the commission, and any special master appointed by the commission, may administer oaths. The commission may summon and examine witnesses and compel the production and examination of papers, books, accounts, documents, records, certificates, and other evidence for the determination of any issue before or the discharge of any duty of the commission. The commission shall also issue subpoenas at the request and on behalf of any judge or justice under inquiry. All subpoenas shall be signed by a member of the commission or a special master appointed by the commission. Subpoenas shall be served and witnesses reimbursed in the manner provided in civil cases in superior court.

NEW SECTION. Sec. 8. If a person refuses to obey a subpoena issued by the commission or refuses to answer any proper question during a hearing or proceeding, the superior court of any county in which the hearing or proceeding is conducted or in which the person resides or is found shall have jurisdiction, upon application by the commission, to order the person to appear before the commission, to produce evidence if so ordered, or to give testimony concerning the matter under investigation. Failure to obey the order of the court may be punished as contempt.

NEW SECTION. Sec. 9. Members and employees of the commission, including any lawyers or special masters temporarily employed by the commission, are absolutely privileged from suit in any action, civil or criminal, based upon any disciplinary proceedings or upon other official acts as members or employees of the commission. Statements made to the commission or its investigators or other employees are absolutely privileged in actions for defamation. This absolute privilege does not apply to statements made in any other forum.

NEW SECTION. Sec. 10. Except as provided in this section chapter 34.04 RCW shall not apply to the commission. The commission shall propose and adopt rules in accordance with RCW 34.04.020 through RCW 34.04.040 and RCW 34.04.050 through RCW 34.04.080 as now or hereafter amended. The proposed and final rules shall also be filed with the administrator for the courts for distribution in accordance with supreme court rule.

NEW SECTION. Sec. 11. The commission shall prepare and present to the legislature proposed operating budgets for the commission in accordance with the provisions of chapter 43.88 RCW. The commission shall report to the legislature in the manner required by law, with due regard for the confidentiality of proceedings before the commission.

NEW SECTION. Sec. 12. All pleadings, papers, evidence records, and files of the commission, including complaints and the identity of complainants, compiled or obtained during the course of an investigation, are exempt from the public disclosure requirements of chapter 42.17 RCW. The commission shall establish rules for the confidentiality of its proceedings with

due regard for the privacy interests of judges or justices who are the subject of an inquiry and the protection of persons who file complaints with the commission. Any person giving information to the commission or its employees, any member of the commission, or any person employed by the commission is subject to a proceeding for contempt in superior court for disclosing information in violation of a commission rule.

NEW SECTION. Sec. 13. The commission shall for all purposes be considered an independent part of the judicial branch of government.

NEW SECTION. Sec. 14. The commission shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 15. Sections 2 through 14 of this act shall constitute a new chapter in Title 2 RCW.

NEW SECTION. Sec. 16. There is hereby appropriated from the general fund to the judicial qualifications commission for the biennium ending June 30, 1983 a sum of \$287,000.

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 immediately.

Passed the Senate April 25, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 269

[Second Substitute House Bill No. 257]

BORDER TOWNS—POLICE PROTECTION—APPROPRIATION

AN ACT Relating to border towns; creating new sections; and making an appropriation.

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

NEW SECTION. Section 1. The legislature finds and declares that certain counties and municipalities near international borders are subjected to a constant volume and flow of travelers and visitors for whom local government services must be provided. The legislature further finds that it is in the public interest and for the protection of the health, property, and welfare of the residents and visitors to provide supplemental resources to augment and maintain existing levels of police protection in these areas.

NEW SECTION. Sec. 2. Funds appropriated by the legislature as supplemental resources for border areas shall be distributed pursuant to a formula developed by the planning and community affairs agency under chapter 34.04 RCW based on border traffic and historical public impacts of law enforcement problems caused by the border on local budgets. All funds received by Whatcom County under this section shall be spent within the Point Roberts area.

As used in this section, "border area" means any incorporated city or town located within seven miles of the Washington-Canadian border and any point of land surrounded on three sides by water and adjacent to the Canadian border.

NEW SECTION. Sec. 3. There is appropriated to the planning and community affairs agency from the general fund for the biennium ending June 30, 1983, the sum of two hundred fifty thousand dollars to carry out the purposes of this act. The planning and community affairs agency shall use no more than one percent of the appropriated funds to administer the program.

Passed the House April 25, 1981.

Passed the Senate April 24, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 270

[Substitute House Bill No. 561]

BUDGET AND ACCOUNTING—ALLOTMENTS—APPROPRIATIONS— REPORTS

AN ACT Relating to budget and accounting procedures; amending section 43.88.010, chapter 8, Laws of 1965 as amended by section 1, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.010; amending section 43.88.020, chapter 8, Laws of 1965 as last amended by section 25, chapter 87, Laws of 1980 and RCW 43.88.020; amending section 43.88.030, chapter 8, Laws of 1965 as last amended by section 26, chapter 87, Laws of 1980 and RCW 43.88.030; amending section 43.88.090, chapter 8, Laws of 1965 as last amended by section 137, chapter 151, Laws of 1979 and RCW 43.88.090; amending section 43.88.110, chapter 8, Laws of 1965 as last amended by section 138, chapter 151, Laws of 1979 and RCW 43.88.110; amending section 43.88.120, chapter 8, Laws of 1965 as amended by section 7, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.120; amending section 43.88.140, chapter 8, Laws of 1965 and RCW 43.88.140; amending section 43.88.150, chapter 8, Laws of 1965 and RCW 43.88.150; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 139, chapter 151, Laws of 1979 and RCW 43.88.160; amending section 43.88.230, chapter 8, Laws of 1965 as amended by section 11, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.230; amending section 2, chapter 320, Laws of 1977 ex. sess. and RCW 43.88.290; amending section 2, chapter 195, Laws of 1971 ex. sess. as last amended by section 6, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.025; adding new sections to chapter 43.88 RCW; repealing section 3, chapter 41, Laws of 1967 ex. sess., section 2, chapter 17, Laws of 1973 2nd ex. sess., section 37, chapter 75, Laws of 1977 and RCW 43.06.140; providing an effective date; and declaring an emergency.

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

Section 1. Section 43.88.010, chapter 8, Laws of 1965 as amended by section 1, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.010 are each amended to read as follows:

It is the purpose of this chapter to establish an effective budget and accounting system for all activities of the state government, including both capital and operating expenditures; to prescribe the powers and duties of the governor as these relate to securing such fiscal controls as will promote effective budget administration; and to prescribe the responsibilities of agencies of the executive branch of the state government.

It is the intent of the legislature that the powers conferred by this chapter, as amended, shall be exercised by the executive in cooperation with the legislature and its standing, special, and interim committees in its status as a separate and coequal branch of state government.

Sec. 2. Section 43.88.020, chapter 8, Laws of 1965 as last amended by section 25, chapter 87, Laws of 1980 and RCW 43.88.020 are each amended to read as follows:

(1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures(;;).

(2) "Budget document" shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" shall mean the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, shall mean all moneys, including cash, checks, bills, notes, drafts, stocks and bonds, whether held in trust ((or)), for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" shall mean the policies, standards and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or his designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" shall mean the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held

during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" shall not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the legislative budget committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

Sec. 3. Section 43.88.030, chapter 8, Laws of 1965 as last amended by section 26, chapter 87, Laws of 1980 and RCW 43.88.030 are each amended to read as follows:

(1) The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall

explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period based upon anticipated revenues for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document: PROVIDED, That the governor may additionally submit, as an appendix to each agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) Cash surplus or deficit, by fund, to the extent provided by RCW 43.88.040 and 43.88.050;

(c) Such additional information dealing with expenditures, revenues, workload, performance and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object; and

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of anticipated revenues shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium.

(3) A separate budget document or schedule may be submitted consisting of:

(a) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;

(b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost;

(c) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature;

(d) Such other information relating to capital improvement projects as the legislature may direct by law or concurrent resolution.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative ~~((budget))~~ evaluation and accountability program committee if the legislature is not in session.

Sec. 4. Section 43.88.090, chapter 8, Laws of 1965 as last amended by section 137, chapter 151, Laws of 1979 and RCW 43.88.090 are each amended to read as follows:

For purposes of developing ~~((his))~~ budget proposals to the legislature, the governor shall have the power, and it shall be ~~((his))~~ the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as ~~((he))~~ the governor shall direct. The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management. In the year of the gubernatorial election, the governor shall invite the governor-elect or ~~((his))~~ the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the

governor-elect or ~~((his))~~ the governor-elect's designee with such information as will enable ~~((him))~~ the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or ~~((his))~~ the governor-elect's designee may ask such questions during the hearings and require such information as ~~((he))~~ the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 5. Section 43.88.110, chapter 8, Laws of 1965 as last amended by section 138, chapter 151, Laws of 1979 and RCW 43.88.110 are each amended to read as follows:

Subdivisions (1) and (2) of this section set forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds. Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by ~~((him))~~ the governor. The statement of proposed expenditures shall show, among other things, the requested allotments of ~~((appropriations))~~ public funds for the ensuing fiscal period for the agency concerned ~~((for such periods as may be determined by the director of financial management))~~ on a monthly basis for the entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the director of financial management, ~~((he))~~ the governor may revise or alter agency allotments: PROVIDED, That revision of allotments shall not be made for agencies headed by elective officials. The aggregate of the allotments for ~~((any agency))~~ an appropriation shall not exceed the total ~~((of appropriations available to the agency concerned for the fiscal period))~~ appropriation.

(2) Except for agencies headed by elective officials, approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, ~~((he))~~ the governor shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, and with the exception stated in this section for allotments involving agencies headed by elective officials, the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation

which in the governor's discretion is not needed for the allotment. No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. The director of financial management shall monitor agency expenditures to prevent spending patterns which inflate agency expenditures during the second year of a biennium.

(4) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

NEW SECTION. Sec. 6. There is added to chapter 43.88 RCW a new section to read as follows:

(1) The director of financial management shall enter approved allotments into the central accounting system within ninety days after the effective date of any act making an appropriation. In the case of the omnibus appropriation bill or bills, this shall be completed within ninety days and in no event later than September 1st following enactment. For the department of social and health services and any agency having primary jurisdiction over adult corrections, the allotment plan shall include monthly estimates of primary budget drivers such as workloads, caseloads, and population statistics for budget areas as specified by the director of financial management.

Exceptions for the timely filing of allotments by agencies under this section may be made only by the written authorization of the director of financial management, who shall report the authorization to the legislative fiscal committees.

(2) Allotments of public funds shall not be revised retroactively. Allotments may be revised for future months, but the revised allotments of an appropriation shall not exceed the total amount appropriated. If the director of financial management believes that a revised allotment which conforms to the amount appropriated will not accurately reflect the actual expected expenditure requirements, then the agency, or budget unit within the agency, shall in a timely manner provide to the director of financial management a second estimate of anticipated monthly expenditures without regard to the amount appropriated. After an appropriate review, the director of financial management shall provide a copy of the agency's second estimate and the director of financial management's comments thereon to the legislative evaluation and accountability program committee.

NEW SECTION. Sec. 7. There is added to chapter 43.88 RCW a new section to read as follows:

If at any time during the fiscal period the governor ascertains that available revenues for the applicable period will be less than the respective appropriations, the governor shall revise the allotments for the total funds which are appropriated to the superintendent of public instruction for support of state-wide programs and which ultimately will be distributed to local school districts so as to prevent the making of expenditures in excess of available revenues.

Sec. 8. Section 43.88.120, chapter 8, Laws of 1965 as amended by section 7, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.120 are each amended to read as follows:

Before the ~~((beginning of any fiscal period))~~ submittal of the budget document as required in RCW 43.88.060, any agency engaged in the collection of revenues shall ~~((submit to the governor))~~ prepare statements of revenue collections and estimates for the current and ensuing biennium ~~((at such times and in such form as may be required by him))~~. The estimates shall be updated quarterly and submitted to the governor. The director of financial management may waive the quarterly update requirement for revenue sources if the director determines that quarterly updates are not practical or necessary. A copy of such collection reports, revenue estimates, and waivers shall be ~~((filed with))~~ simultaneously submitted to the legislative budget committee ~~((at the same time))~~ and the committees on ways and means of the senate and house of representatives.

Sec. 9. Section 43.88.140, chapter 8, Laws of 1965 and RCW 43.88.140 are each amended to read as follows:

All appropriations shall lapse at the end of the fiscal period for which the appropriations are made to the extent that they have not been expended or lawfully obligated. ~~((Any remaining unexpended and unobligated balance of appropriations shall revert to the fund from which the appropriation was made.))~~

Sec. 10. Section 43.88.150, chapter 8, Laws of 1965 and RCW 43.88.150 are each amended to read as follows:

For those agencies which make expenditures from both appropriated and nonappropriated funds, the governor ~~((is authorized to))~~ shall direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds.

Sec. 11. Section 43.88.160, chapter 8, Laws of 1965 as last amended by section 139, chapter 151, Laws of 1979 and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and

may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through ~~((his))~~ the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the office of financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as ~~((he))~~ the director deems necessary from all agencies covering any period. This shall include the timely reporting of primary budget drivers such as actual workloads, caseloads, and unit cost data for applicable areas. The director of financial management shall review the data for accuracy and consistency. The director shall submit the data to the legislative evaluation and accountability program committee. The legislative evaluation and accountability program committee shall provide reports on the data at least quarterly to the legislative fiscal committees and the office of financial management.

The director of financial management is responsible for quarterly reporting of primary budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be updated concurrently with the quarterly revenue and economic forecast and transmitted to the legislative fiscal committees. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and ~~((he))~~ the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. ((He)) The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials((-));

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by ((him)) the director except that ((he)) the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under ((his)) the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by ((him)) the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under ((his)) the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by

RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or ((his)) the agency head's designee in accordance with regulations issued pursuant to this chapter.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in ((his)) the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in subsection (3)(c) of this section.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make ((his)) the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action

to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) ~~((Staff))~~ Promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28-.085 as now or hereafter amended. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

Sec. 12. Section 43.88.230, chapter 8, Laws of 1965 as amended by section 11, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.230 are each amended to read as follows:

For the purposes of this chapter, the statute law committee, the legislative budget committee, the legislative transportation committee, the legislative evaluation and accountability program committee, the office of state actuary, and all legislative standing committees of both houses shall be deemed a part of the legislative branch of state government.

Sec. 13. Section 2, chapter 320, Laws of 1977 ex. sess. and RCW 43.88.290 are each amended to read as follows:

No state officer or employee shall intentionally or negligently: Over-expend or over-encumber any appropriation made by law; fail to properly account for any expenditures by fund, program, or ~~((biennium))~~ fiscal period; or expend funds contrary to the terms, limits, or conditions of any appropriation made by law.

NEW SECTION. Sec. 14. There is added to chapter 43.88 RCW a new section to read as follows:

Any rate increases proposed for the legal services revolving fund or the general administration facilities and services revolving fund, or any change in the method of calculating charges from those funds, is subject to approval by the director of financial management prior to implementation.

Sec. 15. Section 2, chapter 195, Laws of 1971 ex. sess. as last amended by section 6, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.025 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020, the committee and the standing committees on transportation of the house and senate shall, in coordination with the legislative budget committee, the legislative evaluation and accountability program committee, and the ((senate)) ways and means committees((;)) of the senate and house ((committee on revenue, and the house committee on appropriations)) of representatives, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The legislative budget committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the legislative transportation committee in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

NEW SECTION. Sec. 16. Section 3, chapter 41, Laws of 1967 ex. sess., section 2, chapter 17, Laws of 1973 2nd ex. sess., section 37, chapter 75, Laws of 1977 and RCW 43.06.140 are each repealed.

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, 1981.

Passed the House April 1, 1981.

Passed the Senate April 26, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 271

[Substitute Senate Bill No. 3453]

STATE PARKS—FUNDS USES—TIMBER MANAGEMENT

AN ACT Relating to the management of state park lands; amending section 1, chapter 210, Laws of 1971 ex. sess. as amended by section 1, chapter 4, Laws of 1980 and RCW 43.51.270; amending section 2, chapter 210, Laws of 1971 ex. sess. as amended by section 2,

chapter 4, Laws of 1980 and RCW 43.51.280; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.51 RCW.

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

Section 1. Section 1, chapter 210, Laws of 1971 ex. sess. as amended by section 1, chapter 4, Laws of 1980 and RCW 43.51.270 are each amended to read as follows:

(1) The board of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission, for park and outdoor recreation purposes, of the trust lands withdrawn as of August 9, 1971 pursuant to law for park purposes and included within the state parks listed in subsection (2) of this section: PROVIDED, That the sale shall be by contract with a pay-off period of not less than ten years, a price of eleven million twenty-four thousand seven hundred forty dollars or the fair market value, whichever is higher, for the land value, and interest not to exceed six percent. All fees collected by the commission beginning in the 1973-1975 biennium shall be applied to the purchase price of the trust lands listed in subsection (2) of this section(;;); the acquisition of the Heart Lake property, and all reasonable costs of acquisition, described in subsection (3) of this section(;;); the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks; the maintenance and operation of state parks; and any cost of collection pursuant to appropriations from the trust land purchase account created in RCW 43.51.280. The department of natural resources shall not receive any management fee pursuant to the sale of the trust lands listed in subsection (2) of this section. Timber on the trust lands which are the subject of this section shall continue to be under the management of the department of natural resources until such time as the legislature appropriates funds to the parks and recreation commission for purchase of said timber. The state parks which include trust lands which shall be the subject of this sale pursuant to this section are:

- (2) (a) Penrose Point
- (b) Kopachuck
- (c) Long Beach
- (d) Leadbetter Point
- (e) Nason Creek
- (f) South Whidbey
- (g) Blake Island
- (h) Rockport
- (i) Mt. Pilchuck
- (j) Ginkgo
- (k) Lewis & Clark
- (l) Rainbow Falls
- (m) Bogachiel
- (n) Sequim Bay

- (o) Federation Forest
- (p) Moran
- (q) Camano Island
- (r) Beacon Rock
- (s) Bridle Trails
- (t) Chief Kamiakin (formerly Kamiak Butte)
- (u) Lake Wenatchee
- (v) Fields Springs
- (w) Sun Lakes
- (x) Scenic Beach.

(3) The board of natural resources and the state parks and recreation commission shall negotiate a mutually acceptable transfer for adequate consideration to the state parks and recreation commission to be used for park and recreation purposes all the state-owned Heart Lake property, including the timber therein, located in section 36, township 35 north, range 1E, W.M. in Skagit county.

The funds from the trust land purchase account designated for the acquisition of the Heart Lake property, and the reasonable costs of acquisition, shall be deposited in the Heart Lake revolving fund, hereby created, to be utilized by the department of natural resources for the exclusive purpose of acquiring real property as a replacement for the Heart Lake property to maintain the land base of the common school trust lands and for the reimbursement of the department of natural resources for all reasonable costs, to include, but not exclusively, the appraisal and cruising of the timber on the property for the acquisition of the Heart Lake property. Disbursements from the Heart Lake revolving fund to acquire replacement property, and pay for all reasonable costs of acquisition, for the Heart Lake property shall be on the authorization of the board of natural resources. In order to maintain an effective expenditure and revenue control, the Heart Lake 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 the fund. The state treasurer shall be custodian of the revolving fund.

The department of natural resources shall pay all reasonable costs, to include, but not exclusively, the appraisal and cruising of the timber on the property for the acquisition of the Heart Lake property from funds provided in the trust land purchase account. Any agreement for the transfer of the Heart Lake property shall not have an interest rate exceeding ten percent.

The parks and recreation commission is authorized to accept, receive, disburse, and administer grants or funds or gifts from any source including private individuals, public entities, and the federal government to supplement the funds from the trust land purchase account for the purchase of the Heart Lake property.

Sec. 2. Section 2, chapter 210, Laws of 1971 ex. sess. as amended by section 2, chapter 4, Laws of 1980 and RCW 43.51.280 are each amended to read as follows:

There is hereby created the trust land purchase account in the state general fund. Any revenues accruing to this account shall be used (~~exclusively~~) for the purchase of the entire Heart Lake property described in RCW 43.51.270(3), to include all reasonable costs of acquisition, and a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium. Any funds remaining in the account shall be used for the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks and for the maintenance and operation of state parks in the 1981-83 biennium. Thereafter, the funds shall not be used for such purposes until the money in the account satisfies the payment required to be made in the contract for sale of lands in section 1 of this chapter, the acquisition of the Heart Lake property, and those amounts necessary to pay for the remaining trust assets of timber situated on the lands described in section 1 on a schedule satisfactory to the board of natural resources.

NEW SECTION. Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.51 RCW a new section to read as follows:

The commission shall:

- (1) Manage timber under its jurisdiction to maintain and enhance aesthetic and recreational values;
- (2) Apply modern conservation practices to maintain and improve forest resources;
- (3) Designate and preserve certain forest areas throughout the state as natural forests for interpretation purposes;
- (4) Harvest damaged or dead trees or trees which must be removed to accommodate recreational facilities; and
- (5) Prepare a timber management plan for each park with significant timber resources.

Net revenues derived from timber sales shall be deposited in the trust land purchase account.

Passed the Senate April 26, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 272

[Substitute Senate Bill No. 3780]

SECURITIES—LICENSING—REGISTRATION—FEES—ENFORCEMENT

AN ACT Relating to securities; amending section 5, chapter 282, Laws of 1959 as last amended by section 3, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.050; amending section 7, chapter 282, Laws of 1959 as last amended by section 4, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.070; amending section 8, chapter 282, Laws of 1959 as last amended by section 5, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.080; amending section 9, chapter 282, Laws of 1959 as last amended by section 6, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.090; amending section 1, chapter 8, Laws of 1979 as last amended by section 20, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.310; amending section 32, chapter 282, Laws of 1959 as last amended by section 21, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.320; amending section 24, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.340; amending section 39, chapter 282, Laws of 1959 as last amended by section 27, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.390; amending section 43, chapter 282, Laws of 1959 as last amended by section 30, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.430; amending section 58, chapter 282, Laws of 1959 as amended by section 40, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.580; and amending section 59, chapter 282, Laws of 1959 as amended by section 65, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 21.20.590.

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

Section 1. Section 5, chapter 282, Laws of 1959 as last amended by section 3, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.050 are each amended to read as follows:

A broker-dealer, salesperson, investment adviser, or investment adviser salesperson may apply for registration by filing with the director or his authorized agent an application together with a consent to service of process in such form as the director shall prescribe and payment of the fee prescribed in RCW 21.20.340.

Sec. 2. Section 7, chapter 282, Laws of 1959 as last amended by section 4, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.070 are each amended to read as follows:

If no denial order is in effect and no proceeding is pending under RCW 21.20.110, registration becomes effective when the applicant has successfully passed ~~((the))~~ a written examination ~~((required under this section))~~ as prescribed by rule or order of the director with the advice of the advisory committee, or has satisfactorily demonstrated that ~~((he or she))~~ the applicant is exempt from the written examination requirements of this section. ~~((The director shall require as a condition of registration that the applicant (and, in the case of a corporation or partnership, all officers, directors or partners doing securities business in this state) pass a written examination as evidence of knowledge of the securities business. PROVIDED, That not more than two officers of an issuer or two individual general partners or two officers of a corporate general partner may be registered as a salesperson for a particular original offering of the issuer's securities without being required to pass such written examination. AND PROVIDED FURTHER, That no~~

~~such person may again register within five years as such salesperson for this or any other issuer without passing the written examination. Such examination shall be given twice a year or at such more frequent intervals as the advisory committee shall direct.~~

~~Any applicant for registration as a salesperson who has successfully passed, within the preceding five years, a salesperson examination by a national securities association registered under the Securities and Exchange Act of 1934, (15 U.S.C. Sec. 78a-78jj), and since the passage of such examination, has been employed by broker-dealers, who were at the time of said employment members of such an association or duly licensed in accordance with this chapter, are exempt from the written examination requirements of this section, unless otherwise provided by rule or order of the director.))~~

Sec. 3. Section 8, chapter 282, Laws of 1959 as last amended by section 5, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.080 are each amended to read as follows:

Registration of a broker-dealer, salesperson, investment adviser salesperson, or investment adviser shall be effective ~~((until March 1st of the following year and may be renewed as hereinafter provided))~~ for a one-year period unless the director by rule or order provides otherwise. The director by rule or order may schedule registration or renewal so that all registrations and renewals expire December 31st. The director may adjust the fee for registration or renewal proportionately. The registration of a salesperson or investment adviser salesperson is not effective during any period when the salesperson is not associated with an issuer or a registered broker-dealer or when the investment adviser salesperson is not associated with a registered investment adviser. To be associated with an issuer, broker-dealer, or investment adviser within the meaning of this section written notice must be given to the director. When a salesperson begins or terminates an association with an issuer or registered broker-dealer, the salesperson and the issuer or broker-dealer shall promptly notify the director. When an investment adviser salesperson begins or terminates an association with a registered investment adviser, the investment adviser salesperson and registered investment adviser shall promptly notify the director.

Notwithstanding any provision of law to the contrary, the director may, from time to time, extend the duration of a licensing period for the purpose of staggering renewal periods. Such extension of a licensing period shall be by rule or regulation adopted in accordance with the provisions of chapter 34.04 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period.

Sec. 4. Section 9, chapter 282, Laws of 1959 as last amended by section 6, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.090 are each amended to read as follows:

Registration of a broker-dealer, salesperson, investment adviser salesperson, or investment adviser may be renewed by filing with the director or his authorized agent prior to the expiration thereof an application containing such information as the director may require to indicate any material change in the information contained in the original application or any renewal application for registration as a broker-dealer, salesperson, investment adviser salesperson, or investment adviser filed with the director or his authorized agent by the applicant, payment of the prescribed fee, and, in the case of a broker-dealer, a financial statement showing the financial condition of such broker-dealer as of a date within ninety days. A registered broker-dealer or investment adviser may file an application for registration of a successor, and the administrator may at his or her discretion grant or deny the application.

Sec. 5. Section 1, chapter 8, Laws of 1979 as last amended by section 20, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.310 are each amended to read as follows:

RCW 21.20.140 through 21.20.300, inclusive, (~~shall~~) do not apply to any of the following securities:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing; but this exemption (~~shall~~) does not include any security payable solely from revenues to be received from a nongovernmental industrial or commercial enterprise unless such payments (~~shall be~~) are made or unconditionally guaranteed by a person whose securities are exempt from registration by subsections (7) or (8) of this section: PROVIDED, That the director, by rule or order, may exempt any security payable solely from revenues to be received from a nongovernmental industrial or commercial enterprise if the director finds that registration with respect to such securities is not necessary in the public interest and for the protection of investors.

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor; but this exemption (~~shall~~) does not include any security payable solely from revenues to be received from a nongovernmental industrial or commercial enterprise unless such payments shall be made or unconditionally guaranteed by a person whose securities are exempt from registration by subsections (7) or (8) of this section.

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States,

or any bank or trust company organized or supervised under the laws of any state.

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(5) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state.

(6) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (a) subject to the jurisdiction of the interstate commerce commission; (b) a registered holding company under the public utility holding company act of 1935 or a subsidiary of such a company within the meaning of that act; (c) regulated in respect of its rates and charges by a governmental authority of the United States or any state or municipality; or (d) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province; also equipment trust certificates in respect of equipment conditionally sold or leased to a railroad or public utility, if other securities issued by such railroad or public utility would be exempt under this subsection.

(8) Any security which meets the criteria for investment grade securities that the director may adopt by rule.

(9) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transaction, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal, when such commercial paper is sold to the banks or insurance companies.

(10) Any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the director is notified in writing with a copy of the plan thirty days before ((the inception of the plan or, with respect to plans which are in effect on June 10, 1959, within sixty days thereafter (or within thirty days before they are reopened if they are closed on June 10, 1959))) offering the plan to employees in this state. In the event of late filing of notification the director may upon application, for good cause excuse such late filing if he or she finds it in the public interest to grant such relief.

(11) Any security issued by any person organized and operated as a nonprofit organization as defined in RCW 84.36.800(4) exclusively for religious, educational, or charitable purposes and which nonprofit organization also possesses a current tax exempt status under the laws of the United States, which security is offered or sold only to persons who, prior to their solicitation for the purchase of said securities, were members of, contributors to, or listed as participants in, the organization, or their relatives, if such nonprofit organization first files a notice specifying the terms of the offering and the director does not by order disallow the exemption within the next ten full business days: PROVIDED, That no offerings (~~shall~~) may be made until expiration of the ten full business days. Every such nonprofit organization which files a notice of exemption of such securities shall pay a filing fee as set forth in RCW 21.20.340(12) as now or hereafter amended.

The notice shall consist of the following:

- (a) The name and address of the issuer;
- (b) The names, addresses, and telephone numbers of the current officers and directors of the issuer;
- (c) A short description of the security, price per security, and the number of securities to be offered;
- (d) A statement of the nature and purposes of the organization as a basis for the exemption under this section;
- (e) A statement of the proposed use of the proceeds of the sale of the security; and
- (f) A statement that the issuer shall provide to a prospective purchaser written information regarding the securities offered prior to consummation of any sale, which information shall include the following statements: (i) "ANY PROSPECTIVE PURCHASER IS ENTITLED TO REVIEW FINANCIAL STATEMENTS OF THE ISSUER WHICH SHALL BE FURNISHED UPON REQUEST."; (ii) "RECEIPT OF NOTICE OF EXEMPTION BY THE WASHINGTON ADMINISTRATOR OF SECURITIES DOES NOT SIGNIFY THAT THE ADMINISTRATOR HAS APPROVED OR RECOMMENDED THESE SECURITIES, NOR HAS THE ADMINISTRATOR PASSED UPON THE OFFERING. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE."; and (iii) "THE RETURN OF THE FUNDS OF THE PURCHASER IS DEPENDENT UPON THE FINANCIAL CONDITION OF THE ORGANIZATION."

(12) Any charitable gift annuities issued by a board of a state university, regional university, or of the state college.

(13) Any charitable gift annuity issued by an insurer or institution holding a certificate of exemption under RCW 48.38.010.

Sec. 6. Section 32, chapter 282, Laws of 1959 as last amended by section 21, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.320 are each amended to read as follows:

~~((Except as hereinafter in this section expressly provided, RCW 21.20.040, 21.20.050, 21.20.060, 21.20.070, 21.20.080, 21.20.090, 21.20.100, 21.20.110, 21.20.120, 21.20.130, 21.20.135, 21.20.140, 21.20.180, 21.20.190, 21.20.200, 21.20.210, 21.20.220, 21.20.230, 21.20.240, 21.20.250, 21.20.260, 21.20.270, 21.20.280, 21.20.290 and 21.20.300, shall not apply to any of the following transactions))~~ The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors. ~~((Every person filing notification of claim of this exemption in accordance with any rule by the director shall pay a filing fee as set forth in RCW 21.20.340(11).))~~

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to ~~((limited offers and sales by closely-held issuers effected in accordance with any rule by the director establishing a limited offering exemption pursuant to this subsection where there is no general or public advertising or solicitation and no commission or other remuneration is paid or given directly or indirectly in connection with sales of securities. Every person filing notification of claim of this exemption in accordance with any rule by the director shall pay a filing fee as set forth in RCW 21.20.340(11)))~~ an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040,

acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness, or stock for a patronage dividend, or for contributions to capital by such patrons in the association (~~provided that~~) if any such receipt, written notice, or certificate made pursuant to this paragraph (~~shall be~~) is nontransferable except in the case of death or by operation of law and (~~shall~~) so states conspicuously on its face.

Sec. 7. Section 24, chapter 68, Laws of 1979 ex. sess. and RCW 21.20-.340 are each amended to read as follows:

The following fees shall be paid in advance under the provisions of this chapter:

(1) For registration of all securities other than investment trusts and securities registered by coordination the fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered during that year: PROVIDED, HOWEVER, That an issuer may upon the payment of a fifty dollar fee renew for one additional twelve-month period only the unsold portion for which the registration fee has been paid.

(2) For registration of securities issued by a face-amount certificate company or redeemable security issued by an open-end management company or investment trust, as those terms are defined in the Investment Company Act of 1940, the fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered in this state during that year: PROVIDED, HOWEVER, That an issuer may upon the

payment of a fifty dollar fee renew for an additional twelve-month period the unsold portion for which the registration fee has been paid.

(3) For registration by coordination, other than investment trusts, the initial filing fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-fortieth of one percent for any excess over one hundred thousand dollars for the first twelve-month period plus one hundred dollars for each additional twelve months in which the same offering is continued.

(4) For filing annual financial statements, the fee shall be twenty-five dollars.

(5) For filing an amended offering circular after the initial registration permit has been granted the fee shall be ten dollars.

(6) For registration of a broker-dealer or investment adviser, the fee shall be one hundred fifty dollars for original registration and seventy-five dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(7) For registration of a salesperson or investment adviser salesperson, the fee shall be thirty-five dollars for original registration with each employer and fifteen dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(8) For written examination for registration as a salesperson or investment adviser salesperson, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be fifty dollars.

~~(9) ((If the application for a renewal license is not received by the department on or before March 5 of each year the renewal license fee for a late license for a broker-dealer or an investment adviser shall be one hundred fifty dollars and for a salesperson or investment adviser salesperson shall be thirty dollars. Acceptance by the director of an application for renewal after March 5 shall not be a waiver of delinquency. If a late license renewal has not been filed by May 31, the license will be automatically considered canceled. For reinstatement of a salesperson or investment adviser salesperson's license after cancellation, the fee shall be fifty dollars. For reinstatement of a broker-dealer or investment adviser's license after cancellation, the fee shall be two hundred dollars.))~~ If a registration of a broker-dealer, salesperson, investment adviser, or investment adviser salesperson is not renewed on or before December 31st of each year the renewal is delinquent. The director by rule or order may set and assess a fee for delinquency not to exceed two hundred dollars. Acceptance by the director of an application for renewal after December 31st is not a waiver of delinquency. A delinquent application for renewal will not be accepted for filing after March 1st.

(10) (a) For the transfer of a broker-dealer license to a successor, the fee shall be fifty dollars.

(b) For the transfer of a salesperson license from a broker-dealer or issuer to another broker-dealer or issuer, the transfer fee shall be twenty-five dollars.

(c) For the transfer of an investment adviser salesperson license from an investment adviser to another investment adviser, the transfer fee shall be twenty-five dollars.

(d) For the transfer of an investment adviser license to a successor, the fee shall be fifty dollars.

(11) ~~((For the filing of notification of claim of exemption from registration pursuant to RCW 21.20.320(1), the fee shall be three hundred dollars for each filing. For the filing of notification of claim of exemption pursuant to RCW 21.20.320(9), the fee shall be fifty dollars for each filing.))~~ The director may provide by rule for the filing of notice of claim of exemption under RCW 21.20.320 (1) or (9) and set fees accordingly not to exceed three hundred dollars.

(12) For filing of notification of claim of exemption from registration pursuant to RCW 21.20.310(11), as now or hereafter amended, the fee shall be fifty dollars for each filing.

(13) For rendering interpretative opinions, the fee shall be thirty-five dollars.

(14) For certified copies of any documents filed with the director, the fee shall be the cost to the department.

(15) For a duplicate license the fee shall be five dollars.

All fees collected under this chapter shall be turned in to the state treasury and ~~((shall))~~ are not ~~((be))~~ refundable, except as herein provided.

Sec. 8. Section 39, chapter 282, Laws of 1959 as last amended by section 27, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.390 are each amended to read as follows:

Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, the director may in his or her discretion:

(1) Issue an order directing the person to cease and desist from continuing the act or practice: PROVIDED, That reasonable notice of and opportunity for a hearing shall be given: PROVIDED, FURTHER, That the director may issue a temporary order pending the hearing which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after the receipt of notice; or

(2) The director may without issuing a cease and desist order, bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or

conservator may be appointed for the defendant or the defendant's assets. The director may not be required to post a bond. If the director prevails, the director shall be entitled to a reasonable attorney's fee to be fixed by the court.

(3) Whenever it appears to the director that any person who has received a permit to issue, sell, or otherwise dispose of securities under this chapter, whether current or otherwise, has become insolvent, the director may petition a court of competent jurisdiction to appoint a receiver or conservator for the defendant or the defendant's assets. The director may not be required to post a bond.

(4) The director may ~~((include in any))~~ bring an action ~~((authorized by subsection (2) of this section a claim))~~ for restitution or damages on behalf of the persons injured by ~~((the act or practice constituting the subject matter of the action. The court shall have the power to award appropriate relief to such persons))~~ a violation of this chapter, if the court finds that ~~((enforcement of the rights of such persons by))~~ private civil action ~~((, whether by class action or otherwise,))~~ would be so burdensome or expensive as to be impractical.

Sec. 9. Section 43, chapter 282, Laws of 1959 as last amended by section 30, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.430 are each amended to read as follows:

(1) Any person, who offers or sells a security in violation of any provisions of RCW 21.20.010 or 21.20.140 through 21.20.230, is liable to the person buying the security from him or her, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at eight percent per annum from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he or she no longer owns the security. Damages are the amount that would be recoverable upon a tender less (a) the value of the security when the buyer disposed of it and (b) interest at eight percent per annum from the date of disposition.

(2) Any person who buys a security in violation of the provisions of RCW 21.20.010 is liable to the person selling the security to him or her, who may sue either at law or in equity to recover the security, together with any income received on the security, upon tender of the consideration received, costs, and reasonable attorneys' fees, or if the security cannot be recovered, for damages. Damages are the value of the security when the buyer disposed of it, and any income received on the security, less the consideration received for the security, plus interest at eight percent per annum from the date of disposition, costs, and reasonable attorneys' fees.

(3) Every person who directly or indirectly controls a seller or buyer liable under subsection (1) or (2) above, every partner, officer, director or person who occupies a similar status or performs a similar function of such

seller or buyer, every employee of such a seller or buyer who materially aids in the transaction, and every broker-dealer, salesperson, or person exempt under the provisions of RCW 21.20.040 who materially aids in the transaction is also liable jointly and severally with and to the same extent as the seller or buyer, unless such person sustains the burden of proof that he or she did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(4) (a) Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant.

(b) No person may sue under this section more than three years after the contract of sale for any violation of the provisions of RCW 21.20.140 through 21.20.230, or more than three years after a violation of the provisions of RCW 21.20.010, either was discovered by such person or would have been discovered by him or her in the exercise of reasonable care. No person may sue under this section if the buyer or seller receives a written rescission offer, which has been passed upon by the director before suit and at a time when he or she owned the security, to refund the consideration paid together with interest at eight percent per annum from the date of payment, less the amount of any income received on the security in the case of a buyer, or plus the amount of income received on the security in the case of a seller.

(5) No person who has made or engaged in the performance of any contract in violation of any provision of this chapter or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this chapter or any rule or order hereunder is void.

(6) Any tender specified in this section may be made at any time before entry of judgment.

(7) Notwithstanding subsections (1) through (6) of this section, if an initial offer or sale of securities by the state or its agencies is in violation of RCW 21.20.010(2), each member of the governing body or person in control of the state or agency, each committee member, public officer, or director acting on its behalf, and each employee thereof who materially aids in the offer or sale, are liable to the purchaser of the security only if the purchaser establishes scienter on the part of the defendant.

Sec. 10. Section 58, chapter 282, Laws of 1959 as amended by section 40, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.580 are each amended to read as follows:

The advisory committee shall:

(1) Serve in an advisory capacity to the director on all matters pertaining to this chapter.

(2) Acquaint themselves fully with the operations of the director's office as to the administration of securities, broker-dealers, salespersons, and investment advisers, and periodically recommend to the director such changes in the rules and regulations of the department in connection therewith as they deem advisable.

(3) Prepare and publish a mimeographed report on their recommendations.

~~((4) Appoint three of their members to act as an examining committee. All examinations required by this chapter shall be conducted in the manner provided in chapter 43.24 RCW. The examining committee shall be subject to the provisions of chapter 43.24 RCW unless otherwise provided by this chapter.))~~

Sec. 11. Section 59, chapter 282, Laws of 1959 as amended by section 65, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 21.20.590 are each amended to read as follows:

The advisory committee shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended(~~(: PROVIDED, That members acting as an examining committee shall be paid in addition to expenses allowed twenty-five dollars per day for conducting examinations provided for herein))~~).

Passed the Senate March 30, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 273

[Senate Bill No. 3157]

CITIES AND TOWNS—ENERGY CONSERVATION FINANCING

AN ACT Relating to energy conservation; and adding a new section to chapter 35.92 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.92 RCW a new section to read as follows:

A city or town may issue revenue bonds or warrants in the manner provided by this chapter for the purpose of defraying the cost of financing programs for the conservation or more efficient use of energy. The bonds or

warrants shall be deemed to be for capital purposes within the meaning of the uniform system of accounts for municipal corporations.

Passed the Senate February 27, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 274

[Senate Bill No. 3215]

PROPERTY TAXATION—NATURAL DISASTERS, VALUE REDUCTION

AN ACT Relating to property taxation; amending section 3, chapter 196, Laws of 1974 ex. sess. as amended by section 2, chapter 120, Laws of 1975 1st ex. sess. and RCW 84.70.010; amending section 4, chapter 196, Laws of 1974 ex. sess. as last amended by section 1, chapter 200, Laws of 1977 ex. sess. and RCW 84.70.020; and amending section 36.21.080, chapter 4, Laws of 1963 as last amended by section 1, chapter 120, Laws of 1975 1st ex. sess. and RCW 36.21.080.

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

Section 1. Section 3, chapter 196, Laws of 1974 ex. sess. as amended by section 2, chapter 120, Laws of 1975 1st ex. sess. and RCW 84.70.010 are each amended to read as follows:

(1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or reduced in value by more than twenty percent as a result of a natural disaster, the true cash value of such property shall be reduced for that year by an amount determined as follows:

(a) First take the true cash value of such taxable property before destruction or reduction in value and deduct therefrom the true cash value of the remaining property after destruction or reduction in value.

(b) Then divide any amount remaining by twelve and multiply the quotient by the number of months or major fraction thereof remaining in the calendar year after the date of the destruction or reduction in value of the property.

(2) The amount of taxes to be abated under (~~RCW 84.70.010 as now or hereafter amended~~) this section shall be determined by multiplying the amount of net loss determined under subsection (1) of this section by the rate percent of levy applicable to the property in the tax year to which the reduction of assessed value is applicable.

Sec. 2. Section 4, chapter 196, Laws of 1974 ex. sess. as last amended by section 1, chapter 200, Laws of 1977 ex. sess. and RCW 84.70.020 are each amended to read as follows:

Within seventy-five days after the date of destruction or reduction in value, or within the year in which the destruction or reduction in value occurs, the taxpayer, using a form prepared by the department of revenue and

provided by the assessor, shall notify the county assessor of his intention to claim the relief provided by RCW 84.70.010 through 84.70.040 as now or hereafter amended. The taxpayer shall also file a copy with the legislative body of the county, which shall serve as a petition for abatement of the tax: PROVIDED, That the form shall contain such information as the department may prescribe. After receipt of the taxpayer's claim, and within thirty days after receipt, the county assessor shall provide the legislative body of the county with his determination of the facts necessary to calculate the amount of relief, if any, to which he believes the taxpayer is entitled. A copy of the assessor's determination shall be sent to the taxpayer.

Sec. 3. Section 36.21.080, chapter 4, Laws of 1963 as last amended by section 1, chapter 120, Laws of 1975 1st ex. sess. and RCW 36.21.080 are each amended to read as follows:

(1) The county assessor is authorized to place any property under the provisions of RCW 36.21.040 through 36.21.080 on the assessment rolls for the purposes of tax levy up to May 31st of each year. The assessed valuation of property under the provisions of RCW 36.21.040 through 36.21.080 shall be considered as of the April 30th immediately preceding the date that the property is placed on the assessment rolls.

(2) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor and has been reduced in value by more than twenty percent as a result of a natural disaster, the true cash value of such property shall be reduced for that year by an amount determined as follows, without necessity of taxpayer application under chapter 84.70 RCW:

(a) First take the true cash value of such taxable property before destruction or reduction in value and deduct therefrom the true cash value of the remaining property after destruction or reduction in value.

(b) Then divide any amount remaining by twelve and multiply the quotient by the number of months or major fraction thereof remaining after the date of the destruction or reduction in value of the property.

Passed the Senate April 25, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 275

[Engrossed Senate Bill No. 3272]

TOUTLE, COWEMAN, COWLITZ RIVERS DREDGE SPOILS—DISPOSAL

AN ACT Relating to public lands; adding new sections to chapter 79.01 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 79.01 RCW a new section to read as follows:

The legislature finds and declares that, due to the extraordinary volume of material washed down onto state-owned beds and shorelands in the Toutle river, Coweman river and portions of the Cowlitz river, the dredge spoils placed upon adjacent privately owned property in such areas, if further disposed, will be of nominal value to the state and that it is in the best interests of the state to allow further disposal without charge.

NEW SECTION. Sec. 2. There is added to chapter 79.01 RCW a new section to read as follows:

All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweman river and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent private lands during the years 1980 through December 31, 1985, as a result of dredging of these rivers for navigation and flood control purposes may be sold, transferred, or otherwise disposed of by owners of such lands without the necessity of any charge by the department of natural resources and free and clear of any interest of the department of natural resources of the state of Washington.

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 Senate April 24, 1981.

Passed the House April 15, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 276

[Engrossed Senate Bill No. 3304]

CITY AND COUNTY JAILS—STATE FUNDING

AN ACT Relating to city and county jails; amending section 5, chapter 316, Laws of 1977 ex. sess. as amended by section 13, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.050; amending section 12, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.120; amending section 16, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.160; and adding new sections to chapter 70.48 RCW.

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

Section 1. Section 5, chapter 316, Laws of 1977 ex. sess. as amended by section 13, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.050 are each amended to read as follows:

In addition to any other powers and duties contained in this chapter, the commission shall have the powers and duties:

(1) To adopt such rules and regulations, after approval by the legislature, pursuant to chapter 34.04 RCW, as it deems necessary and consistent with the purposes and intent of this chapter on the following subjects:

(a) Mandatory custodial care standards that are essential for the health, welfare, and security of persons confined in jails(~~(-PROVIDED, That))~~). In adopting each rule or regulation pertaining to mandatory custodial care standards, the commission shall cite the applicable case law, statutory law or constitutional provision which requires such rule or regulation. The commission shall grant variances from custodial care standards to governing units which operate jails with physical deficiencies which directly affect their ability to comply with these standards, if the governing unit is eligible for and has applied for funds under RCW 70.48.110. The variances remain in effect until state funding to improve or reconstruct the jails of these governing units has been expended for that purpose;

(b) Advisory custodial care standards;

(c) The classification and uses of holding, detention, and correctional facilities. Except for the housing of work releasees in accordance with commission rules, a person may not be held in a holding facility longer than seventy-two hours, exclusive of weekends and holidays, without being transferred to a detention or correctional facility unless the court having jurisdiction over the individual authorizes a longer holding, but in no instance shall the holding exceed thirty days;

(d) The content of jail records which shall be maintained by the department of corrections or the chief law enforcement officer of the governing unit. In addition the governing unit, chief law enforcement officer, or department of corrections may require such additional records as they deem proper; and

(e) The segregation of persons and classes of persons confined in holding, detention, and correctional facilities;

(2) To investigate, develop, and encourage alternative and innovative methods in all phases of jail operation;

(3) To make comments, reports, and recommendations concerning all phases of jail operation including those not specifically described in this chapter;

(4) To hire necessary staff, acquire office space, supplies, and equipment, and make such other expenditures as may be deemed necessary to carry out its duties;

(5) The secretary shall submit minimum physical plant standards to the commission for review and promulgate proposed standards pursuant to chapter 34.04 RCW. After such promulgation, the standards shall be presented for review at a public conference of city, town, and county legislative and executive officials and directors of departments of correction or the chief law enforcement officers of the governing units in four regional meetings, two of which shall be east of the Cascade range. Subsequent to these

reviews, and utilizing the data received, the commission shall adopt minimum physical plant standards pursuant to chapter 34.04 RCW, after approval by the legislature;

(6) To cause all jails to be inspected at least annually by designated jail inspectors and to issue a certificate of compliance to each facility which is found to satisfactorily meet the requirements of this chapter and the rules, regulations, and standards adopted hereunder: PROVIDED, That certificates of partial compliance may be issued where applicable. The inspectors shall have access to all portions of jails, to all prisoners confined therein, and to all records maintained by said jails; and

(7) To establish advisory guidelines and model ordinances to assist governing units in establishing the agreements necessary for the joint operation of jails and for the determination of the rates of allowance for the daily costs of holding a prisoner pursuant to the provisions of RCW 70.48.080(6).

Sec. 2. Section 12, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.120 are each amended to read as follows:

There is hereby established in the state treasury a fund to be known as the local jail improvement and construction account in which shall be deposited such sums as are appropriated by law for the purpose of providing funds to units of local government for new construction and the substantial remodeling of detention and correctional facilities so as to obtain compliance with the physical plant standards for such facilities. Funds in the local jail improvement and construction account shall be invested in the same manner as other funds in other accounts within the state treasury, and such earnings shall accrue to the local jail improvement and construction account. Funds shall be remitted to the governing units in a reasonably timely fashion to meet their contractual obligations. Funds in this account shall be disbursed by the state treasurer to units of local government, subject to biennial legislative appropriation, at the direction of the commission.

Sec. 3. Section 16, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.160 are each amended to read as follows:

Having received approval pursuant to RCW 70.48.060(~~(1)~~), a governing unit shall not be eligible for further funding for physical plant standards for a period of ten years from the date of the completion of the (~~said~~) approved project(~~(1) and (2)~~). A jail shall not be closed for non-compliance to physical plant standards within this same ten year period. This section does not apply if:

(1) The commission or its successor elects to fund phased components of a jail project for which a governing unit has applied. In that instance, initially funded components do not constitute full funding within the meaning of RCW 70.48.060(1) and 70.48.070(2) and the commission may fund subsequent phases of the jail project;

~~((However, this section shall not apply if))~~ (2) There is destruction of the facility because of an act of God or the result of a negligent and/or criminal act.

NEW SECTION. Sec. 4. There is added to chapter 70.48 RCW a new section to read as follows:

For the purposes of RCW 70.48.080, "full or partial closure" of a jail means the nonuse of a jail or a defined portion thereof for incarceration purposes. The term does not mean limitations on jail programs, services, capacities, or lengths of incarceration time.

NEW SECTION. Sec. 5. There is added to chapter 70.48 RCW a new section to read as follows:

All cities or counties which accept funding for jail remodeling or new construction under this chapter shall certify to the commission that the facility to be built shall, upon opening, meet all mandatory custodial care standards adopted by the commission under RCW 70.48.050. The commission shall not make funding under this chapter contingent on compliance of the existing jail facility with standards adopted under RCW 70.48.050.

Passed the Senate April 24, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 277

[Substitute Senate Bill No. 3456]

PUBLIC RECORDS

AN ACT Relating to public records; amending section 3, chapter 57, Laws of 1891 as amended by section 12, chapter 81, Laws of 1971 and RCW 2.32.050; amending section 8, chapter 5, Laws of 1919 as amended by section 21, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.25.050; amending section 15, chapter 5, Laws of 1919 as amended by section 7, chapter 227, Laws of 1971 ex. sess. and RCW 18.25.090; amending section 31, chapter 16, Laws of 1923 as amended by section 32, chapter 158, Laws of 1979 and RCW 18.29.060; amending section 22, chapter 112, Laws of 1935 as amended by section 29, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.080; amending section 27, chapter 52, Laws of 1957 and RCW 18.32.090; amending section 7, chapter 112, Laws of 1935 and RCW 18.32.190; amending section 13, chapter 144, Laws of 1919 as last amended by section 56, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.53.050; amending section 15, chapter 4, Laws of 1919 and RCW 18.57.160; amending section 36.23.065, chapter 4, Laws of 1963 as last amended by section 1, chapter 14, Laws of 1973 and RCW 36.23.065; repealing section 10, chapter 112, Laws of 1935, section 31, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.200; repealing section 12, chapter 112, Laws of 1935 and RCW 18.32.300; repealing section 6, chapter 36, Laws of 1919 and RCW 18.36.110; repealing section 5, chapter 160, Laws of 1917 and RCW 18.50.070; repealing section 6, chapter 160, Laws of 1917 and RCW 18.50.080; repealing section 8, chapter 4, Laws of 1919 and RCW 18.57.100; and repealing section 9, chapter 4, Laws of 1919 and RCW 18.57.110.

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

Section 1. Section 3, chapter 57, Laws of 1891 as amended by section 12, chapter 81, Laws of 1971 and RCW 2.32.050 are each amended to read as follows:

The clerk of the supreme court, each clerk of the court of appeals, and each clerk of a superior court, has power to take and certify the proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law; and it is the duty of the clerk of the supreme court, each clerk of the court of appeals, and of each county clerk for each of the courts for which he is clerk—

(1) To keep the seal of the court and affix it in all cases where he is required by law.

(2) To record the proceedings of the court.

(3) To keep the records, files and other books and papers appertaining to the court.

(4) To file all papers delivered to him for that purpose in any action or proceeding in the court as directed by court rule or statute.

(5) To attend the court of which he is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court.

(6) To keep the journal of the proceedings of the court, and, under the direction of the court, to enter its orders, judgments and decrees.

(7) To authenticate by certificate or transcript, as may be required, the records, files or proceedings of the court, or any other paper appertaining thereto and filed with him.

(8) To exercise the powers and perform the duties conferred and imposed upon him elsewhere by statute.

(9) In the performance of his duties to conform to the direction of the court.

(10) To publish notice of the procedures for inspection of the public records of the court.

Sec. 2. Section 8, chapter 5, Laws of 1919 as amended by section 21, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.25.050 are each amended to read as follows:

(1) The director may refuse to grant or may revoke a license to practice chiropractic in this state (~~((or may cause a licentiate's name to be removed from the records in the office of the county clerk of any county in this state))~~) upon any of the following grounds, to wit: The employment of fraud or deception in applying for a license or in passing an examination provided for in this chapter; the practice of chiropractic under a false or assumed name, or the impersonation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, controlled substances, or stimulants to such an

extent as to incapacitate him or her for the performance of his or her professional duties; exploiting or advertising through the press, or by the use of handbills, circulars, or other periodicals, other than professional cards, giving only name, address, profession, office hours, and telephone connections. Any person who is a licentiate, or who is an applicant for a license to practice chiropractic against whom any of the foregoing grounds for revoking or refusing a license, is presented to said director with a view of having the director revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before said director in person or by attorney, and witnesses may be examined by said director respecting the guilt or innocence of said accused.

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

Sec. 3. Section 15, chapter 5, Laws of 1919 as amended by section 7, chapter 227, Laws of 1971 ex. sess. and RCW 18.25.090 are each amended to read as follows:

Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain any diploma or license to practice chiropractic, (~~whether recorded or not,~~) or who shall use the title chiropractor, D.C.Ph.C., or any word or title to induce belief that he is engaged in the practice of chiropractic without first complying with the provisions of this chapter, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and every person (~~filing for record, or attempting to file for record, the certificate issued to another;~~) falsely claiming himself to be the person named in (~~said~~) a certificate issued to another, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony. All subsequent offenses shall be punished in like manner. Nothing herein shall be held to apply to or to regulate any kind of treatment by prayer: PROVIDED, That on all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his name the term chiropractor or D.C.Ph.C. designating his line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." may be used only in conjunction with the word "chiropractic" or "chiropractor".

Sec. 4. Section 31, chapter 16, Laws of 1923 as amended by section 32, chapter 158, Laws of 1979 and RCW 18.29.060 are each amended to read as follows:

Upon passing an examination as provided in RCW 18.29.030 the director of licensing shall issue to the successful applicant a license as dental hygienist(~~(, which said license shall be recorded in the office of the auditor of the county in which the licensee shall engage in practice and)~~). The license shall be displayed in a conspicuous place in the operation room where such licensee shall practice.

Sec. 5. Section 22, chapter 112, Laws of 1935 as amended by section 29, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.080 are each amended to read as follows:

The said director is charged with the duty of enforcing this chapter and it shall be the duty of any prosecuting attorney on the complaint of the director, the state board of dental examiners, the dental disciplinary board, or of any member of either board to prosecute any violation of this chapter. ~~The certificate of ((the county auditor of the county in which any such proceeding shall be pending and/or the certificate of))~~ said director certifying in substance to the facts shown of record in ~~((their respective offices))~~ departmental files, or ~~((of))~~ to the fact((s)) that no license required by this chapter has been issued~~((, registered))~~ or renewed, shall be prima facie evidence in such proceeding of the truth of such certificate.

Sec. 6. Section 27, chapter 52, Laws of 1957 and RCW 18.32.090 are each amended to read as follows:

No person, unless previously ~~((registered or))~~ licensed to practice dentistry in this state, shall begin the practice of dentistry or dental surgery, or any branches thereof, without first applying to, and obtaining a license therefor from the director.

Sec. 7. Section 7, chapter 112, Laws of 1935 and RCW 18.32.190 are each amended to read as follows:

~~((Any person licensed to practice dentistry in this state by the director as hereinbefore provided, shall, personally, and within ninety days from the date of issue, cause such license to be registered with the county auditor of such county or counties in which such person desires to or shall engage in the practice of dentistry, and the county auditors of the several counties of this state shall charge for registering such license a fee of fifty cents for each registration: AND IT IS HEREBY PROVIDED, FURTHER, That))~~. Every person who engages in the practice of dentistry in this state shall cause his or her license to be ((registered with the county auditor before beginning the practice of dentistry in said county, and to be)), at all times, displayed in a conspicuous place, in his or her office wherein he or she shall practice such profession, and shall further, whenever requested, exhibit such license to any of the members of said board, or its authorized agent, and to

the director or his authorized agent (~~(: AND IT IS FURTHER PROVIDED, That)~~). Every licensee shall notify the director of the address or addresses, and of every change thereof, where the licensee shall engage in the practice of dentistry.

Sec. 8. Section 13, chapter 144, Laws of 1919 as last amended by section 56, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.53.050 are each amended to read as follows:

During the month of January of each year, every registered optometrist shall pay to the state treasurer a renewal fee, to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and failure to pay such fee within the prescribed time shall cause the suspension of his certificate. The state treasurer shall place two dollars and forty cents from each renewal fee into the general fund and shall place the balance into an optometry account which is hereby created for the enforcement of this chapter. Any residue in such account shall be accumulated and shall not revert to the general fund at the end of any biennium.

In the event of failure to pay the renewal fee, the director shall mail a notice of such suspension to the last known post office address of the holder between the first and fifth days of February, March, and April next following and if the fee is not paid by May 1st the director may declare the certificate revoked (~~(and immediately notify the county clerk of the county in which the certificate is recorded, and the clerk shall mark his records accordingly)~~).

Sec. 9. Section 15, chapter 4, Laws of 1919 and RCW 18.57.160 are each amended to read as follows:

Every person (~~(filing for record, or attempting to file for record, the certificate issued to another,)~~) falsely claiming himself to be the person named in (~~(such)~~) a certificate issued to another, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Sec. 10. Section 36.23.065, chapter 4, Laws of 1963 as last amended by section 1, chapter 14, Laws of 1973 and RCW 36.23.065 are each amended to read as follows:

Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, if all of the following conditions exist:

(1) (~~(Six years have elapsed since the filing of any paper in the action or proceeding and the records of the county clerk do not show that the action or proceeding is pending on appeal in any court.~~

(2)) The county clerk maintains for the use of the public a photographic film, microphotographic, photostatic or similar reproduction of each document, record, instrument, book, paper, deposition, or transcript so destroyed: PROVIDED, That all receipts and canceled checks filed by a personal representative pursuant to RCW 11.76.100 (~~and complying with condition (1) above;~~) may be removed from the file by order of the court and destroyed the same as an exhibit pursuant to RCW 36.23.070.

~~((3))~~ (2) At the time of the taking of said photographic film, microphotographic, photostatic or similar reproduction, the county clerk or other person under whose direction and control the same was taken, attached thereto, or to the sealed container in which the same was placed and has been kept, or incorporated in said photographic film, microphotographic, photostatic or similar reproduction, a certification that the copy is a correct copy of the original, or of a specified part thereof, as the case may be, the date on which taken, and the fact it was taken under his direction and control. The certificate must be under the official seal of the certifying officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court.

~~((4))~~ (3) The county clerk promptly seals and stores at least one original negative of each such photographic film, microphotographic, photostatic or similar reproduction in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction.

NEW SECTION. Sec. 11. (1) The following acts or parts of acts are each repealed:

(a) Section 10, chapter 112, Laws of 1935, section 31, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.200;

(b) Section 12, chapter 112, Laws of 1935 and RCW 18.32.300;

(c) Section 6, chapter 36, Laws of 1919 and RCW 18.36.110;

(d) Section 5, chapter 160, Laws of 1917 and RCW 18.50.070;

(e) Section 6, chapter 160, Laws of 1917 and RCW 18.50.080;

(f) Section 8, chapter 4, Laws of 1919 and RCW 18.57.100; and

(g) Section 9, chapter 4, Laws of 1919 and RCW 18.57.110.

(2) Records of licenses and certificates filed with county officials under the sections repealed in subsection (1) of this section shall be transferred to the department of licensing.

Passed the Senate April 24, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 278

[Substitute Senate Bill No. 4087]

EMERGENCY CLOUD SEEDING

AN ACT Relating to cloud seeding; adding a new section to chapter 43.21C RCW; adding new sections to chapter 43.37 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds and declares that when prolonged lack of precipitation or shortages of water supply in the state cause severe hardships affecting the health, safety, and welfare of the people of the state, a program to increase precipitation is occasionally needed for the generation of hydroelectric power, for domestic purposes, and to alleviate hardships created by the threat of forest fires and shortages of water for agriculture. Cloud seeding has been demonstrated to be such a program of weather modification with increasing scientific certainty.

NEW SECTION. Sec. 2. The director of ecology may establish by rule under chapter 34.04 RCW a program of emergency cloud seeding. The director may include in these rules standards and guidelines for determining the situations which warrant cloud seeding and the means to be used for cloud seeding.

NEW SECTION. Sec. 3. Upon a proclamation of a state of emergency, related to a lack of precipitation or a shortage of water supply, by the governor under RCW 43.06.210, the department shall exempt a licensee from the requirements of RCW 43.37.110(2) and (6) and RCW 43.37.140.

NEW SECTION. Sec. 4. There is added to chapter 43.21C RCW a new section to read as follows:

This chapter does not apply to actions authorized by sections 2 and 3 of this act which are undertaken during a state of emergency declared by the governor under RCW 43.06.210.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act shall be added to chapter 43.37 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 2, 1981.

Passed the House April 21, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 279

[Engrossed Substitute Senate Bill No. 3390]

PARKING AND BUSINESS IMPROVEMENT AREAS—ESTABLISHMENT,
PURPOSES—PRECIOUS METAL BUYERS, PAWNBROKER DESIGNATION

AN ACT Relating to parking and business improvement areas; amending section 1, chapter 45, Laws of 1971 ex. sess. and RCW 35.87A.010; amending section 8, chapter 45, Laws of 1971 ex. sess. and RCW 35.87A.080; and amending section 235, chapter 249, Laws of 1909 and RCW 19.60.010.

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

Section 1. Section 1, chapter 45, Laws of 1971 ex. sess. and RCW 35.87A.010 are each amended to read as follows:

To aid general economic development and to facilitate merchant and business cooperation which assists trade, the legislature hereby authorizes all counties and all incorporated cities and towns, including unclassified cities and towns operating under special charters:

(1) To establish, after a petition submitted by the operators responsible for 60 percent of the assessments by businesses within the area, parking and business improvement areas, hereafter referred to as area or areas, for the following purposes:

(a) The acquisition, construction or maintenance of parking facilities for the benefit of the area;

(b) Decoration of any public place in the area;

(c) Promotion of public events which are to take place on or in public places in the area;

(d) Furnishing of music in any public place in the area;

(e) ~~((The general))~~ Providing professional management, planning, and promotion for the area, including the management and promotion of retail trade activities in the area;

(2) To levy special assessments on all businesses within the area and specially benefited by a parking and business improvement area to pay in whole or in part the damages or costs incurred therein as provided in this chapter.

~~((3) To provide in accordance with any applicable provisions of the Constitution or statutory authority for the issuance and sale of revenue bonds to finance the cost of any parking and business improvement area.))~~

Sec. 2. Section 8, chapter 45, Laws of 1971 ex. sess. and RCW 35.87A.080 are each amended to read as follows:

For purposes of the special assessments to be imposed pursuant to this chapter, the legislative authority may make a reasonable classification of

businesses, giving consideration to various factors such as business and occupation taxes imposed, square footage of the business, number of employees, gross sales, or any other reasonable factor relating to the benefit received, including the degree of benefit received from parking ((only)).

Sec. 3. Section 235, chapter 249, Laws of 1909 and RCW 19.60.010 are each amended to read as follows:

(1) Every person engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits or conditional sales of personal property, shall be deemed to be a pawn broker.

(2) Every person engaged in whole or in part in the business of purchasing precious metals in a place other than a place of business where precious metals are ordinarily and customarily purchased shall be deemed to be a pawnbroker doing business in a first class city: PROVIDED, That any report required to be furnished to the chief of police shall be furnished to the county sheriff in the absence of a chief of police.

Passed the Senate April 24, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 280

[Substitute Senate Bill No. 4078]

BUDGET STABILIZATION ACCOUNT

AN ACT Relating to the budget and revenues of the state of Washington; creating a new account in the general fund; amending section 43.88.020, chapter 8, Laws of 1965 as last amended by section 25, chapter 87, Laws of 1980 and RCW 43.88.020; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 139, chapter 151, Laws of 1979 and RCW 43.88.160; adding new sections to chapter 43.88 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that during periods of recession or slowing economic growth, receipts of state revenues may decline below projections, yet the demand for state services does not correspondingly lessen and may in fact increase. There is need for a means to assure that services required in such periods can be maintained at or near the level anticipated by the legislature when making appropriations. The legislature therefore finds that a budget stabilization account into which will be deposited state revenues during favorable periods of economic activity will provide a resource for the stable financing of essential state services during periods of revenue shortfall.

NEW SECTION. Sec. 2. A budget stabilization account is hereby created as an account in the general fund of the state treasury for the purposes set forth in sections 1 through 5 of this act. There shall be deposited into

the stabilization account the revenues described in section 3 of this act and such other amounts as the legislature may from time to time direct to be deposited in the account. The governor's biennial budget document for the 1983-85 biennium and for each succeeding biennium shall contain a request for necessary transfers from the general fund to the budget stabilization account of those revenues identified in section 3 of this act.

NEW SECTION. Sec. 3. Transfers to the stabilization account shall equal one percent of general state revenues as established by appropriation. Unless waived pursuant to section 4 of this act, transfers shall be made by the state treasurer during each biennium in eight equal amounts not later than the last day of each quarter commencing September 30, 1983.

The state treasurer pursuant to appropriation shall transfer the unobligated cash surplus in the general fund as determined by the director of financial management after the conclusion of each biennium and following the certification of general state revenues by the state treasurer, provided that such revenues do not exceed the state tax revenue limit. No further deposits shall be made to the stabilization account during a biennium when the amount of the account equals or exceeds five percent of general state revenues for the biennium.

NEW SECTION. Sec. 4. To provide for the continuation of agency programs at or near levels of existing appropriations when state revenues decline below projections, such funds in the stabilization account as are necessary for that purpose may be transferred to the general fund in the state treasury and expended as follows:

- (1) Pursuant to separate appropriation by the legislature; or
- (2) By executive order of the governor, when the legislature is not in session, pursuant to an appropriation to the governor's office for that purpose, setting forth conditions and limitations on the transfer and use of the moneys. The governor's executive order shall contain a statement of the conditions requiring the transfer to the general fund and the limitations on the expenditure of the funds within the terms of the appropriation: **PROVIDED**, That no moneys shall be transferred and used unless approved by the legislative budget committee.

The legislature by appropriation may provide for, or the governor may authorize, the waiver of deposits in any biennium to the stabilization account in the event of a transfer from the account to the general fund during such biennium.

NEW SECTION. Sec. 5. Subsequent to a transfer to the general fund from the stabilization account, resumption of further deposits to the stabilization account shall be made during the biennium when projections of state revenues, as determined pursuant to this section, demonstrate that resumption of deposits can be made.

The director of financial management as agent of the governor shall identify the revenue forecasts to be utilized and the timing of resumption of deposits to the stabilization account.

Sec. 6. Section 43.88.020, chapter 8, Laws of 1965 as last amended by section 25, chapter 87, Laws of 1980 and RCW 43.88.020 are each amended to read as follows:

(1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures(;;).

(2) "Budget document" shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" shall mean the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, shall mean all moneys, including cash, checks, bills, notes, drafts, stocks and bonds, whether held in trust or for operating purposes and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation.

(6) "Regulations" shall mean the policies, standards and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or his designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" shall mean the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" shall not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable

ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Stabilization account" means the budget stabilization account created under section 2 of this 1981 act as an account in the general fund of the state treasury.

(14) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(15) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

Sec. 7. Section 43.88.160, chapter 8, Laws of 1965 as last amended by section 139, chapter 151, Laws of 1979 and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through his director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the office of financial management. The director of financial management may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and he shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. He shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials.

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and sections 2 through 5 of this 1981 act.

(f) Promulgate regulations to effectuate provisions contained in subsections (a) through ~~((d))~~ (e) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under his surety bond for

erroneous or improper payments so made: **PROVIDED**, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: **AND PROVIDED FURTHER**, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in subsection (3)(c) of this section.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: **PROVIDED**, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be

the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28-.085 as now or hereafter amended. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act are each added to chapter 43.88 RCW.

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 July 1, 1981.

Passed the Senate April 2, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 281

[Engrossed Senate Bill No. 4208]

ENERGY SUPPLY EMERGENCIES—PLAN STATUS REVIEW—LOCAL
GOVERNMENT LIABILITY

AN ACT Relating to energy supply emergencies; amending section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as last amended by section 23, chapter 87, Laws of 1980 and RCW 43.21G.040; amending section 19, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.050; and declaring an emergency.

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

Section 1. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as last amended by section 23, chapter 87, Laws of 1980 and RCW 43.21G-.040 are each amended to read as follows:

(1) The governor may subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

The governor shall review the status of such plans annually with the house of representatives and senate standing committees on energy and utilities.

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers as set forth in this chapter shall become effective only within the area described in the declaration.

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.

(3) A condition of energy emergency shall terminate forty-five consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy emergency.

In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.

(4) A condition of energy supply alert or energy emergency shall cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or special session: **PROVIDED**, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local

governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

(6) In addition to the powers in subsection (5) of this section, in a condition of energy emergency, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) Implement programs, controls, standards, and priorities for the production, allocation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.04 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor. The emergency powers granted to the governor in this chapter shall expire on June 30, ~~((1981))~~ 1985.

Sec. 2. Section 19, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.050 are each amended to read as follows:

To protect the public welfare during a condition of energy supply alert or energy emergency, the executive authority of each state or local governmental agency is hereby authorized and directed to take action to carry out the orders issued by the governor pursuant to this chapter as now or hereafter amended. A local governmental agency shall not be liable for any lawful actions consistent with RCW 43.21G.030 as now or hereafter amended taken in good faith in accordance with such orders issued by the governor.

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.

Passed the Senate April 24, 1981.
Passed the House April 16, 1981.
Approved by the Governor May 18, 1981.
Filed in Office of Secretary of State May 18, 1981.

CHAPTER 282

[Substitute Senate Bill No. 3989]

STATE SCHOOL FUNDS APPORTIONMENT PERCENTAGES

AN ACT Relating to basic education; amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 32, chapter 5, Laws of 1981 and RCW 28A.48.010; and making an effective date.

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

Section 1. Section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 32, chapter 5, Laws of 1981 and RCW 28A.48.010 are each amended to read as follows:

((+)) On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the state general fund to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

| | |
|-----------------|------|
| September | 9% |
| October | 9% |
| November | 5.5% |
| December | 9% |
| January | 9% |

| | |
|----------------|---------------------|
| February | 9% |
| March | 9% |
| April | 9% |
| May | 5.5% |
| June | ((9)) <u>7.0%</u> |
| July | ((8.5)) <u>9.5%</u> |
| August | ((8.5)) <u>9.5%</u> |

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September first and continuing through August thirty-first. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year. The apportionment from the state general fund for each month shall be an amount which will equal the amount due and apportionable to the several educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If he determines in the affirmative, he may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

~~((2) Notwithstanding the apportionment percentages prescribed in subsection (1) of this section, for the period ending August 31, 1981, the June apportionment shall be 4.5 percent and the July and August apportionments shall each be 0.75 percent.))~~

NEW SECTION. Sec. 2. Section 1 of this amendatory act shall be effective September 1, 1981.

Passed the Senate April 25, 1981.

Passed the House April 26, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 283

[Engrossed Substitute Senate Bill No. 3315]

EDUCATIONAL SERVICES REGISTRATION—BARBER, COSMETOLOGY
SCHOOLS, EXEMPTION

AN ACT Relating to education; amending section 3, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.030; amending section 4, chapter 188, Laws of 1979 ex. sess. as amended by section 1, chapter 82, Laws of 1980 and RCW 28B.05.040; amending section 13, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.130; amending section 14, chapter 75, Laws of 1923 as last amended by section 13, chapter 158, Laws of 1979 and RCW 18.15.090; amending section 4, chapter 180, Laws of 1951 as last amended by section 4, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.070; creating new sections; adding a new section to chapter 18.15 RCW; and adding a new section to chapter 18.18 RCW.

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

Section 1. Section 3, chapter 188, Laws of 1979 ex. sess. 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. (~~"Degree granting institution" shall also include any other educational institution which is not a "private vocational school".~~)

(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 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.

~~((+3))~~ (14) "Agency" shall mean the council for postsecondary education 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. 2. Section 4, chapter 188, Laws of 1979 ex. sess. as amended by section 1, chapter 82, Laws of 1980 and RCW 28B.05.040 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

Sec. 3. Section 13, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.130 are each amended to read as follows:

~~((The agency, after hearing, by order approved and ratified by a majority of the membership of the agency, may suspend or modify any of the registration or other requirements contained in 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 such suspension or modification will not frustrate the purposes of this chapter.))~~ 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.

Sec. 4. Section 14, chapter 75, Laws of 1923 as last amended by section 13, chapter 158, Laws of 1979 and RCW 18.15.090 are each amended to read as follows:

Any firm, corporation or person desiring to conduct or operate a barber school or barber college in this state shall first secure from the director of licensing a permit to do so, and shall keep the same prominently displayed. No barber school or college shall be issued a permit by the director of licensing unless such school or college: (1) Is financially ((responsible, and will be)) sound and capable of meeting its legal financial obligations and fulfilling its commitments to students; (2) is able in the judgment of the director to carry out and perform any contract made for the instruction of students therein; (3) provides students and other interested persons with a catalog or brochure containing information describing (a) enrollment qualifications, (b) programs offered, (c) program objectives, (d) length of program, (e) schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, and (f) cancellation and refund policies; all such information under subsections (a) through (f) above shall be provided prospective students prior to enrollment as well as such other material facts concerning the school or college and the program as are reasonably likely to affect the decision of the student to enroll in the school or college, together with any other disclosures specified by the director of licensing and defined in the department rules; (3) maintains adequate records to document student performance and progress; (4) will not engage in, nor will agents of the school or college engage in, methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair; (5) has established, consistent with guidelines adopted by the director, a fair and equitable cancellation and refund policy that includes provisions for a cooling-off period, and will not make unilateral changes in scheduled times for course instruction unless provision is made for an equitable refund of tuition and fees; this subsection (5) shall not apply to an accredited school or college; and (6) has on file with the director of licensing a surety bond in a form acceptable to the director.

For purposes of this section, an "accredited school or college" shall mean a school or college which is accredited by an accrediting association recognized by the commission for vocational education pursuant to RCW 28B.05.040(5).

Such school or college shall instruct students therein in the practice of barbering, including shaving and cutting of the hair and beard, and the

various services incident thereto, preparation and care of tools used, sanitation as applied to barbering, knowledge concerning the common diseases of the face and skin to avoid aggravation and spreading thereof in the practice of barbering, and the use of chemicals, creams, lotions, and solutions as applied in the practice of barbering. Such barber school or college shall be managed and operated by a barber duly licensed as a manager-instructor under the provisions of this chapter, and shall at all times, while open and in operation, be in charge and under the direct supervision of a barber duly licensed as an instructor or manager-instructor under the provisions of this chapter.

Every school or college shall at all times maintain one barber duly licensed as a manager-instructor or instructor, and there shall be at least one such licensed instructor or manager-instructor for each twenty students or fraction thereof, in attendance; and there shall be at least one such instructor or manager-instructor on the floor at all times when the barber school or college is open to serve the public, which said instructor or manager-instructor shall devote his entire time to the instruction of students therein and who shall at no time operate any particular barber's chair in such school or college, or practice any barbering therein except while giving instructions to a student therein. Every such school or college shall at all times maintain on each window therein, facing upon any street, a sign in plain letters at least six inches high composed of the words "barber school" or "barber college," placed as nearly as practicable in the center between top and bottom of any such window, and, if desired by the manager-instructor of such school or college, underneath these words, a sign with letters no greater in size, composed of the words "shaving" and/or "hair cutting," giving the price charged; and such school or college shall not at any time keep or maintain upon any of the windows or doors of such school or college, or use in any advertisement, any sign or words "barber shop," "expert barbering," or other similar words, or display any barber pole or barber pole stripes such as has long been used to designate a barber shop, or barber shop services as distinguished from services performed by student barbers in such school or college. Every such school or college, at all times when open for business, shall place and maintain upon the floor within its premises in front of each entrance a standing floor sign composed of the words "student barbers perform all services herein" painted in three-inch red letters upon a white standing floor sign thirty inches high and twenty inches wide, and designed as prescribed by the director. The director shall revoke the license of any school or college which shall violate any of the provisions of this chapter, or which shall fail to impart to each student in such school or college the instructions herein required.

No barber school or college shall be operated unless it is under the control of a barber licensed as a manager-instructor. Each applicant for a manager-instructor's license shall submit an application to the director on

such forms as it may prescribe. The qualifications for such a license, license fees and license renewal fees shall be the same as those prescribed for an instructor's license. The examination for a manager-instructor's license, shall in addition to the requirements for an instructor's license, include business management as related to barber shops and barber schools, state laws and regulations relating to the operation of barber schools and barbering, and such other subjects relating to the operation of barber schools or colleges as the examining committee may prescribe. The name and designation of the licensee as manager-instructor shall appear on each school or college location license issued by the director. A manager-instructor's license shall stand revoked if not used for a period of two years, after which time licensee must be reexamined as for a new license.

NEW SECTION. Sec. 5. There is added to chapter 18.15 RCW a new section to read as follows:

(1) At the time of licensing each school or college shall file a surety bond with the director of licensing, hereinafter referred to as the director, in a form acceptable to the director. The bond may be continuous or renewable at the time of annual renewal of license: **PROVIDED**, That the bond shall cover the full period during which a school or college is licensed unless the surety has been released as provided in subsection (4) of this section.

In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the director shall suspend the license of the school or college until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished.

(2) The amount of the bond shall be determined by the director. In fixing the amount the director shall adopt rules setting bond amounts on a sliding scale based upon the size of the school or college, and the maximum amount of the bond required may not exceed seventy-five thousand dollars.

The bond shall be executed by the licensed school or college as principal and by a surety company authorized to do business in this state as surety. The bond shall run to the state of Washington, for the benefit and protection of any student or enrollee, or, in the case of a minor, his or her parents or guardian, determined to have suffered loss or damage as a result of an act or practice by such school or college which is a violation of this chapter alleged to have occurred while the bond was in effect or as a result of the school's or college's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

(3) In lieu of the surety bond provided for herein, the school or college may furnish, file and deposit with the director, cash or other negotiable security acceptable to the director. If the school or college has filed a cash

deposit, the director shall deposit such funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from such account. The security deposited with the department in lieu of the surety bond shall be returned to the school or college at the expiration of one year after the school's or college's license has expired or been revoked if no legal action has been instituted against the school or college or on said security deposit at the expiration of said one year.

Any person having an unsatisfied final judgment against the licensee based on any claims arising under this section may execute upon the security held by the director by serving a certified copy of the unsatisfied final judgment together with any findings and conclusions by registered or certified mail upon the director within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the director shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the director shall be the order of receipt by the department of the unsatisfied judgment and claim against the deposit, but the director shall have no liability for payment in excess of the amount of the deposit.

(4) A surety on a bond may be released by serving written notice thereof to the director at least thirty-five days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian, for loss or damage resulting from any act or practice which is a violation of this chapter or rules adopted under this chapter alleged to have occurred while the bond was in effect, or resulting from the school's or college's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

The director shall give the school or college at least thirty days written notice prior to the release of the surety to the effect that its license will be suspended by operation of law until a sufficient surety bond is filed in the same manner and amount as the bond being terminated.

(5) In addition to all other legal remedies, an action may be brought upon the bond or cash deposit or security in lieu thereof by any beneficiary covered thereunder, in the superior court of Thurston county or the county in which the educational services were offered by the school or college: PROVIDED, That the aggregate liability of the surety to all such persons shall in no event exceed the sum of such bond.

An action upon such bond or security shall be commenced by serving and filing of the complaint within one year from the date of the cancellation of the bond or, in the case of a cash deposit or other security deposited in lieu of the surety bond, within one year of the date of expiration or revocation of license: PROVIDED, That no action shall be maintained upon such

bond or such cash deposit or other security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the surety. The director shall transmit one of said copies of the complaint served on him to the surety within forty-eight hours after it shall have been received.

The director shall maintain a record, available for public inspection, of all suits commenced under this chapter upon surety bonds, or the cash or other security deposited in lieu thereof.

Sec. 6. Section 4, chapter 180, Laws of 1951 as last amended by section 4, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.070 are each amended to read as follows:

No person shall be licensed to conduct a school unless it appears to the director that: (1) ~~((That))~~ The school will maintain the course of instruction herein provided; (2) ~~((that))~~ instruction in the school at all times is in charge of and under the supervision of a manager operator; (3) ~~((that))~~ the school will at all times maintain one instructor for each fifteen students or fraction thereof; ~~((and))~~ (4) ~~((that))~~ at no time does a school have less than two instructors on duty; (5) the school provides students and other interested persons with a catalog or brochure containing information describing (a) enrollment qualifications, (b) programs offered, (c) program objectives, (d) length of program, (e) schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, and (f) cancellation and refund policies; all such information under subsections (a) through (f) above shall be provided prospective students prior to enrollment as well as such other material facts concerning the school and the program as are reasonably likely to affect the decision of the student to enroll in the school, together with any other disclosures specified by the director and defined in department rules; (6) adequate records are maintained by the school to document student performance and progress; (7) neither the school nor its agents engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair; (8) the school is financially sound and capable of meeting its legal financial obligations and fulfilling its commitments to students; (9) for any nonaccredited school, the nonaccredited school has established, consistent with guidelines adopted by the director, a fair and equitable cancellation and refund policy that includes provisions for a cooling-off period, and will not make unilateral changes in scheduled times for course instruction unless provision is made for an equitable refund of tuition and fees; and (10) at the time of licensing the school has filed with the director a surety bond in a form acceptable to the director.

For purposes of this section, "nonaccredited school" shall mean a school which is not accredited by an accrediting association recognized by the commission for vocational education pursuant to RCW 28B.05.040(5).

NEW SECTION. Sec. 7. There is added to chapter 18.18 RCW a new section to read as follows:

(1) At the time of licensing each school shall file a surety bond with the director of licensing, hereinafter referred to as the director, in a form acceptable to the department. The bond may be continuous or renewable at the time of annual renewal of license: PROVIDED, That the bond shall cover the full period during which a school is licensed unless the surety has been released as provided in subsection (4) of this section.

In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the director shall suspend the license of the school until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished.

(2) The amount of the bond shall be determined by the director. In fixing the amount the director shall adopt rules setting bond amounts on a sliding scale based upon the size of the school, and the maximum amount of the bond required may not exceed seventy-five thousand dollars.

The bond shall be executed by the licensed school as principal and by a surety company authorized to do business in this state as surety. The bond shall run to the state of Washington, for the benefit and protection of any student or enrollee, or, in the case of a minor, his or her parents or guardian, determined to have suffered loss or damage as a result of an act or practice by such school which is a violation of this chapter alleged to have occurred while the bond was in effect or as a result of the school's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

(3) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the director, cash or other negotiable security acceptable to the director. If the school has filed a cash deposit, the agency shall deposit such funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from such account. The security deposited with the director in lieu of the surety bond shall be returned to the school at the expiration of one year after the school's license has expired or been revoked if no legal action has been instituted against the school or on said security deposit at the expiration of said one year.

Any person having an unsatisfied final judgment against the licensee based on any claims arising under this section may execute upon the security held by the director by serving a certified copy of the unsatisfied final judgment together with any findings and conclusions by register or certified

mail upon the director within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the director shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the director shall be the order of receipt by the director of the unsatisfied judgment and claim against the deposit, but the director shall have no liability for payment in excess of the amount of the deposit.

(4) A surety on a bond may be released by serving written notice thereof to the director at least thirty-five days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian, for loss or damage resulting from any act or practice which is a violation of this chapter or rules adopted under this chapter alleged to have occurred while the bond was in effect, or resulting from the school's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

The director shall give the school at least thirty days written notice prior to the release of the surety to the effect that its license will be suspended by operation of law until a sufficient surety bond is filed in the same manner and amount as the bond being terminated.

(5) In addition to all other legal remedies, an action may be brought upon the bond or cash deposit or security in lieu thereof by any beneficiary covered thereunder, in the superior court of Thurston county or the county in which the educational services were offered by the school: PROVIDED, That the aggregate liability of the surety to all such persons shall in no event exceed the sum of such bond.

An action upon such bond or security shall be commenced by serving and filing of the complaint within one year from the date of the cancellation of the bond or, in the case of a cash deposit or other security deposited in lieu of the surety bond, within one year of the date of expiration or revocation of license: PROVIDED, That no action shall be maintained upon such bond or such cash deposit or other security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the surety. The director shall transmit one of said copies of the complaint served on him to the surety within forty-eight hours after it shall have been received.

The director shall maintain a record, available for public inspection, of all suits commenced under this chapter upon surety bonds, or the cash or other security deposited in lieu thereof.

NEW SECTION. Sec. 8. If any provision of this amendatory 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 25, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 284

[Senate Bill No. 4327]

SOCIAL AND HEALTH DEPARTMENT FEES—OUT-OF-STATE MARRIAGE LICENSES—VACCINE REPOSITORY

AN ACT Relating to social and health services; and adding new sections to chapter 74.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 74.04 RCW a new section to read as follows:

The department shall prescribe by rule a schedule of fees for providing certificates necessary to meet marriage license requirements of other states. The fees shall be predicated on the costs of conducting premarital blood screening tests and issuing certificates.

NEW SECTION. Sec. 2. There is added to chapter 74.04 RCW a new section to read as follows:

The department shall prescribe by rule a schedule of fees predicated on the cost of providing a repository of emergency vaccines and other biologics.

Passed the Senate March 23, 1981.

Passed the House April 26, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 285

[Senate Bill No. 3334]

STATE BASIC EDUCATION MONEYS—UNFULFILLED REQUIREMENTS

AN ACT Relating to education; and amending section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 250, Laws of 1979 ex. sess. and RCW 28A.41.170.

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

Section 1. Section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 250, Laws of 1979 ex. sess. and RCW 28A.41.170 are each amended to read as follows:

(1) The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his duties under this chapter(~~(-PROVIDED, That))~~).

(2) The superintendent of public instruction shall have the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in RCW 28A.41.130 when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the total program hour offering, teacher contact hour, or course mix and percentage requirements imposed by RCW 28A.58.754 and 28A.41.140 due to ((an)) one or more of the following conditions:

(a) An unforeseen ((emergency caused by)) natural event, including, but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, ((riot, insurrection, community disaster,)) or ((act of God. PRO-VIDED FURTHER,)) volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

(b) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (i) is beyond the control of both a school district board of directors and its employees and (ii) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water. PRO-VIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(3) The superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter;

to simplify the application, monitoring and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests.

Passed the Senate April 24, 1981.

Passed the House April 15, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 286

[Senate Bill No. 3109]

UNIFORM TRADE SECRETS ACT

AN ACT Relating to trade secrets; adding a new chapter to Title 19 RCW; and providing an effective date.

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

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the definitions set forth in this section apply throughout this chapter.

(1) "Improper means" includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means;

(2) "Misappropriation" means:

(a) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

(b) Disclosure or use of a trade secret of another without express or implied consent by a person who:

(i) Used improper means to acquire knowledge of the trade secret; or

(ii) At the time of disclosure or use, knew or had reason to know that his or her knowledge of the trade secret was (A) derived from or through a person who had utilized improper means to acquire it, (B) acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use, or (C) derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

(iii) Before a material change of his or her position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.

(3) "Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(4) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process that:

(a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

NEW SECTION. Sec. 2. (1) Actual or threatened misappropriation may be enjoined. Upon application to the court, an injunction shall be terminated when the trade secret has ceased to exist, but the injunction may be continued for an additional reasonable period of time in order to eliminate commercial advantage that otherwise would be derived from the misappropriation.

(2) If the court determines that it would be unreasonable to prohibit future use, an injunction may condition future use upon payment of a reasonable royalty for no longer than the period of time the use could have been prohibited.

(3) In appropriate circumstances, affirmative acts to protect a trade secret may be compelled by court order.

NEW SECTION. Sec. 3. (1) In addition to or in lieu of injunctive relief, a complainant may recover damages for the actual loss caused by misappropriation. A complainant also may recover for the unjust enrichment caused by misappropriation that is not taken into account in computing damages for actual loss.

(2) If wilful and malicious misappropriation exists, the court may award exemplary damages in an amount not exceeding twice any award made under subsection (1).

NEW SECTION. Sec. 4. If a claim of misappropriation is made in bad faith, a motion to terminate an injunction is made or resisted in bad faith, or wilful and malicious misappropriation exists, the court may award reasonable attorney's fees to the prevailing party.

NEW SECTION. Sec. 5. In an action under this chapter, a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include granting protective orders in connection with discovery proceedings, holding in-camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval.

NEW SECTION. Sec. 6. An action for misappropriation must be brought within three years after the misappropriation is discovered or by the exercise of reasonable diligence should have been discovered. For the purposes of this section, a continuing misappropriation constitutes a single claim.

NEW SECTION. Sec. 7. (1) This chapter displaces conflicting tort, restitutionary, and other law of this state pertaining to civil liability for misappropriation of a trade secret.

(2) This chapter does not affect:

(a) Contractual or other civil liability or relief that is not based upon misappropriation of a trade secret; or

(b) Criminal liability for misappropriation of a trade secret.

NEW SECTION. Sec. 8. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 9. This chapter may be known and cited as the uniform trade secrets act.

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.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 12. This chapter takes effect on January 1, 1982, and does not apply to misappropriation occurring prior to the effective date.

Passed the Senate February 24, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 287

[Senate Bill No. 3796]

CLASS J WINE LICENSE—SOCIETIES, ORGANIZATIONS—PACKAGE SALES

AN ACT Relating to intoxicating liquor; amending section 9, chapter 178, Laws of 1969 ex. sess. as amended by section 18, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24-.500; adding a new section to chapter 66, Laws of 1933 ex. sess. and to chapter 66.24 RCW; providing an effective date; and declaring an emergency.

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

Section 1. Section 9, chapter 178, Laws of 1969 ex. sess. as amended by section 18, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.500 are each amended to read as follows:

There shall be a wine retailer's license to be designated as class J; a special license to a society or organization to sell wine at special occasions at a specified date and place; fee ten dollars per day. Sale, service, and consumption of wine is to be confined to specified premises or designated areas only: PROVIDED, That a holder of a class J license shall be permitted to sell to members and guests in attendance at the special occasion limited

quantities of wine in unopened bottles and original packages, not to be consumed on the premises where sold, by paying an additional fee of ten dollars per day: PROVIDED FURTHER, That no more than two class J licenses shall be issued to any one nonprofit organization during the calendar year. The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying out the provisions of this section.

NEW SECTION. Sec. 2. There is added to chapter 66, Laws of 1933 ex. sess. and to chapter 66.24 RCW a new section to read as follows:

"Society or organization" as used in RCW 66.24.380 and 66.24.500 and "nonprofit organization" as used in RCW 66.24.510 means a not-for-profit group organized and operated solely for charitable, religious, social, political, educational, civic, fraternal, athletic, or benevolent purposes. No portion of the profits from events sponsored by a not-for-profit group may be paid directly or indirectly to members, officers, directors, or trustees except for services performed for the organization. Any compensation paid to its officers and executives must be only for actual services and at levels comparable to the compensation for like positions within the state. A society or organization which is registered with the secretary of state or the federal internal revenue service as a nonprofit organization may submit such registration as proof that it is a not-for-profit group.

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 July 1, 1981.

Passed the Senate April 26, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 288

[Engrossed Substitute Senate Bill No. 3655]

REAPPORTIONMENT AND REDISTRICTING

AN ACT Relating to reapportionment and redistricting; adding a new chapter to Title 29 RCW; adding a new chapter to Title 44 RCW; creating new sections; repealing sections 1 through 8, chapter 152, Laws of 1965 ex. sess. (decodified); repealing sections 1 through 54, chapter 6, Laws of 1965 (decodified); repealing sections 56 through 58, chapter 6, Laws of 1965 (decodified); repealing section 55, chapter 6, Laws of 1965 and RCW 44.07.540; repealing section 1, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.001; repealing section 2, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.005; repealing section 3, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.030; repealing section 4, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.040; repealing section 5, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.050; repealing section 6, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.060; repealing section 7, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.130; repealing section 8, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.140; repealing section 9, chapter 123, Laws of 1974 ex. sess. and RCW

44.07A.230; repealing section 10, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A-.260; repealing section 11, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.270; repealing section 12, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.900; and declaring an emergency.

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

NEW SECTION. Section 1. It is the intent of the legislature to reapportion and redistrict the congressional and legislative districts of the state of Washington in accordance with the Constitution and laws of the United States and the state of Washington. It is the intent to encompass within each congressional and legislative district, as nearly as practicable, an equal number of state inhabitants as enumerated in the 1980 federal decennial census.

NEW SECTION. Sec. 2. In every case the population of the congressional and legislative districts created has been ascertained on the basis of the total number of persons found inhabiting such areas as of April 1, 1980, under the 1980 federal decennial census. The legislature hereby declares that no practical means have been found to more accurately determine the population inhabiting such areas other than through the 1980 federal decennial census data.

NEW SECTION. Sec. 3. The legislature finds that the 1980 federal decennial census specifically excluded transient military personnel from the count of Washington state inhabitants and hereby declares that such exclusion is proper, necessary, and sufficient to meet the requirements of Article I, section 2 of the United States Constitution and Article II, section 3 of the Washington state Constitution.

NEW SECTION. Sec. 4. As a matter of state policy, the legislature hereby declares that legislative district division shall be determined by the legislature with the restriction that the Cascade mountains shall be recognized as a natural barrier, and no district may cross said barrier, except in the case of Skamania county. Skamania county crosses the Cascade mountains with its population mainly oriented towards the Columbia river.

NEW SECTION. Sec. 5. (1) Any area not specifically included within the boundaries of any of the districts as described in this chapter and which is completely surrounded by a particular district, shall be a part of that district. Any such area not completely surrounded by a particular district shall be a part of the district having the smallest number of inhabitants and having territory contiguous to such area.

(2) Any area described in this chapter as specifically embraced in two or more noninclusive districts shall be a part of the adjacent district having the smallest number of inhabitants and shall not be a part of the other district or districts.

(3) Any area specifically mentioned as embraced within a district but separated from such district by one or more other districts, shall be assigned as though it had not been included in any district specifically described.

(4) The 1980 United States federal decennial census shall be used for determining the number of inhabitants under this chapter.

(5) If any court of competent jurisdiction requires transient military personnel that were not included in the United States census bureau data to be included, these persons shall be included in the population of the district or districts from which the persons were excluded.

NEW SECTION. Sec. 6. For the purposes of this chapter, districts shall be described in terms of:

(1) Official United States census bureau tracts, enumeration districts, block numbering areas, block groups, blocks, or county census divisions established by the United States bureau of the census in the 1980 federal decennial census;

(2) Counties, municipalities, or other political subdivisions or parts of political subdivisions as they existed on April 1, 1980;

(3) Any natural or artificial boundaries or monuments including but not limited to rivers, streams, or lakes as they existed on April 1, 1980;

(4) Legal descriptions used to describe real property including "section", "range", and "township";

(5) Roads, streets, or highways as they existed on April 1, 1980; or

(6) Standard surveying terminology including latitude, longitude, compass direction, and metes and bounds.

NEW SECTION. Sec. 7. The following abbreviations used in this chapter have the following meanings:

(1) "T" means "census tract";

(2) "ED" means "census enumeration district";

(3) "BG" means "census block group";

(4) "B" means "block";

(5) "BNA" means "block numbering area"; and

(6) "Division" or "div." means "county census division".

NEW SECTION. Sec. 8. For election of members of the legislature, the territory of the state shall be divided into fifty-one legislative districts and forty-nine senatorial districts described in this chapter.

NEW SECTION. Sec. 9. All legislative districts shall be two-member representative districts, except districts 19-A, 19-B, 39-A, and 39-B which shall be single member representative districts to provide better representation by protecting the community of interest in rural and urban areas in these districts.

NEW SECTION. Sec. 10. The First legislative district shall consist of the following areas:

In King County:

T 3

T 4 (part: BG 1, B 202, 203, 217-219, 221-223, BG 3-7)

- T 5
- T 6 (part: BG 1-4, B 502, 517, 519, 520, and those parts of B 521 west of Interstate 5)
- T 12 (part: B 405-410, and those parts of B 417 north of NE 107th St.)
- T 201
- T 202
- T 203
- T 204
- T 205
- T 206
- T 207
- T 208
- T 209
- T 210
- T 211 (part: BG 1, B 201-207, 311, BG 4, 5)
- T 214
- T 215
- T 216
- T 217 (part: BG 1, B 201-207)
- T 221 (part: B 104-106, 201-203, BG 3, 4, and the parts of B 112 west of 75th Ave. NE and extension thereof)
- T 223 (part: B 906, 920, and parts of B 918 and 921 north of NE 132nd St. and extension thereof)

In Snohomish County:

- T 513 (part: B 305, 306, 317)

NEW SECTION. Sec. 11. The Second legislative district shall consist of the following areas:

In Pierce County:

- T 701 (part: ED 254, 256)
- T 702 (part: that part of B 426 that is in the town of Orting)
- T 704 (part: B 113-121, BG 2, ED 263, 264)
- T 713.01 (part: B 208-211)
- T 713.02 (part: B 301, 302, 305)
- T 714.01
- T 714.02
- T 715.02 (part: BG 3)
- T 728
- T 729
- T 730
- T 731.01 (part: B 108-128, 130-150, 158, 159, ED 301)
- T 731.02

T 732

In Thurston County:

T 125 (part: ED 153, 156, and those parts of ED 157T, 157U, and 158 east of the line dividing Range 1W and Range 1E)

NEW SECTION. Sec. 12. The Third legislative district shall consist of the following areas:

In Spokane County:

T 1

T 2

T 3

T 4

T 10 (part: B 226, 228, BG 3, 4, B 501-519)

T 12

T 13

T 14

T 15

T 16

T 17

T 18

T 19

T 20

T 21

T 22

T 23

T 24

T 25

T 26

T 27

T 28

T 33

T 34

T 35

T 36

T 38

T 113 (part: all west of Thierman Road and extension)

T 122

NEW SECTION. Sec. 13. The Fourth legislative district shall consist of the following areas:

In Spokane County:

T 101
T 113 (part: all east of Thierman Road and extension)
T 114
T 115
T 116
T 117
T 118
T 119
T 120
T 121
T 124
T 125
T 126
T 127.01
T 127.02
T 128.01
T 128.02
T 129.01
T 129.02
T 130
T 131
T 132.01
T 132.02
T 133
T 143

NEW SECTION. Sec. 14. The Fifth legislative district shall consist of the following areas:

In Spokane County:

T 5
T 6
T 7
T 8
T 9
T 10 (part: all not included in the Third legislative district)
T 11
T 102
T 103.02 (part: all except ED 42 and 43)
T 104.01
T 104.02
T 105.01
T 105.02
T 106

- T 107
- T 108
- T 109
- T 110
- T 111
- T 112.01
- T 112.02
- T 136
- T 137

NEW SECTION. Sec. 15. The Sixth legislative district shall consist of the following areas:

In Spokane County:

- T 29
- T 30
- T 31
- T 32
- T 39
- T 40
- T 41
- T 42
- T 43
- T 44
- T 45
- T 46
- T 47
- T 123
- T 134.01
- T 134.02
- T 135
- T 138
- T 139
- T 140.01
- T 140.02
- T 141
- T 142

NEW SECTION. Sec. 16. The Seventh legislative district shall consist of the following areas:

- All of Lincoln County
- All of Ferry County
- All of Pend Oreille County
- All of Stevens County

In Spokane County:

T 103.01

T 103.02 (part: ED 42, 43)

In Okanogan County:

That portion of Okanogan County not included in the Twelfth legislative district

NEW SECTION. Sec. 17. The Eighth legislative district shall consist of the following areas:

In Benton County:

Benton City Division

Federal Reservation Division

Richland city

West Richland city

T 102 (part: except Richland city)

T 107 (part: except West Richland city)

T 108.02

T 109

T 110

T 111

T 112

T 113

T 114 (part: BG 1, 2, B 301–318, the part of B 319 in the city of Kennewick, B 323, 324, 401–404)

T 118 (part: ED 128)

NEW SECTION. Sec. 18. The Ninth legislative district shall consist of the following areas:

All of Asotin County

All of Columbia County

All of Garfield County

All of Whitman County

In Franklin County:

T 202 (part: BG 2, 3)

T 203

T 206

T 208

In Adams County:

Lind–Washtucna Division

Ritzville Division

ED 12

ED 13

ED 15

NEW SECTION. Sec. 19. The Tenth legislative district shall consist of the following areas:

All of Island County

In Skagit County:

- ED 1
- ED 2
- ED 3
- ED 4
- ED 5
- ED 6
- ED 7
- ED 8
- ED 9
- ED 10
- ED 11
- ED 25
- ED 28
- ED 29
- ED 30
- ED 36
- ED 37
- ED 38
- ED 39

In Snohomish County:

- T 530
- T 531
- T 532
- T 533
- T 534
- T 535.01 (part: B 101-114, 119-123, BG 2, 3, B 401, 403-415, BG 5)
- T 535.02
- T 537

NEW SECTION. Sec. 20. The Eleventh legislative district shall consist of the following areas:

In King County:

- T 118 (part: BG 2, 3, B 401-403, and those parts of B 114 south of Rainier Ave. So. as extended eastward)
- T 119
- T 252

- T 253
- T 254
- T 255
- T 256
- T 257 (part: BG 2, 3, B 901-911, and those parts of B 101, 102, and 912 within the city of Renton)
- T 258.01
- T 258.02 (part: BG 2, B 103-113, 301-304, 307-319, BG 4, and those parts of B 101, 102, and 912 west of 128th Ave. SE and extension thereof)
- T 259
- T 260.01
- T 260.02
- T 261
- T 262
- T 263 (part: BG 1-3, those parts of B 913 and 914 south of So. 103rd St.)
- T 264 (part: B 108-111, BG 2, 302-309, 401, 405, 412, 414, 501, 502, 504, 506, 508, and those parts of B 301, 310, and 415 south of So. 104th St. and extension thereof)
- T 269
- T 270 (part: BG 1, 2)
- T 271
- T 272
- T 292.01
- T 292.02
- T 293.01 (part: BG 9)
- T 293.02 (part: B 302-312, 910, 911)

NEW SECTION. Sec. 21. The Twelfth legislative district shall consist of the following areas:

- All of Chelan County
- All of Douglas County

In Grant County:

- Grand Coulee Division
- Coulee City Division

In Okanogan County:

- Methow Valley Division
- Early Winters Division
- Brewster-Wakefield Division

In Kittitas County:

- Cle Elum Division
- Nanuem Division (part: ED 226)

NEW SECTION. Sec. 22. The Thirteenth legislative district shall consist of the following areas:

In Kittitas County:

- All of Kittitas County except Cle Elum Division and ED 226 of Naneum Division)

In Grant County:

- All Grant County except that part included in the Twelfth legislative district

In Yakima County:

- T 16
- T 17 (part: ED 552, 553)
- T 29 (part: ED 565, 570, 571)
- T 30 (part: ED 554, 555, 556, 557A, 557B, 558-561)

In Adams County:

- Town of Othello
- ED 14
- ED 16

NEW SECTION. Sec. 23. The Fourteenth legislative district shall consist of the following areas:

In Yakima County:

- T 1
- T 2
- T 3
- T 4
- T 5
- T 6
- T 7
- T 8
- T 9
- T 10
- T 11
- T 12
- T 13
- T 28
- T 29 (part: ED 568, 569, 572, 677, BG 1)
- T 30 (part: ED 562, 563)

T 31

T 32

NEW SECTION. Sec. 24. The Fifteenth legislative district shall consist of the following areas:

In Benton County:

T 116 (part: ED 143)

T 117

T 118 (part: ED 129, 130, 131A, 132A)

In Yakima County:

T 14

T 15

T 17 (part: all except ED 552 and 553)

T 18

T 19

T 20

T 21

T 22

T 23

T 24

T 25

T 26

T 27

NEW SECTION. Sec. 25. The Sixteenth legislative district shall consist of the following areas:

All of Walla Walla County

In Franklin County:

T 201

T 202 (part: BG 1)

T 204

T 205

T 207

In Benton County:

T 108.01

T 114 (part: that part of B 319 outside the city of Kennewick, B 320-322, 325-332, 405-414, 416-421)

T 115.01

T 115.02

T 116 (part: ED 142)

NEW SECTION. Sec. 26. The Seventeenth legislative district shall consist of the following areas:

All of Klickitat County

All of Skamania County

In Clark County:

T 405.02

T 405.03

T 406

T 407.01

T 407.02 (part: B 206, 504, 604-606)

T 408.02 (part: B 104, 120-125, BG 2-4)

T 411.04

T 413.01

T 413.02

T 413.03

T 414

T 415

Any parts of the following that are not otherwise specifically described in this section:

Sections 1, 2, 12 of Township 2N, Range 4E

Sections 1-3, 10-16, 21-27, 29, 30, 35, 36 of Township 3N, Range 4E

Sections 25, 26, 35, 36 of Township 4N, Range 4E

NEW SECTION. Sec. 27. The Eighteenth legislative district shall consist of the following areas:

In Cowlitz County:

T 2

T 10

T 11

T 12

T 13

T 14

T 15

T 16

T 17

T 18

T 20

In Clark County:

All parts not designated as part of the Forty-ninth legislative district or part of the Seventeenth legislative district

NEW SECTION. Sec. 28. Legislative district 19-A shall consist of the following areas:

In Wahkiakum County:

Cathlamet–Elochoman Division (part: ED 1T, ED 4U)

In Cowlitz County:

T 1

T 3

T 4

T 5

T 6

T 7

T 8

T 9

T 19

NEW SECTION. Sec. 29. Legislative district 19–B shall consist of the following areas:

All of Pacific County

All of Wahkiakum County except Cathlamet–Elochoman Division (part: ED 1T, ED 4U)

In Grays Harbor County:

Westport City

Aberdeen City

ED 687

ED 688A

Any parts of the following that are not otherwise specifically described in this section:

Sections 17–22, 27–30, 32–34 of Township 17N, Range 9W

Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 31–34 of Township 16N, Range 9W

Sections 3–10 of Township 15N, Range 9W

NEW SECTION. Sec. 30. The Twentieth legislative district shall consist of the following areas:

All of Lewis County

In Thurston County:

T 105 (part: all that is not included in the Twenty–second legislative district)

T 108

T 109

T 110

T 118

T 126 (part: ED 160A west of Range 1E and south of line dividing sections 24 and 25 of Township 16N, Range 1W, and

that part of ED 161 west of Range 1W, and the town of Bucoda)

T 127

NEW SECTION. Sec. 31. The Twenty-first legislative district shall consist of the following areas:

In Snohomish County:

T 418.02 (part: B 314, 316-320, BG 4, B 501)

T 419 (part: BG 3 and the part of B 902 south of 121st SW, Beverly Park Road, and 112th SW)

T 420

T 501

T 502

T 503

T 504.01

T 504.02

T 505

T 505.99

T 506

T 507

T 508

T 509

T 514

T 515

T 516

T 517

T 518

NEW SECTION. Sec. 32. The Twenty-second legislative district shall consist of the following areas:

In Thurston County:

T 101

T 102

T 103

T 104

T 105 (part: East of Percival St. and extension thereof and north of 8th Ave. West and extension thereof)

T 106

T 107

T 111

T 112

T 113

T 114

T 115

T 116

T 117

T 120

T 121

T 122

T 123

T 124

T 126 (part: all that is not included in the Twentieth legislative district)

NEW SECTION. Sec. 33. The Twenty-third legislative district shall consist of the following areas:

In Kitsap County:

T 801

T 802

T 803

T 804

T 806

T 807

T 808

T 901

T 902

T 903

T 904

T 905

T 906

T 907

T 908

T 909

T 910

T 911

T 912

T 914

T 915

T 916

T 917

T 918

T 919

NEW SECTION. Sec. 34. The Twenty-fourth legislative district shall consist of the following areas:

All of Clallam County

All of Jefferson County

In Grays Harbor County:

Quinault Reservation Division

Hoquiam City

ED 663A

ED 663B

ED 664A

ED 664B

ED 664C

ED 665 (part: all west of Range 8W)

ED 669 (part: all west of Hoquiam River)

ED 670

ED 682

ED 683

ED 684

NEW SECTION. Sec. 35. The Twenty-fifth legislative district shall consist of the following areas:

In Pierce County:

T 702 (part: ED 257, 260)

T 703.01

T 703.02

T 704 (part: B 101-112, 154)

T 705

T 706

T 707.01 (part: that part within the city of Sumner)

T 710

T 711

T 712.01

T 712.02

T 713.01 (part: BG 1, B 201-207, BG 6)

T 713.02 (part: B 306, 308-320, BG 4, 5)

T 716 (part: BG 2, 3, B 416, 417, 419, 420, 422-426, and that part of BG 1 outside the city of Tacoma)

T 731.01 (part: B 102-107, 155, 156)

T 733

T 734.01

T 734.02

NEW SECTION. Sec. 36. The Twenty-sixth legislative district consists of the following areas:

In Kitsap County:

T 921

T 922

T 923

T 924

T 925

T 926

T 927

T 928

T 929

In Pierce County:

T 603 (part: BG 1)

T 609.01 (part: BG 6, 7)

T 609.02 (part: BG 5-7)

T 610 (part: B 102-107, 111-114, 116, 117, 120-125, BG 2-4)

T 708 (part: B 217)

T 723.01 (part: the part of B 533 in the city of Tacoma)

T 723.03 (part: BG 1, 7, and the parts of B 522 and 601 in the city of Tacoma)

T 724.01

T 724.02

T 725

T 725.99

T 726

T 727

NEW SECTION. Sec. 37. The Twenty-seventh legislative district shall consist of the following areas:

In Pierce County:

- T 602
- T 602.99
- T 603 (part: BG 2)
- T 604
- T 605
- T 606
- T 607
- T 608
- T 609.01 (part: BG 1-3)
- T 609.02 (part: BG 3, 4)
- T 610 (part: B 101)
- T 612
- T 613
- T 614
- T 615
- T 616.01
- T 616.02
- T 617
- T 620
- T 621
- T 622
- T 623
- T 633
- T 707.02 (part: B 304-306, 320, 322-325, 327, 329, BG 5-7, and the parts of BG 3 and 4 in the cities of Fife and Milton)
- T 708 (part: B 202-212, 214, 215, 220-222, 224, 225, and that part of B 223 south of the extension of 55th Street NE)
- T 709 (part: B 107, 108, 110-112, 114-121, BG 2, 3, and those parts of B 101, 104, and 106 south of the extension of 4th Street Court NE)
- T 716 (part: the part of B 110 in the city of Tacoma)
- T 735

NEW SECTION. Sec. 38. The Twenty-eighth legislative district shall consist of the following areas:

In Pierce County:

- T 718.01
- T 718.02
- T 719.01
- T 719.02
- T 720
- T 721.02
- T 721.03

T 721.04

T 723.01 (part: that part within the town of Fircrest and outside the city of Tacoma)

T 723.03 (part: those parts of BG 2–4 in the city of Tacoma, and those parts of BG 5 and 6 outside the city of Tacoma)

T 723.04

NEW SECTION. Sec. 39. The Twenty–ninth legislative district shall consist of the following areas:

In Pierce County:

T 611

T 618

T 619

T 624

T 625

T 626

T 627

T 628

T 629

T 630

T 631

T 632

T 634

T 635

T 713.02 (part: B 304)

T 715.01

T 715.02 (part: BG 1, 2, 4–8)

T 716 (part: B 401–415)

T 717

NEW SECTION. Sec. 40. The Thirtieth legislative district shall consist of the following areas:

In King County:

T 277.01

T 277.02

T 298.02 (part: B 208, 209, BG 3, 4, B 501–506, 508, 510, 511, 513, 515, and the part of B 512 west of 50th Ave. So. and extension thereof)

T 299 (part: B 102–118, 120–124, BG 2, and the parts of B 101 and 119 outside the city of Auburn)

T 300.01 (part: BG 2, B 402–409, 422–426, and the part of B 123 south of So. 272nd St.)

T 300.02

T 301

- T 302.01
- T 302.02
- T 303.01
- T 303.02
- T 303.03
- T 303.04
- T 304 (part: BG 1, B 228, 229, 231–234, BG 3, 4, 5, and the part of B 230 outside the cities of Auburn and Algona)

In Pierce County:

- T 601
- T 707.01 (part: outside the city of Sumner)
- T 707.02 (part: B 301, 302, 308–310, 312, 321, 326, and those parts of B 311, 313, 405 and 415 outside the city of Milton)
- T 708 (part: BG 1, B 201, 216, and that part of B 223 north of the extension of 55th Street NE)
- T 709 (part: B 105, and those parts of B 101, 104, and 106 north of the extension of 4th St. Court NE)

NEW SECTION. Sec. 41. The Thirty-first legislative district shall consist of the following areas:

In King County:

- T 295 (part: B 104–108, BG 2, B 901–909)
- T 296
- T 297
- T 298.02 (part: B 507, 509, and the part of B 512 east of 50th Ave. So. and extension thereof)
- T 299 (part: the parts of B 101 and 119 in the city of Auburn)
- T 304 (part: the part of B 230 in the cities of Auburn and Algona)
- T 305
- T 306
- T 307
- T 308
- T 309
- T 310
- T 311
- T 312.01
- T 312.02
- T 313
- T 314
- T 315
- T 316
- T 330

T 331

In Pierce County:

T 701 (part: ED 250–253, 255A, 255B)

T 702 (part: BG 1, 2, and that part of BG 4 outside the city of Orting, ED 258, 259, 261, 262A, 262B, 262C)

NEW SECTION. Sec. 42. The Thirty-second legislative district shall consist of the following areas:

In King County:

T 4 (part: B 207, 208, 211, 212, 220)

T 12 (part: B 417 south of NE 107th St.)

T 13

T 17 (part: BG 1, 2, 3, B 605–617, BG 7)

T 18

T 19 (part: B 205–212, 309–312, 401–403, 415)

T 20 (part: B 214, 301–304)

T 26 (part: B 311–317, BG 4, 5)

T 27

T 28

T 29

T 30

T 31 (part: B 101–105, 108–112, 201–205, 208–211, 301–310)

T 33

T 34

T 35

T 36

T 44 (part: BG 4–6)

T 45

T 46

T 47

T 48

T 49

T 50

T 51

T 52

T 53.01 (part: BG 2)

T 54

NEW SECTION. Sec. 43. The Thirty-third legislative district shall consist of the following areas:

In King County:

- T 273
- T 274 (part: BG 1, 2, B 301-306, 308, BG 6)
- T 278
- T 279 (part: B 115-118, BG 2-5, B 601-606)
- T 280
- T 281
- T 282
- T 283 (part: BG 1, 2, the part of B 901 west of Andover Park E and extension thereof, B 905-915, 918, 919)
- T 284.01
- T 284.02
- T 284.03
- T 285
- T 286
- T 287
- T 288.01
- T 288.02
- T 289
- T 290
- T 291
- T 298.01
- T 298.02 (part: B 203, 205, 206)
- T 300.01 (part: B 102-120, 416-422, and the part of B 123 north of So. 272nd St.)

NEW SECTION. Sec. 44. The Thirty-fourth legislative district shall consist of the following areas:

In King County:

- T 96
- T 97
- T 98
- T 99 (part: B 214-216, 220-221, BG 3, 4, B 510-513, 521, 527-532, 534-540, 552-553, BG 6, and the part of B 503 west of Chelan Ave. SW and extension thereof)
- T 105
- T 106
- T 107 (part: B 102, 103, 106-111 BG 2-7)
- T 108 (part: B 305-312)
- T 114 (part: B 111, 113-115, 201-207, 306-315, 403, 404, 406, 410-419, BG 5, and the part of B 408 west of Delridge Way SW)
- T 115
- T 116

T 120
T 121
T 266
T 267
T 268 (part: B 207-210, BG 3-6, 701-705)
T 270 (part: BG 3)
T 274 (part: B 307, BG 4, 5)
T 275
T 276
T 279 (part: B 101-114, 607-617, BG 7)

NEW SECTION. Sec. 45. The Thirty-fifth legislative district shall consist of the following areas:

All of Mason County

In Kitsap County:

T 805
T 809
T 810
T 811
T 812
T 813
T 814
T 814.99
T 913
T 920

In Thurston County:

T 119

In Grays Harbor County:

BNA 9901
BNA 9902
BNA 9909
ED 650
ED 651A
ED 651B
ED 652A
ED 653
ED 654
ED 655
ED 656
ED 657
ED 658
ED 659

ED 660
ED 661A
ED 661B
ED 667
ED 668
ED 669
ED 675
ED 676
ED 677
ED 678
ED 679
ED 680
ED 681
ED 689

NEW SECTION. Sec. 46. The Thirty-sixth legislative district shall consist of the following areas:

In King County:

T 14
T 15
T 16
T 17 (part: BG 4, 5, B 601-604)
T 31 (part: B 106, 107, 206, 207, 311, 312, BG 4-8)
T 32
T 32.99
T 55
T 56
T 57
T 57.99
T 58.01
T 58.02
T 58.99
T 59
T 60
T 67
T 68
T 69
T 70
T 71
T 72
T 80
T 81 (part: BG 1, B 201, 202, 215-218, 314-322, BG 4)
T 82
T 83

NEW SECTION. Sec. 47. The Thirty-seventh legislative district shall consist of the following areas:

In King County:

- T 78 (part: B 106, 112, 120, 126, BG 2, 3, 4, 5)
- T 89 (part: BG 1, 2, 3, B 401-408)
- T 93 (part: B 113, 114, 127, 128, BG 2-7, B 809, 810, 813, 814, 822, 841-845, 848, 849, 852, and the parts of B 112, 120, 126, 803, 815 and 847 that are south of So. Atlantic St. and extension thereof)
- T 93.99
- T 94 (part: B 108, 109, 112-118, 121-124, BG 2-4, B 518, 519, 522-526, 601, 602, 605-607, and the parts of B 527 and 608 that are south of So. Atlantic St. and extension thereof)
- T 95
- T 99 (part: BG 1, B 201-210, 217, 218, 222-227, 533, and the part of B 503 east of Chelan Ave. SW and extension thereof)
- T 99.99
- T 100
- T 101
- T 102
- T 103
- T 104
- T 107 (part: B 101, 104)
- T 108 (part: BG 1, 2, B 301-304, 315)
- T 109
- T 110
- T 111
- T 112
- T 113
- T 114 (part: B 102, 104-109, 112, 116, 208-218, 301-304, 316, 318-320, 401, 402, 407, and the part of B 408 east of Delridge Way SW)
- T 117
- T 118 (part: B 102-113, 117, 404-417, BG 5, 6, and the part of B 114 north of Rainier Ave. So. extended eastward)
- T 263 (part: B 903, 904, 906, 909-912, 915 and the parts of B 913 and 914 North of So. 103rd St.)
- T 264 (part: B 102-104, 112, 409-411, 413, BG 5, and the parts of B 301, 310, and 415 north of So. 104th St. and extension thereof)
- T 265
- T 268 (part: BG 1, B 201-206, 706-712, BG 8)

NEW SECTION. Sec. 48. The Thirty-eighth legislative district shall consist of the following areas:

In Snohomish County:

- T 401
- T 402
- T 403
- T 404
- T 405
- T 406
- T 407
- T 408
- T 409
- T 410
- T 411
- T 412
- T 413
- T 414
- T 419 (part: BG 1, 2, B 904-908, 918, and that part of B 902 north of 121st SW, Beverly Park Road, and 112th SW)
- T 521.01 (part: all north of extension of 68th St. SE)
- T 527
- T 528.01
- T 528.02
- T 529.01
- T 529.02
- T 535.01 (part: B 115, 117, 118, 416-425)

NEW SECTION. Sec. 49. Legislative district 39-A shall consist of the following areas:

In Snohomish County:

- T 415
- T 416.01
- T 416.02 (part: all parts north of 124th St. SE)
- T 417 (part: all parts north of the extension of 108th St. SE)
- T 418.01
- T 521.01 (part: all parts west of the Woodinville highway)
- T 523
- T 524
- T 525
- T 526

NEW SECTION. Sec. 50. Legislative district 39-B shall consist of the following areas:

In Snohomish County:

- T 416.02 (part: all area not included in legislative district 39-A)
- T 417 (part: all area north of 148th St. SE not included in legislative district 39-A)
- T 418.02 (part: B 305-308, 310-313, 315, BG 9)
- T 519.04 (part: BG 2, B 114-117, 120, 915-918, and the part of B 724 east of the extension of 45th Avenue S.E.)
- T 520 (part: all parts north of 148th St. SE and east of 35th Ave. SE)
- T 521.01 (part: all area not included in legislative district 39-A)
- T 521.02
- T 521.03
- T 522.01
- T 522.02
- T 536
- T 538

NEW SECTION. Sec. 51. The Fortieth legislative district shall consist of the following areas:

All of San Juan County

All of Skagit County except that area designated as being in the Tenth legislative district

In Whatcom County:

- T 8 (part: ED 187, BG 3, B 235)
- T 9 (part: B 102, 117-125, and the part of B 126 outside city of Bellingham, B 129-156)
- T 10
- T 11
- T 12

NEW SECTION. Sec. 52. The Forty-first legislative district shall consist of the following areas:

In King County:

- T 234.02 (part: BG 5, B 421)
- T 235
- T 238.01
- T 238.02
- T 239
- T 240 (part: B 308-314, BG 4, 5, B 601-603, and the part of B 604 south of NE 12th St. and extension thereof)
- T 243
- T 244
- T 245

- T 246
- T 247
- T 248
- T 249
- T 250
- T 251
- T 319.01 (part: BG 1-4, B 904, 930, 931)
- T 321.01

NEW SECTION. Sec. 53. The Forty-second legislative district shall consist of the following areas:

In Whatcom County:

- T 1
- T 2
- T 3
- T 4
- T 4.99
- T 5
- T 6
- T 7
- T 8 (part: BG 1, B 201-234, ED 186, 188)
- T 9 (part: B 101, 103-116, 127, and the part of B 126 in the city of Bellingham)
- T 101
- T 102
- T 103
- T 104
- T 105
- T 106
- T 107
- T 108
- T 109

NEW SECTION. Sec. 54. The Forty-third legislative district shall consist of the following areas:

In King County:

- T 53.01 (part: BG 3, 4)
- T 53.02
- T 61
- T 62
- T 63
- T 64
- T 65
- T 66

- T 66.99
- T 73
- T 74
- T 75
- T 76
- T 77
- T 78 (part: BG 6, 7, B 103, 110, 117, 121–125)
- T 79
- T 81 (part: B 203–214, 219–222, 301–313)
- T 84
- T 85
- T 86
- T 87
- T 88
- T 89 (part: B 101, 111, 112, 114, 120, 121, 126, 127–132, 210, 218, 221, 411–415, BG 5, 6)
- T 90
- T 91
- T 92
- T 93 (part: B 103–111, 125, 804, 812, 816–821, 823–840, 853, 854 and the parts of B 112, 120, 126, 803, 815, 847 north of So. Atlantic St. and extension thereof)
- T 94

NEW SECTION. Sec. 55. The Forty–fourth legislative district shall consist of the following areas:

In King County:

- T 217 (part: B 208–214)
- T 218
- T 219.01
- T 220.01
- T 220.02 (part: BG 1, B 204, 206–208, 219–221)
- T 221 (part: B 103, 107–111, 113, 204–206, and the part of B 112 east of 75th Ave. NE and extension thereof)
- T 222 (part: BG 1, B 212, 320, BG 4, 5)

In Snohomish County:

All Snohomish County that is not included in legislative districts 1, 10, 21, 38, 39–A, or 39–B

NEW SECTION. Sec. 56. The Forty–fifth legislative district shall consist of the following areas:

In King County:

- T 219.02
- T 220.02 (part: B 209–213, 215, 222–225, BG 3, 4, 9)
- T 222 (part: B 206–211, 213–218, 302–319, 321)
- T 223 (part: B 908–917, 919, and the parts of B 918 and 921 south of NE 132nd St. and extension thereof)
- T 224
- T 225
- T 226.01
- T 226.02 (part: B 908–912)
- T 323.01
- T 323.02
- T 323.03
- T 323.04 (part: BG 1, B 924–964, ED 11, 13)
- T 324
- T 325
- T 326
- T 327
- T 328
- T 329

NEW SECTION. Sec. 57. The Forty-sixth legislative district shall consist of the following areas:

In King County:

- T 1
- T 2
- T 6 (part: B 509–513, 515, 516, 518, BG 6, and the parts of B 521 east of Interstate 5)
- T 7
- T 8
- T 9
- T 10
- T 11
- T 12 (part: BG 1–3, B 401, 413, 416, 418, 419)
- T 19 (part: BG 1, B 201–204, 301–303, 306, 308, 313–319, 409, 413, 414, 416, 417)
- T 20 (part: BG 1, B 201–213, 305–312, BG 4)
- T 21
- T 22
- T 23
- T 24
- T 25
- T 26 (part: BG 1, 2, B 301–310)
- T 37

T 38
T 39
T 40
T 41
T 42
T 43
T 44 (part: BG 1-3)
T 53.01 (part: BG 1)
T 211 (part: B 208, 209, 301-310)
T 212
T 213

NEW SECTION. Sec. 58. The Forty-seventh legislative district shall consist of the following areas:

In King County:

T 257 (part: B 103-109, BG 4, and the parts of B 101, 102, and 912 outside the city of Renton)
T 258.02 (part: B 305, 306, 902, 903, 904, 913, and the parts of B 101, 102, and 912 east of 128th Ave. SE and extension thereof)
T 293.01 (part: BG 1, 2, 5)
T 293.02 (part: B 301, BG 4, B 903, 907, 915-931)
T 294.01
T 294.02
T 295 (part: B 101, 102, 910, 911)
T 317.01
T 317.02
T 318
T 319.01 (part: BG 6, B 918, 933-937)
T 319.02
T 320.01
T 320.02
T 320.03
T 321.02
T 322.01
T 322.02
T 323.04 (part: ED 12, and the part of B 966 east of the extension of 220th Ave. NE)
T 323.05

NEW SECTION. Sec. 59. The Forty-eighth legislative district shall consist of the following areas:

In King County:

- T 226.02 (part: BG 1, 4, B 906, 907)
- T 227
- T 228
- T 229
- T 230
- T 231
- T 232
- T 233
- T 234.01
- T 234.02 (part: B 403-405, 409-413, 415-420)
- T 236
- T 237
- T 240 (part: BG 1, 2, B 301-303, 315-318, 605-616, BG 7, and the part of B 604 north of NE 12th St. and extension thereof)
- T 241
- T 242

NEW SECTION. Sec. 60. The Forty-ninth legislative district shall consist of the following areas:

In Clark County:

- T 404.01 (part: B 116, 118, 119, and the part of B 120 south of the extension of 139th St.)
- T 408.01
- T 408.02 (part: B 126-129, and the part of B 130 south of the extension of 139th St.)
- T 410.02
- T 410.03
- T 410.04
- T 410.05 (part: in the city of Vancouver)
- T 411.01
- T 411.03
- T 412.01
- T 412.02
- T 416
- T 417
- T 418
- T 419
- T 420
- T 421
- T 423
- T 424
- T 425

T 426
 T 427
 T 428
 T 429
 T 430
 T 431

NEW SECTION. Sec. 61. The senate shall consist of forty-nine members, one of whom shall be elected from each senatorial district. Each legislative district except districts 19-A, 19-B, 39-A, and 39-B shall compose a senatorial district. Legislative district 19-A shall be combined with legislative district 19-B to form the nineteenth senatorial district. Legislative district 39-A shall be combined with legislative district 39-B to form the thirty-ninth senatorial district.

NEW SECTION. Sec. 62. In order to maintain the election scheme of Article II, section 15, of the Washington state Constitution, and Amendment 52 thereto, there shall be elected at the November, 1981, general election, for one-year terms only, a senator from the fifteenth senatorial district and one representative from the twelfth, fifteenth, and thirty-sixth legislative districts that are created by this chapter.

NEW SECTION. Sec. 63. Within the senatorial districts provided for in this chapter, one senator shall be elected from each of the following districts at the general election to be held on the first Tuesday after the first Monday in November, 1982, and every four years thereafter, for a term of four years: 6, 7, 8, 13, 15, 21, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 42, 43, 44, 45, 46, 47, and 48.

A senator shall be elected from each of the other senatorial districts created by this chapter at the general election to be held on the first Tuesday after the first Monday in November, 1984, and every four years thereafter, for a term of four years.

NEW SECTION. Sec. 64. Those "hold-over" state senators now serving the four-year terms to which they were elected in 1980, may continue to serve out their full terms in the newly created senatorial districts, the numbers of which appear after the senators' names:

| Senator | New District |
|-------------------|--------------|
| Senator Kiskaddon | 1 |
| Senator Bottiger | 2 |
| Senator Hurley | 3 |
| Senator McCaslin | 4 |
| Senator Hughes | 5 |
| Senator Patterson | 9 |
| Senator Metcalf | 10 |
| Senator Shinpoch | 11 |

| | |
|-------------------|----|
| Senator Sellar | 12 |
| Senator Deccio | 14 |
| Senator Hayner | 16 |
| Senator Zimmerman | 17 |
| Senator Talley | 18 |
| Senator Quigg | 19 |
| Senator Fuller | 20 |
| Senator Hemstad | 22 |
| Senator Craswell | 23 |
| Senator Conner | 24 |
| Senator Gaspard | 25 |
| Senator Wojahn | 27 |
| Senator Haley | 28 |
| Senator Woody | 39 |
| Senator Peterson | 40 |
| Senator Clarke | 41 |
| Senator Bauer | 49 |

NEW SECTION. Sec. 65. The house of representatives shall consist of ninety-eight members, two of whom shall be elected from each legislative district, except that one representative shall be elected from legislative districts 19-A, 19-B, 39-A, and 39-B.

NEW SECTION. Sec. 66. The representatives provided for in this chapter shall be elected from the legislative districts created by this chapter at the general election to be held on the first Tuesday after the first Monday in November, 1982, and every two years thereafter, each for a term of two years.

NEW SECTION. Sec. 67. If any of the senators or representatives serving terms to which they were elected or appointed prior to the effective date of this act should for any reason vacate their offices prior to the elections provided for in sections 63 or 66 of this 1981 act, the appropriate election officers shall provide for corresponding elections, at the next general election, in the newly created districts to which the vacating senators or representatives were assigned.

NEW SECTION. Sec. 68. The regular term of office of each senator and representative elected after the effective date of this chapter shall commence on the second Monday in January following the date of election.

***NEW SECTION.** Sec. 69. *As a matter of state policy, the legislature hereby declares that congressional district division shall be determined by the legislature with the restriction that the Cascade mountains shall be recognized as a natural barrier, and no district may cross said barrier, except in the case of Skamania county. Skamania county crosses the Cascade mountains with its population mainly oriented towards the Columbia river.*

*Sec. 69. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 70. (1)** Any area not specifically included within the boundaries of any of the districts as described in this chapter and which is completely surrounded by a particular district, shall be a part of that district. Any such area not completely surrounded by a particular district shall be a part of the district having the smallest number of inhabitants and having territory contiguous to such area.

(2) Any area described in this chapter as specifically embraced in two or more noninclusive districts shall be a part of the adjacent district having the smallest number of inhabitants and shall not be a part of the other district or districts.

(3) Any area specifically mentioned as embraced within a district but separated from such district by one or more other districts, shall be assigned as though it had not been included in any district specifically described.

(4) The 1980 United States federal decennial census shall be used for determining the number of inhabitants under this chapter.

(5) If any court of competent jurisdiction requires transient military personnel that were not included in the United States census bureau data to be included, these persons shall be included in the population of the district or districts from which the persons were excluded.

*Sec. 70. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 71.** For the purposes of this chapter, congressional districts shall be described in terms of:

(1) Legislative districts established under chapter 44. __ RCW (sections 4 through 68 of this 1981 act);

(2) Official United States census bureau tracts, enumeration districts, block numbering areas, block groups, blocks, or county census divisions established by the United States bureau of the census in the 1980 federal decennial census;

(3) Counties, municipalities, or other political subdivisions or parts of political subdivisions as they existed on April 1, 1980;

(4) Any natural or artificial boundaries or monuments including but not limited to rivers, streams, or lakes as they existed on April 1, 1980;

(5) Legal descriptions used to describe real property including "section", "range", and "township";

(6) Roads, streets, or highways as they existed on April 1, 1980; or

(7) Standard surveying terminology including latitude, longitude, compass directions, and metes and bounds.

*Sec. 71. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 72.** The following abbreviations used in this chapter have the following meanings:

(1) "T" means "census tract";

(2) "ED" means "census enumeration district";

(3) "BG" means "census block group";

(4) "B" means "block"; and

(5) "BNA" means "block numbering area"; and

(6) "Division" or "div." means "county census division".

*Sec. 72. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 73.** *A single member of the United States Congress shall be elected from each of the eight congressional districts provided for in this chapter at the general election to be held on the first Tuesday after the first Monday in November, 1982, and every two years thereafter, for two-year terms.*

*Sec. 73. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 74.** *The First congressional district shall consist of the following areas:*

In King County:

T 3 (part: B 107-122, BG 2, 3)

T 4

T 5

T 6 (part: BG 1-4, B 502, 517, 519, 520, and the part of B 521 west of Interstate 5)

T 12 (part: B 405, 406, 417)

T 13

T 14

T 15

T 16

T 17

T 18

T 19 (part: B 309-312, 401-403, 415)

T 27 (part: B 218, 219, BG 3-6, B 712)

T 28

T 29

T 30

T 31

T 32

T 32.99

T 33

T 34

T 35

T 36 (part: B 215-221, BG 3-5)

T 45 (part: BG 2, 3)

T 46

T 47

T 48

T 49

T 50

T 51

- T 52 (part: B 214, 217, 223, BG 3, 4)**
- T 54**
- T 54.99**
- T 55**
- T 56**
- T 57**
- T 57.99**
- T 58.01**
- T 58.02**
- T 58.99**
- T 59**
- T 60**
- T 61 (part: BG 4, 5)**
- T 66 (part: BG 2, 3)**
- T 66.99**
- T 67**
- T 68**
- T 69**
- T 70**
- T 71**
- T 72**
- T 73 (part: BG 1, B 201–208, 211–227, BG 3, 4)**
- T 80**
- T 81 (part: BG 1, B 201, 216, 217, 318, 320, 321, 322, BG 4)**
- T 82 (part: BG 1, 2, B 306–309, 401, 402)**
- T 83 (part: B 104–106)**
- T 92 (part: B 312)**
- T 93 (part: B 524, 534, 538, 601, 803, 822, 832, 843, and V-ED 205)**
- T 93.99**
- T 96**
- T 97**
- T 98**
- T 99**
- T 99.99**
- T 105**
- T 106**
- T 107 (part: BG 1, B 201–205, 209, 210, BG 3–7)**
- T 108**
- T 109 (part: B 410)**
- T 116 (part: B 101, 102, 107, 608, 623, 627, 628, and the parts of B 624 and 625 north of SW Othello St. and the extension thereof)**
- T 201**

T 202

T 203

T 204

T 205

T 206

T 207

T 208

T 209

T 210

T 211

T 212

T 213

T 214

T 215 (part: that part of BG 3 in the city of Lake Forest Park)

In Kitsap County:

T 901

T 902

T 903

T 903.99

T 904

T 905

T 906

T 907

T 908

T 909

T 910

T 911

T 912

T 913

T 914

T 915

T 916

T 917

T 918

T 919

T 920

In Snohomish County:

T 416.02

T 417

T 418.01

T 418.02

T 419

T 420
T 501
T 502
T 503
T 504.01
T 504.02
T 505
T 505.99
T 506
T 507
T 508
T 509
T 510
T 511
T 512
T 513
T 514
T 515
T 516
T 517
T 518
T 519.01
T 519.02
T 519.03
T 519.04
T 520
T 521.02
T 521.03

*Sec. 74. was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 75. The Second congressional district shall consist of the following areas:***

***All of Clallam County
All of Island County
All of Jefferson County
All of Mason County
All of San Juan County
All of Skagit County
All of Whatcom County***

In Grays Harbor County:

***BNA 9901
BNA 9907
BNA 9908***

BNA 9910

ED 650

ED 651A

ED 651B

ED 652A

ED 659

ED 660

ED 662

ED 663A

ED 663B

ED 664A

ED 664B

ED 664C

ED 665

ED 666

ED 669 (part: that part west of Bear Gulch Road)

ED 670

ED 671

ED 672

ED 673

ED 674

ED 675

ED 676

ED 677

ED 678

Ed 679

ED 680

ED 681

ED 682

ED 683

ED 684

In King County:

T 324 (part: ED 2, 7, 8A, 8B, 8C)

T 325 (part: ED 4)

T 329

T 330 (part: that part of ED 122 north of Interstate 90)

In Snohomish County:

T 401

T 401.99

T 402

T 403

T 404

T 404.99
T 405
T 406
T 407
T 408
T 408.99
T 409
T 410
T 411
T 412
T 413
T 414
T 415
T 416.01
T 521.01
T 521.99
T 522.01
T 522.02
T 523
T 524
T 525
T 526
T 527
T 528.01
T 528.02
T 529.01
T 529.02
T 530
T 531
T 532
T 533
T 534
T 535.01
T 535.02
T 536
T 537
T 538

*Sec. 75. was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 76. The Third congressional district shall consist of the following areas:***

*All of Cowlitz County
All of Wahkiakum County
All of Pacific County*

*All of Lewis County
All of Thurston County
All of Clark County*

In Grays Harbor County:

- ED 653*
- ED 654*
- ED 655*
- ED 656*
- ED 657*
- ED 658*
- ED 661A*
- ED 661B*
- ED 667*
- ED 668*
- ED 669 (part: that part east of Bear Gulch Road)*
- ED 685*
- ED 686*
- ED 687*
- ED 688A*
- ED 688B*
- ED 689*
- BNA 9902*
- BNA 9903*
- BNA 9904*
- BNA 9905*
- BNA 9906*
- BNA 9909*

In Pierce County:

- T 730 (part: ED 299T, 299U, 300, 393)*
- T 732*

*Sec. 76. was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 77. The Fourth congressional district shall consist of the following areas:***

- All of Pend Oreille County*
- All of Lincoln County*
- All of Chelan County*
- All of Douglas County*
- All of Kittitas County*
- All of Klickitat County*
- All of Stevens County*
- All of Ferry County*
- All of Okanogan County*

All of Yakima County
All of Grant County
All of Skamania County

In Spokane County:

T 5
T 6
T 7
T 8
T 9
T 10
T 11
T 12
T 13
T 19
T 20
T 21
T 22
T 23
T 24
T 34
T 35
T 36
T 37
T 38
T 104.01
T 104.02
T 106
T 107
T 108 (part: B 204, 206–213, 221–224)
T 109
T 110
T 137
T 138
T 139
T 141 (part: that portion west of Interstate 90)

*Sec. 77. was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 78. The Fifth congressional district shall consist of the following areas:***

All of Adams County
All of Benton County
All of Franklin County
All of Walla Walla County

All of Asotin County
All of Columbia County
All of Garfield County
All of Whitman County

In Spokane County:

- T 1*
- T 2*
- T 3*
- T 4*
- T 14*
- T 15*
- T 16*
- T 17*
- T 18*
- T 25*
- T 26*
- T 27*
- T 28*
- T 29*
- T 30*
- T 31*
- T 32*
- T 33*
- T 39*
- T 40*
- T 41*
- T 42*
- T 43*
- T 44*
- T 45*
- T 46*
- T 47*
- T 101*
- T 102*
- T 103.01*
- T 103.02*
- T 105.01*
- T 105.02*
- T 108 (part: BG 1, B 201, 202, 214-220)*
- T 111*
- T 112.01*
- T 112.02*
- T 113*

T 114
T 115
T 116
T 117
T 118
T 119
T 120
T 121
T 122
T 123
T 124
T 125
T 126
T 127.01
T 127.02
T 128.01
T 128.02
T 129.01
T 129.02
T 130
T 131
T 132.01
T 132.02
T 133
T 134.01
T 134.02
T 135
T 136
T 140.01
T 140.02
T 141 (part: that portion east of Interstate 90)
T 142
T 143

*Sec. 78. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 79. The Sixth congressional district shall consist of the following areas:**

In King County:

T 115 (part: B 305, 306, 315, 401-410, 501-504, 506-511, 601, 602, 605-610)
T 116 (part: B 103-106, 110-113, BG 2-5, B 602, 603, 610-622, 626, and the parts of B 624 and 625 south of SW Othello St. and the extension thereof)
T 120

- T 121**
- T 229**
- T 230**
- T 231**
- T 232**
- T 233**
- T 234.01**
- T 234.02**
- T 235**
- T 236**
- T 239 (part: B 612, 613, BG 7)**
- T 247**
- T 248**
- T 249**
- T 250**
- T 251**
- T 252**
- T 254**
- T 255**
- T 256**
- T 257**
- T 258.01**
- T 258.02**
- T 259 (part: B 108, BG 2)**
- T 262 (part: BG 3)**
- T 267**
- T 274 (part: B 307, BG 4, 5)**
- T 275**
- T 276**
- T 277.01**
- T 277.02**
- T 278**
- T 279**
- T 280 (part: BG 2, B 301, 308, 310-316)**
- T 281 (part: B 206, 308-310, 312, 313, 407, 408)**
- T 282 (part: B 106, 108, 109, 202-205, 208)**
- T 283**
- T 284.01**
- T 284.02**
- T 284.03**
- T 285**
- T 286**
- T 287**
- T 288.01**

T 288.02
T 289
T 290
T 291
T 292.01
T 292.02
T 293.01
T 293.02
T 294.01
T 294.02
T 295
T 296
T 297
T 298.01
T 298.02
T 299
T 300.01
T 300.02
T 301
T 302.01
T 302.02
T 303.01
T 303.02
T 303.03
T 303.04
T 304
T 305
T 306
T 307
T 308
T 309
T 310
T 311
T 312.01
T 312.02
T 313
T 314
T 315
T 316
T 317.01
T 317.02
T 318
T 319.01
T 319.02

- T 320.01
- T 320.02
- T 320.03
- T 321.01
- T 321.02
- T 322.01
- T 322.02
- T 323.05
- T 327 (part: ED 84, 85)
- T 330 (part: that portion of ED 122 south of Interstate 90)
- T 331

In Pierce County:

- T 601
- T 703.01
- T 703.02
- T 704 (part: B 101, 102, 104, 105, 106, 107, 109, 154, and those parts of B 108 and 110 north of the extension of the southern boundary of Section 5, Township 19N, Range 5E)
- T 705
- T 706
- T 707.01
- T 707.02 (part: B 301-310, 312, 320-327, 329, 711, and those parts of B 311, 313, 405, 415, 622, 631, 721, and 725 outside the town of Milton)
- T 708
- T 709 (part: B 105, and those parts of B 101, 104, and 106 north of the extension of 4th St. Court NE)
- T 733

*Sec. 79. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 80. The Seventh congressional district shall consist of the following areas:**

In King County:

- T 1
- T 2
- T 3 (part: B 123)
- T 6 (part: B 509-516, 518, BG 6, and that part of B 521 east of Interstate 5)
- T 7
- T 8
- T 9
- T 10
- T 11

- T 12 (part: BG 1-3, B 401, 410, 413, 416, 418, 419)**
- T 19 (part: BG 1, 2, B 301-303, 306, 308, 313-319, 409, 413, 414, 416, 417)**
- T 20**
- T 21**
- T 22**
- T 23**
- T 24**
- T 25**
- T 26**
- T 27 (part: BG 1, B 202-207, 211, 214-217, 707-711)**
- T 36 (part: BG 1, B 201-212)**
- T 37**
- T 38**
- T 39**
- T 40**
- T 41**
- T 42**
- T 43**
- T 44**
- T 45 (part: BG 1)**
- T 52 (part: BG 1, B 201-213, 218-221)**
- T 53.01**
- T 53.02**
- T 61 (part: BG 1-3)**
- T 62**
- T 63**
- T 64**
- T 65**
- T 66 (part: BG 1)**
- T 73 (part: B 209)**
- T 74**
- T 75**
- T 76**
- T 77**
- T 78**
- T 79**
- T 81 (part: B 202-215, 218-222, 301-316)**
- T 82 (part: B 301, 303, 304, 403-410)**
- T 83 (part: B 101, BG 2-4)**
- T 84**
- T 85**
- T 86**
- T 87**

- T 88
- T 89
- T 90
- T 91
- T 92 (part: BG 1, 2, B 301-308)
- T 93 (part: BG 1-4, B 502-521, 526-531, 535-537, 539-541, 607-664, BG 7, B 804-821, 823-828, 840-842, 844-854)
- T 94
- T 95
- T 100
- T 101
- T 102
- T 103
- T 104
- T 107 (part: B 206-208)
- T 109 (part: BG 1-3, B 403-409, 413-441, BG 5)
- T 110
- T 111
- T 112
- T 113
- T 114
- T 115 (part: BG 1, 2, B 301-304, 307-314, 411, 412, 505, 603, 604, 611-614)
- T 117
- T 118
- T 119
- T 215 (part: BG 1, 2, and that part of BG 3 outside the city of Lake Forest Park)
- T 216
- T 217
- T 218
- T 219.01
- T 219.02
- T 220.01
- T 220.02
- T 221
- T 222
- T 223
- T 224
- T 225
- T 226.01
- T 226.02
- T 227
- T 228

- T 237
- T 238.01
- T 238.02
- T 239 (part: BG 1-5, B 601-611)
- T 240
- T 241
- T 242
- T 243
- T 244
- T 245
- T 246
- T 253
- T 259 (part: B 101-107, BG 9)
- T 260.01
- T 260.02
- T 261
- T 262 (part: BG 1, 2, 4, 5)
- T 263
- T 264
- T 265
- T 266
- T 268
- T 269
- T 270
- T 271
- T 272
- T 273
- T 274 (part: BG 1, 2, B 301, 302, 305, 306, 308, BG 6)
- T 280 (part: BG 1, B 305, 309)
- T 281 (part: BG 1, B 201, 204, 207, 208, 301-305, 409, 410, 413)
- T 282 (part: B 101-104, 206, 207, BG 3, 4)
- T 323.01
- T 323.02
- T 323.03
- T 323.04
- T 324 (part: ED 9, 10)
- T 325 (part: ED 3, 5, 6)
- T 326
- T 327 (part: ED 75-79, 80A, 80B, 80U, 81, 82A, 82B, 83A, 83B)
- T 328
- T 330 (part: ED 123)

*Sec. 80. was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 81. The Eighth congressional district shall consist of the following areas:***

In Kitsap County:

***T 801
T 802
T 803
T 804
T 805
T 806
T 807
T 808
T 809
T 810
T 811
T 812
T 813
T 814
T 814.99
T 921
T 922
T 923
T 924
T 925
T 926
T 927
T 928
T 929***

In Pierce County:**T 602****T 602.99****T 603****T 604****T 605****T 606****T 607****T 608****T 609.01****T 609.02****T 610****T 611****T 612****T 613****T 614****T 615****T 616.01****T 616.02****T 617****T 618****T 619****T 620****T 621****T 622****T 623****T 624****T 625****T 626****T 627****T 628****T 629****T 630****T 631****T 632****T 633****T 634****T 635****T 701****T 702****T 704** (part: **ED 263, 264, B 103, 111-121, BG 2, and those parts of B 108 and 110 south of the extension of the southern boundary of Section 5, Township 19N, Range 5E)**

T 707.02 (part: B 328, 330, 401-404, 406-414, BG 5, B 601-619, 623-630, 699, 702-720, 722, and those parts of B 311, 313, 405, 415, 622, 631, 721, and 725 inside the town of Milton)

T 709 (part: B 107-121, BG 2, 3, and those parts of B 101, 104, and 106 south of the extension of 4th Street Court NE)

T 710

T 711

T 712.01

T 712.02

T 713.01

T 713.02

T 714.01

T 714.02

T 715.01

T 715.02

T 716

T 717

T 718.01

T 718.02

T 719.01

T 719.02

T 720

T 721.02

T 721.03

T 721.04

T 723.01

T 723.03

T 723.04

T 724.01

T 724.02

T 725

T 725.99

T 726

T 727

T 728

T 729

T 730 (part: ED 298)

T 731.01

T 731.02

T 734.01

T 734.02

T 735

*Sec. 81. was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 82. (1) This 1981 act, establishing legislative district boundaries *and congressional district boundaries*, supersedes the legislative *and congressional district* boundaries established by the court plan and order, United States district court, western district of Washington at Seattle, case 9668, filed April 21, 1972, at Seattle.

(2) The following acts or parts of acts are each repealed:

(a) Sections 1 through 8, chapter 152, Laws of 1965 ex. sess. (decodified);

(b) Sections 1 through 54, chapter 6, Laws of 1965 (decodified);

(c) Sections 56 through 58, chapter 6, Laws of 1965 (decodified);

(d) Section 55, chapter 6, Laws of 1965 and RCW 44.07.540;

(e) Section 1, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.001;

(f) Section 2, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.005;

(g) Section 3, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.030;

(h) Section 4, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.040;

(i) Section 5, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.050;

(j) Section 6, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.060;

(k) Section 7, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.130;

(l) Section 8, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.140;

(m) Section 9, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.230;

(n) Section 10, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.260;

(o) Section 11, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A-.270; and

(p) Section 12, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.900.

***Sec. 82. was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 83. If the inclusion in this 1981 act of any set of separate legislative districts within a senatorial district shall render this 1981 act invalid, the whole senatorial district or districts shall be treated as a legislative district or districts with two representatives and without separate legislative districts. If any provision of this 1981 act or its application to any person or circumstance is held invalid, the remainder of the 1981 act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 84. The legislature recognizes and intends to carry out the legislature's constitutional duty to provide for redistricting and reapportionment by taking the necessary legislative action to remedy any portion of this 1981 act which is found to be invalid. When necessary, the speaker of the house of representatives, the president of the senate, and the secretary of state shall each designate one person and the three persons so designated shall jointly recommend any necessary remedies to the legislature before the next special or regular legislative session.

NEW SECTION. Sec. 85. Sections 4 through 68 of this 1981 act shall constitute a new chapter in Title 44 RCW.

****NEW SECTION. Sec. 86. Sections 69 through 81 of this 1981 act shall constitute a new chapter in Title 29 RCW.***

****Sec. 86. was vetoed, see message at end of chapter.***

NEW SECTION. Sec. 87. This 1981 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, 1981.

Passed the House April 24, 1981.

Approved by the Governor May 18, 1981 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 18, 1981.

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

"I am returning herewith without my approval as to Sections 69 through 81, Section 86, and portions of Section 82, Substitute Senate Bill No. 3655 entitled:

"AN ACT Relating to redistricting."

Sections 69 through 81 and Section 86 redraw the state's Congressional districts. Section 82 contains minor references to Congressional redistricting. Having reviewed the proposed new districts, having heard the unanimous disapproval of the plan expressed by the state's Congressional delegation, and having heard the concerns of voters around the state, I find that the public interest is not served by needlessly dividing into separate Congressional districts major cities, counties, regions and areas of common interest. Also, existing districts are changed radically to the extent that for the next 18 months more than two million residents of this state will reside in their existing districts while their former congressman will have been assigned to a new district. This wholesale disenfranchisement is neither necessary nor desirable.

Fortunately Section 84 provides a mechanism by which to resolve next session remaining problems in redistricting. It is my hope that the leadership will work with the Congressional delegation and others to develop a new plan by January. There also may be provisions in the signed portions of the bill dealing with legislative districts that need similar review and remedial action next session.

I have talked with the leadership of the House and Senate and am confident that these issues can be resolved.

With the exceptions of Sections 69 through 81, Section 86, and portions of Section 82, which I have vetoed, Substitute Senate Bill No. 3655 is approved."

CHAPTER 289

[Engrossed Substitute Senate Bill No. 4190]

STATE ENVIRONMENTAL POLICY ACT—STUDY AND EVALUATION

AN ACT Providing for a study and evaluation of the state environmental policy act; creating new sections; providing an expiration date; and making an appropriation.

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

NEW SECTION. Section 1. The implementation of the State Environmental Policy Act of 1971 should be examined in order to establish methods and means of providing for full implementation of the act in a manner which reduces paperwork and delay, promotes better decision-making, establishes effective and uniform procedures, encourages public involvement, resolves problems which nearly ten years' experience with the act has revealed, and promotes certainty with respect to the requirements of the act.

NEW SECTION. Sec. 2. There is hereby established the environmental policy commission which shall be composed as follows: Four members of the senate appointed by the president of the senate, including two members from each caucus; four members of the house of representatives appointed by the speaker of the house of representatives, including two members from each caucus; 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 chairperson. Nonlegislative members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. Legislative members shall be reimbursed for travel expenses as provided in RCW 44.04.120 as now or hereafter amended.

The commission shall:

(1) Study the State Environmental Policy Act of 1971 and the administrative rules interpreting and implementing the act. The commission shall submit a report during the 1983 regular session of the legislature to the parks and ecology committee of the senate and the natural resources and environmental affairs committee of the house of representatives evaluating the effectiveness of the act and rules.

(2) Utilize legislative staff assistance which shall be provided by the appropriate legislative committees and conduct such studies as are necessary for the performance of its duties. State agencies may assign to the commission such personnel as are necessary to assist the commission in the performance of its duties. These personnel shall be used to the maximum extent practicable.

(3) Consult with federal and state agencies and representatives of science, industry, agriculture, labor, conservation organizations, state and local governments, concerned citizens, and other groups as it considers necessary.

(4) Use, to the fullest extent possible, the services, facilities, information, and advice of public and private agencies, organizations, and individuals, including the United States council on environmental quality, in order to avoid duplication of effort and expense with similar activities authorized by law and performed by established agencies to carry out the purposes of this act.

(5) Hold such public hearings as are necessary to insure early, meaningful, and continuous public input and involvement in the commission's work in accordance with chapter 34.04 RCW.

(6) Review model ordinances developed for local government to assure consistency with any changes in the administrative rules for the implementation of the State Environmental Policy Act of 1971 which may be adopted.

(7) Propose amendments, if considered necessary, to the State Environmental Policy Act of 1971 and the administrative rules interpreting and implementing the act.

(8) Appoint members of an advisory committee to advise the commission in the performance of its duties. The membership of the advisory committee shall be fairly balanced in terms of the points of view and interests represented and shall include, but not be limited to, representatives of a statewide environmental organization, representatives of business, labor, and of the public at large, and shall be knowledgeable or experienced in the principles and practice of the State Environmental Policy Act of 1971. Members of the committee shall serve without compensation of any sort.

NEW SECTION. Sec. 3. The commission shall cease to exist at midnight, July 1, 1983. Upon the abolition of the commission on July 1, 1983, all powers, duties and functions of the commission shall be transferred to the department of ecology.

NEW SECTION. Sec. 4. This act shall be liberally construed to carry out the purposes and legislative intent expressed herein.

NEW SECTION. Sec. 5. There is appropriated to the environmental policy commission from the general fund for the biennium ending June 30, 1983, the sum of fifty thousand dollars, to carry out the purposes of this act.

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 1, 1981.

Passed the House April 21, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 290

[House Bill No. 372]

ENVIRONMENTAL POLICY—FOREST PRACTICES

AN ACT Relating to environmental policy as applied to forest practices; adding a new section to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW; and providing an expiration date.

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

NEW SECTION. Section 1. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

(1) Decisions pertaining to applications for Class I, II, and III forest practices, as defined by rule of the forest practices board under RCW 76.09.050, are not subject to the requirements of RCW 43.21C.030(2)(c) as now or hereafter amended.

(2) When the applicable county, city, or town requires a license in connection with any proposal involving forest practices (a) on lands platted after January 1, 1960, (b) on lands being converted to another use, or (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, then the local government, rather than the department of natural resources, is responsible for any detailed statement required under RCW 43.21C.030(2)(c).

(3) Those forest practices determined by rule of the forest practices board to have a potential for a substantial impact on the environment, and thus to be Class IV practices, require an evaluation by the department of natural resources as to whether or not a detailed statement must be prepared pursuant to this chapter. The evaluation shall be made within ten days from the date the department receives the application. A Class IV forest practice application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. This section shall not be construed to prevent any local or regional governmental entity from determining that a detailed

statement must be prepared for an action regarding a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted.

This section shall cease to exist on June 30, 1983, unless extended by law for an additional period of time.

Passed the House April 1, 1981.

Passed the Senate April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 291

[House Bill No. 99]

WATER RIGHTS—RELINQUISHMENT, REVERSION—MINIMUM FLOW APPLICATION

AN ACT Relating to water rights; and amending section 16, chapter 233, Laws of 1967 as amended by section 5, chapter 216, Laws of 1979 ex. sess. and RCW 90.14.160.

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

Section 1. Section 16, chapter 233, Laws of 1967 as amended by section 5, chapter 216, Laws of 1979 ex. sess. and RCW 90.14.160 are each amended to read as follows:

Any person entitled to divert or withdraw waters of the state through any appropriation authorized by enactments of the legislature prior to enactment of chapter 117, Laws of 1917, or by custom, or by general adjudication, who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to divert or withdraw for any period of five successive years after the effective date of this act, shall relinquish such right or portion thereof, and said right or portion thereof shall revert to the state, and the waters affected by said right shall become available for appropriation in accordance with RCW 90.03.250(~~PROVIDED, That such rights to use waters reverted under this section or under RCW 90.14.170 and 90.14.180, which were last exercised for a beneficial use subsequent to June 30, 1979, shall, if a minimum flow or level established by the department of ecology is in effect at the time when a determination of the reversion made either by the department or a court becomes final, be applied to meet such minimum flow or level with a priority of the original date of the reverted right before becoming otherwise available for appropriation for other beneficial uses under RCW 90.03.250 through 90.03.340~~)).

Passed the House February 16, 1981.

Passed the Senate April 26, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 292

[Substitute House Bill No. 323]

SUBDIVISIONS—INDUSTRIAL, COMMERCIAL LAND—BINDING SITE
PLANS

AN ACT Relating to boundaries and plats; amending section 2, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.020; and amending section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040.

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

Section 1. Section 2, chapter 271, Laws of 1969 ex. sess. and RCW 58-17.020 are each amended to read as follows:

As used in this chapter, unless the context or subject matter clearly requires otherwise, the (~~following~~) words or phrases defined in this section shall have the (~~following~~) indicated meanings(~~(:)~~):

(1) "Subdivision" is the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all resubdivision of land.

(2) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

(3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

(5) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted pursuant to this chapter.

(6) "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve

the site plan; and (c) contains provisions making any development be in conformity with the site plan.

(7) "Short subdivision" is the division of land into four or less lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease.

((7)) (8) "Short plat" is the map or representation of a short subdivision.

((8)) (9) "Lot" is a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

((9)) (10) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

((10)) (11) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

((11)) (12) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

((12)) (13) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

((13)) (14) "Planning commission" means that body as defined in chapters 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

((14)) (15) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter.

Sec. 2. Section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040 are each amended to read as follows:

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use when the governing body of the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations: PROVIDED, That when a binding site plan authorizes a sale

or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the county auditor's office on each lot, parcel, or tract created pursuant to the binding site plan: PROVIDED FURTHER, That the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract: AND PROVIDED FURTHER, That sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW; and

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land (~~and a local government~~) when the governing body of the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations. (~~The term "site plan" means a drawing to a scale specified by local ordinance and which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; and (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan. A site plan approved by a local government body shall not be "binding" under this subsection unless development in conformity to the site plan is enforceable under a local ordinance.~~)

Passed the House March 24, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 293

[Substitute House Bill No. 320]

SUBDIVISION APPROVAL

AN ACT Relating to land use; amending section 1, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.010; amending section 2, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.020; amending section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040; amending section 7, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.070; amending section 9, chapter 271, Laws of 1969 ex. sess. as amended by section 4, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.090; amending section 10, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.100; amending section 14, chapter 271, Laws of 1969 ex. sess. as amended by section 8, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.140; amending section 15, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.150; amending section 30, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.165; amending section 17, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.170; amending section 18, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.180; adding new sections to chapter 58.17 RCW; and creating a new section.

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

Section 1. Section 1, chapter 271, Laws of 1969 ex. sess. and RCW 58-17.010 are each amended to read as follows:

The legislature finds that the process by which land is divided is a matter of state concern and should be administered in a uniform manner by cities, towns, and counties throughout the state. The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the state; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

*Sec. 2. Section 2, chapter 271, Laws of 1969 ex. sess. and RCW 58-17.020 are each amended to read as follows:

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

(1) "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale ((~~or~~)), lease ((~~and shall include all resubdivision of land~~)), or transfer of ownership, except as provided in subsection (6) of this section.

(2) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

(3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, ((~~and restrictive covenants to be applicable to the subdivision;~~)) and other elements of a ((~~plat or~~)) subdivision ((~~which shall furnish a~~)) consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(5) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted ~~((pursuant to))~~ under this chapter.

(6) "Short subdivision" is the division or redivision of land into four or ~~((less))~~ fewer lots, tracts, parcels, sites or ~~((subdivisions))~~ divisions for the purpose of sale ~~((or))~~, lease, or transfer of ownership: PROVIDED, That the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine.

(7) "Short plat" is the map or representation of a short subdivision.

(8) "Lot" is a fractional part of ~~((subdivided))~~ divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(9) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

(10) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(11) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(12) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(13) "Planning commission" means that body as defined in chapters 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

(14) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter.

(15) "Binding site plan" means a drawing to a scale established by local government which:

(a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by state law or local ordinance; and

(b) Contains inscriptions or attachments stating any appropriate limitations and conditions for the use of the land established by state law or local ordinance.

A site plan is binding if development in substantial conformity with the elements of the plan is required by contract, covenant, or local ordinance. In the absence of a local ordinance establishing a procedure for approval of site plans, the plans and proposed contracts or covenants shall be submitted for review by the legislative authority of the city, town, or county, or by a local agency or official designated by the legislative authority. If the local reviewing authority finds that the proposed site plan adequately provides for streets,

roads, improvements, utilities, open spaces, and any other matters specified by state law or local ordinance, prompt approval shall be given to the site plan.

*Sec. 2. was partially vetoed, see message at end of chapter.

*Sec. 3. Section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040 are each amended to read as follows:

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

~~((5))~~ **(4) A division for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted ((to be placed)) upon the land and ((a local government)) if the city, town, or county has approved a binding site plan for the use of the land ((in accordance with local regulations. The term "site plan" means a drawing to a scale specified by local ordinance and which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations, and (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan. A site plan approved by a local government body shall not be "binding" under this subsection unless development in conformity to the site plan is enforceable under a local ordinance.))**;

(5) A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(6) A division which is made by subjecting a portion of a parcel or tract of land to chapter 64.32 RCW if a city, town, or county has approved a binding site plan for all of such land;

(7) A division of land into lots, tracts, parcels, sites, or divisions classified for industrial or commercial use if the city, town, or county has approved a binding site plan for the use of the land.

*Sec. 3. was partially vetoed, see message at end of chapter.

Sec. 4. Section 7, chapter 271, Laws of 1969 ex. sess. and RCW 58.17-.070 are each amended to read as follows:

A preliminary plat of proposed subdivisions and dedications of land shall be submitted for approval to the legislative body of the city, town, or county within which the plat is situated.

Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

Sec. 5. Section 9, chapter 271, Laws of 1969 ex. sess. as amended by section 4, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.090 are each amended to read as follows:

Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall set a date for a public hearing. At a minimum, notice of ((such)) the hearing shall be given ((by publication of at least one notice)) in the following manner: (1) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county((-Additional)) and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; (2) special notice of ((such)) the hearing shall be given to adjacent landowners by ((at least one other method which may include mailing to adjacent landowners, posting on the property, or in)) any ((manner)) other reasonable method local authorities deem necessary ((to notify)). Adjacent landowners ((and the public:)) are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. All hearings shall be public. All hearing notices shall include a ((legal)) description of the location of the proposed subdivision ((and)). The description may be in the form of either a vicinity location sketch or a ((location)) written description ((in nonlegal language)) other than a legal description.

Sec. 6. Section 10, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.100 are each amended to read as follows:

If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all (~~proposed subdivisions~~) preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it may adopt or reject the recommendations of such hearing body. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, the change of the recommendation shall not be made until the legislative body shall conduct a public hearing and thereupon adopt its own recommendations and approve or disapprove the preliminary plat. Such public hearing may be held before a committee constituting a majority of the legislative body. If the hearing is before a committee, the committee shall report its recommendations on the matter to the legislative body for final action.

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.

Sec. 7. Section 14, chapter 271, Laws of 1969 ex. sess. as amended by section 8, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.140 are each amended to read as follows:

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant

consents to an extension of such time period: PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. (~~Ordinances may provide for the expiration of approval given to any preliminary plats~~) A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within three years of the date of preliminary plat approval. An applicant who files a written request with the legislative body of the city, town, or county at least thirty days before the expiration of this three-year period shall be granted one one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three-year period.

Sec. 8. Section 15, chapter 271, Laws of 1969 ex. sess. and RCW 58-17.150 are each amended to read as follows:

Each (~~and every~~) preliminary plat submitted for final approval of the legislative body shall be accompanied by the following agencies' recommendations for approval or disapproval:

(1) Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;

(2) Local planning agency or commission, charged with the responsibility of reviewing plats and subdivisions, as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication;

(3) City, town or county engineer.

An agency or person issuing a recommendation for subsequent approval under subsections (1) and (3) of this section shall not modify the terms of its recommendations without the consent of the applicant.

Sec. 9. Section 30, chapter 271, Laws of 1969 ex. sess. and RCW 58-17.165 are each amended to read as follows:

Every final plat or short plat of a subdivision or short subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.

If the plat or short plat (~~includes~~) is subject to a dedication, the certificate or a separate written instrument shall (~~also~~) contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private as shown on the plat or short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said

road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by local authorities as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

Sec. 10. Section 17, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.170 are each amended to read as follows:

When the legislative body of the city, town or county finds that the ~~((public use and interest will be served by the proposed))~~ subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ((regulations)) ordinances adopted ((pursuant thereto)) under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat. The original of said final plat shall be filed for record with the county auditor. One reproducible copy shall be furnished to the city, town or county engineer. One paper copy shall be filed with the county assessor. Paper copies shall be provided to such other agencies as may be required by ordinance. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five years after final plat approval unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

**Sec. 11. Section 18, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.180 are each amended to read as follows:*

Any decision approving or disapproving any final plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of the county in which such matter is pending. ~~((The action may be brought by any property owner in the city, town or county having jurisdiction, who deems himself aggrieved thereby: PROVIDED, That))~~ Standing to bring the action is limited to the following parties:

(1) The applicant or owner of the property on which the subdivision is proposed;

(2) Any property owner entitled to special notice under RCW 58.17.090;

(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.

Review by the superior court of a decision to approve a final plat shall be limited to the question of whether the conditions imposed on approval of the preliminary plat have been substantially satisfied. The application for a writ of review shall be ~~((made to the court))~~ filed and served on the parties within thirty days from ~~((any))~~ the decision ~~((so))~~ to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.

*Sec. 11. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 12. There is added to chapter 58.17 RCW a new section to read as follows:

If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this chapter, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

NEW SECTION. Sec. 13. There is added to chapter 58.17 RCW a new section to read as follows:

All cities, towns, and counties shall establish procedures to provide reasonable advance notice of proposals to adopt, amend, or repeal local ordinances adopted in accordance with this chapter. These procedures shall include but not be limited to advance notice to individuals or organizations which have submitted requests for notice. Reasonable fees may be charged to defray the costs of providing notice.

NEW SECTION. Sec. 14. There is added to chapter 58.17 RCW a new section to read as follows:

No plat or short plat may be approved unless the city, town, or county makes a formal written finding of fact that the proposed subdivision or proposed short subdivision is in conformity with any applicable zoning ordinance or other land use controls which may exist.

NEW SECTION. Sec. 15. The senate and house local government committees shall jointly study the laws relating to plats and subdivisions and shall report to the Washington state legislature their findings and recommendations for changes in legislation by January 1, 1982.

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.

Passed the House April 23, 1981.

Passed the Senate April 22, 1981.

Approved by the Governor May 18, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 18, 1981.

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

"I am returning herewith without my approval as to Sections 2 (15), 3 (4), 3 (7), and 11 Substitute House Bill No. 320 entitled:

"AN ACT Relating to land use."

The first three provisions conflict with similar provisions in Substitute House Bill No. 323, which I have signed today.

Section 11 would limit court review to final plats. The more timely stage for review—the preliminary plat state—has been eliminated by Section 11. To preserve this option I have vetoed Section 11.

With the exceptions of Sections 2 (15), 3 (4), 3 (7), and 11, Substitute House Bill No. 320 is approved."

CHAPTER 294

[Substitute House Bill No. 138]

PUBLIC RETIREMENT—ADMINISTRATION—LEOFF DISABILITY

AN ACT Relating to public retirement; amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.120; amending section 13, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.130; amending section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.140; amending section 16, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.200; amending section 19, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.210; amending section 20, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.220; amending section 11, chapter 105, Laws of 1975-76 2nd ex. sess. and RCW 41.50.090; amending section 8, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.470; amending section 31, chapter 80, Laws of 1947 as last amended by section 1, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.310; amending section 59, chapter 80, Laws of 1947 as last amended by section 5, chapter 205, Laws of 1979 ex. sess. and RCW 41.32.590; amending section 39, chapter 274, Laws of 1947 as last amended by section 6, chapter 205, Laws of 1979 ex. sess. and RCW 41.40.380; amending section 16, chapter 274, Laws of 1947 as last amended by section 10, chapter 249, Laws of 1979 ex. sess. and RCW 41.40.150; amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170; adding a new section to chapter 41.26 RCW; and adding a new section to chapter 41.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 41.26 RCW a new section to read as follows:

(1) The director of retirement systems shall adopt rules, in accordance with chapter 34.04 RCW, under which each disability board shall execute its disability retirement duties under this chapter. The rules shall include, but not be limited to, the following:

(a) Standards governing the type and manner of presentation of medical, employability, and other evidence before disability boards; and

(b) Standards governing the necessity and frequency of medical and employability reexaminations of persons receiving disability benefits.

(2) If the director determines that an order or determination of a disability board was not processed in accordance with the rules established under this section, the director may remand the order or determination for further proceedings consistent with the rules.

Sec. 2. Section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.120 are each amended to read as follows:

Any member, regardless of his age or years of service may be retired by the disability board, subject to approval by the ~~((retirement board))~~ director as hereinafter provided, for any disability which has been continuous since his discontinuance of ~~((active))~~ service and which renders him unable to continue his service, whether incurred in the line of duty or not. No disability retirement allowance shall be paid until the expiration of a period of six months after the ~~((disability is incurred))~~ discontinuance of service during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to his full monthly salary and shall continue to receive all other benefits provided to active employees from his employer for such period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, his disability leave allowance shall be canceled and he shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time he became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, and that such disability has been continuous from the discontinuance of ~~((active))~~ service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the ~~((retirement board))~~ director in accordance with RCW 41.26.200: PROVIDED, That in any order granting a disability retirement allowance the disability board shall make a finding of whether or not the disability was incurred in line of duty.

(3) Every order of a disability board granting a disability retirement allowance shall forthwith be reviewed by the ~~((retirement board for the purposes of determining (a) whether the facts as found by the disability board are supported by substantial evidence in the record, except the finding of whether or not the disability was incurred in line of duty, and (b) whether the order is in accordance with law on the basis of such facts. If an affirmative determination is made by the retirement board on both of the aspects of the decision and order, it shall be affirmed; otherwise, it shall be reversed and remanded to the disability board for such further proceedings as the retirement board may direct))~~ director except the finding of whether the disability was incurred in the line of duty. The director may affirm the decision of the disability board or remand the case for further proceedings if the director finds the disability board's findings, inferences, conclusions, or decisions are:

(a) In violation of constitutional provisions; or

(b) In excess of the statutory authority or jurisdiction of the disability board; or

(c) Made upon unlawful procedure; or

(d) Affected by other error of law; or

(e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or

(f) Arbitrary or capricious.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty and that such disability will be in existence for a period of at least six months may waive the six-month period of disability leave and be immediately granted a disability retirement allowance, subject to the approval of the ~~((state board))~~ director as provided in subsection (3) above.

Sec. 3. Section 13, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.130 are each amended to read as follows:

(1) Upon retirement for disability a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child as defined in RCW 41.26.030(7), (c) the combined total of subsections (1)(a) and (1)(b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall begin receiving his disability retirement allowance as of the expiration of his six month period of disability leave or, if his application was filed after the sixth month of ~~((disability))~~ discontinuance of service but prior to the one year time limit, the member's disability retirement allowance shall be retroactive to the end of the sixth month.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(5) A member retired for disability shall ~~((, at the discretion of the disability board,))~~ be subject to ~~((a semiannual medical examination))~~ periodic examinations by a physician approved by the disability board prior to his attainment of age fifty, pursuant to rules adopted by the director under section 1 of this 1981 act. Examinations of members who retired for disability prior to the effective date of this 1981 act shall not exceed two medical examinations per year.

Sec. 4. Section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.140 are each amended to read as follows:

(1) Upon the basis of ~~((a semiannual))~~ reexaminations of members on disability retirement as provided in RCW 41.26.130, the disability board shall determine whether such disability beneficiary is still unable to perform his duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank, then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no

event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to ~~((medical))~~ examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid the excess, if any, of his accumulated contributions at the time of his retirement over all payments made on his behalf under this chapter.

Sec. 5. Section 16, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.200 are each amended to read as follows:

~~((†))~~ Any person feeling aggrieved by any order or determination of a disability board denying disability leave or disability retirement, or canceling a previously granted disability retirement allowance, shall have the right to appeal the ~~((said))~~ order or determination to the ~~((retirement board))~~ director. The ~~((said retirement board))~~ director shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the ~~((said retirement board))~~ director within thirty days following the rendition of the order by the applicable disability board. A copy of the notice of appeal shall be served upon the director and the applicable disability board and, within ninety days thereof, the disability board shall certify its decision and order which shall include findings of fact and conclusions of law, together with a transcript of all proceedings in connection therewith, to the ~~((retirement board))~~ director for ~~((its))~~ review. Upon ~~((its))~~ review of the record, the ~~((retirement board))~~ director may affirm the order of the disability board or ~~((it))~~ may remand the case for such further proceedings as ~~((it))~~ he or she may direct, in accordance with such rules of procedure as the ~~((retirement board))~~ director shall promulgate.

~~((2) The said appeal authorized by this section shall be governed by the provisions of RCW 41.26.210 and 41.26.220.)~~

Sec. 6. Section 19, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.210 are each amended to read as follows:

Any person aggrieved by any final decision of the (~~retirement board~~) director must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system.

Sec. 7. Section 20, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.220 are each amended to read as follows:

A hearing shall be held by members of the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board. Such hearing shall be de novo and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The (~~retirement board~~) disability board and the director shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended.

Sec. 8. Section 11, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.090 are each amended to read as follows:

(1) Except as otherwise provided in this section, on the effective date of transfer as provided in RCW 41.50.030, the department shall succeed to and is vested with all powers, duties, and functions now or by any concurrent act of this 1976 legislature vested in the individual retirement boards set forth in RCW 41.50.030 relating to the administration of their various retirement systems, including but not limited to the power to appoint a staff and define the duties thereof: PROVIDED, That actuarial services required by the department shall be performed by the state actuary as provided in RCW 44.44.040.

(2) The department shall keep each retirement board fully informed on the administration of the corresponding retirement system, and shall furnish any information requested by a retirement board.

(3) Rules proposed by the director under RCW 2.10.050, 2.10.070, 41.26.060, 41.32.160, 41.40.020, or 43.43.140 shall be submitted to the appropriate retirement boards for review prior to adoption. After receiving approval of the members of the appropriate board, such rules shall become effective as provided by the administrative procedure act, chapter 34.04 RCW.

(4) Each retirement board shall continue to perform all functions as are vested in it by law with respect to applications for benefits paid upon either temporary or permanent disability, with such staff assistance from the department as may be required. The director shall perform those functions with respect to disability benefits as are vested in him or her by RCW 41.26.120 and 41.26.200.

Sec. 9. Section 8, chapter 294, Laws of 1977 ex. sess. and RCW 41.26-.470 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of RCW 41.26.410 through 41.26.550. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.26.420 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-eight.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is ~~((offered reemployment by an employer at a comparable compensation; such member shall cease to be eligible for such allowance))~~ no longer entitled to benefits under Title 51 RCW, the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the member at the time of retirement or, if unable to perform the duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

***Sec. 10. Section 31, chapter 80, Laws of 1947 as last amended by section 1, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.310 are each amended to read as follows:**

Any member desiring to establish credit for services previously rendered, must present proof and make the necessary payments on or before June 30 of the fifth school year of his membership. Payments covering all types of membership service credit must be made in a lump sum when due, or in annual installments. The first annual installment of at least twenty percent of the amount due must be paid before the above deadline date, and the final

payment must be made by June 30th of the fourth school year following that in which the first installment was made. The amount of payment and the interest thereon, whether lump sum or installments, shall be made by a method and in an amount established by the board of trustees: PROVIDED, That a member who had the opportunity under chapter 41.32 RCW prior to July 1, 1969, to establish credit for active United States military service or credit for professional preparation and failed to do so shall be permitted to establish such additional credit within the provisions of RCW 41.32.260 and 41.32.330: PROVIDED FURTHER, That ~~((a member who was not permitted to establish credit pursuant to section 2, chapter 32, Laws of 1973 2nd ex. sess.))~~ members, other than elected officials, shall be permitted to establish credit for Washington teaching service previously rendered~~((, must present proof and make))~~ upon presenting proof and making the necessary payment to establish such credit as membership service credit. Payment for such credit must be made in a lump sum on or before June 30, ((1974. Any member desiring to establish credit under the provisions of this 1969 amendment must present proof and make the necessary payment before June 30, 1974.)) 1983, or, if not employed on the effective date of this ((amendment)) 1981 act, before June 30th of the fifth school year upon returning to public school employment in this state, with interest at a rate to be established by the director of the department of retirement systems.

*Sec. 10. was vetoed, see message at end of chapter.

*Sec. 11. Section 16, chapter 274, Laws of 1947 as last amended by section 10, chapter 249, Laws of 1979 ex. sess. and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.185 or 41.40.190, the individual shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the director, which restoration must be completed within a total period of five years of membership service following his first resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation: PROVIDED, That any member who reentered service outside the ten-year period formerly provided by this subsection, and by reason of the former language of this section was not allowed to restore withdrawn contributions, shall have two years from April 25, 1973 to restore said contributions: AND PROVIDED FURTHER, That any member, except an elected official, who reentered service ~~((within the ten-year period formerly provided by this section.))~~ and who failed to restore withdrawn contributions within the

~~((three or five years))~~ time previously allowed, shall now have ((two years)) from ((April 25, 1973)) the effective date of this 1981 act through June 30, 1983, to restore said contributions, with interest as determined by the director.

(3) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may upon thirty days written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available;

(b) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy, following his election to office or appointment to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his retirement status and he shall become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended from the date of his return to membership until the date when he again retires and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), or should he have reached the age of seventy and be ineligible

to apply as provided in RCW 41.40.125, he shall be considered to remain in a retirement status and his retirement benefits shall continue without interruption.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue his membership therein until attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

*Sec. 11. was vetoed, see message at end of chapter.

Sec. 12. Section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170 are each amended to read as follows:

(1) A member who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if he has resumed or shall resume employment as an employee within one year from termination thereof.

(2) If he has applied or shall apply for reinstatement of employment, within one year from termination of the military service, and is refused employment for reasons beyond his control, he shall, upon resumption of service within ten years have such service credited to him.

(3) In any event, after completing twenty-five years of creditable service, any member may have his service in the armed forces credited to him as a member whether or not he left the employ of an employer to enter such armed service: PROVIDED, That in no instance, described in subsections (1), (2), and (3) of this section, shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance the member must restore all withdrawn accumulated contributions, which restoration must be completed within five years of membership service following his first resumption of employment or complete twenty-five years of creditable service: AND PROVIDED FURTHER, That this section will not apply to any individual, not a veteran within the meaning of RCW 41.04.005, as now or hereafter amended: AND PROVIDED FURTHER,

That in no instance, described in subsections (1), (2), and (3) of this section, shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code.

Sec. 13. Section 59, chapter 80, Laws of 1947 as last amended by section 5, chapter 205, Laws of 1971 ex. sess. and RCW 41.32.590 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible under RCW 41.05.080 from authorizing deductions therefrom for payment of premiums due on any group (~~(life or disability)~~) insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions in accordance with rules and regulations that may be promulgated by the department of retirement systems.

(3) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 14. Section 39, chapter 274, Laws of 1947 as last amended by section 6, chapter 205, Laws of 1979 ex. sess. and RCW 41.40.380 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group (~~(life or disability)~~) insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions in accordance with rules and

regulations that may be promulgated by the department of retirement systems, and this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

***NEW SECTION. Sec. 15. There is added to chapter 41.40 RCW a new section to read as follows:**

Those classified employees, currently employed by the University of Washington, the regional universities, and The Evergreen State College, who were eligible to recover service earned prior to July 1, 1953, but who failed to do so, shall have until June 30, 1982, to pay the appropriate employee and employer contributions with interest, as determined by the director, department of retirement systems, for such service which was not so recovered.

*Sec. 15. was vetoed, see message at end of chapter.

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.

Passed the House April 26, 1981.

Passed the Senate April 25, 1981.

Approved by the Governor May 18, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 18, 1981.

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

"I am returning herewith without my approval as to three sections Substitute House Bill No. 138 entitled:

"AN ACT Relating to public retirement."

Current statutes provide for members of the Teachers' Retirement System and the Public Employees' Retirement Systems to establish credit for service previously rendered within five years of reentering service. This is an inopportune time to extend the credit buy-back beyond the current five-year provision. It would result in an unwarranted and substantial increase in retirement costs to the state over the next 25 years at a time when we are encountering extreme difficulty in funding basic programs.

For the foregoing reasons, I have vetoed Sections 10, 11, and 15 of Substitute House Bill No. 138. The remainder of the bill is approved."

CHAPTER 295

[Engrossed Substitute Senate Bill No. 4085]

STATE ENERGY OFFICE

AN ACT Relating to the state energy office; amending section 6, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.060; amending section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.010; amending section 43.31.040, chapter 8, Laws of 1965 as last amended by section 6, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.040; amending section 5, chapter 161, Laws of 1980 and RCW 43.96C.050; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; adding new sections to chapter 43.21F RCW; adding a new section to chapter 41.06 RCW; repealing section 10, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.078; repealing section 2, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.020; repealing section 3, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.030; repealing section 4, chapter 108, Laws of 1975-'76 2nd ex. sess., section 87, chapter 99, Laws of 1979 and RCW 43.21F.040; repealing section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050; repealing section 7, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.070; repealing section 1, chapter 10, Laws of 1965 and RCW 43.31.280; repealing section 3, chapter 10, Laws of 1965 and RCW 43.31.290; repealing section 5, chapter 10, Laws of 1965, section 11, chapter 108, Laws of 1975-'76 2nd ex. sess., section 35, chapter 3, Laws of 1981 and RCW 43.31.300; repealing section 8, chapter 10, Laws of 1965 and RCW 43.31.310; repealing section 9, chapter 10, Laws of 1965 and RCW 43.31.320; repealing section 7, chapter 10, Laws of 1965 and RCW 43.31.330; repealing section 16, chapter 99, Laws of 1979 and RCW 43.131.179; repealing section 58, chapter 99, Laws of 1979 and RCW 43.131.180; repealing section 4, chapter 207, Laws of 1961, section 4, chapter 10, Laws of 1965 and RCW 70.98.040; and declaring an emergency.

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

NEW SECTION. Section 1. It is the policy of the state of Washington that:

(1) The development and use of a diverse array of energy resources with emphasis on renewable energy resources shall be encouraged;

(2) The supply of energy shall be sufficient to insure the health and economic welfare of its citizens;

(3) The development and use of energy resources shall be consistent with the statutory environmental policies of the state;

(4) Energy conservation and elimination of wasteful and uneconomic uses of energy and materials shall be encouraged, and this conservation should include, but is not limited to, resource recovery and materials recycling;

(5) In energy emergency shortage situations, energy requirements to maintain the public health, safety, and welfare shall be given priority in the allocation of energy resources, and citizens and industry shall be assisted in adjusting to the limited availability of energy in order to minimize adverse impacts on their physical, social, and economic well being; and

(6) State government shall provide a source of impartial and objective information in order that this energy policy may be enhanced.

NEW SECTION. Sec. 2. (1) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) "Director" means the director of the state energy office;

(4) "Office" means the Washington state energy office;

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state; and

(6) "Council" means the energy advisory council created in section 7 of this act.

NEW SECTION. Sec. 3. The Washington state energy office is hereby created as an agency of state government, responsible to the governor and the legislature for carrying out the purposes of this chapter. The director shall be appointed by the governor with the consent of the senate and shall serve at the pleasure of the governor. The salary of the director shall be determined pursuant to RCW 43.03.040. The director shall employ such personnel as are necessary to implement this chapter. The employment of personnel shall be in accordance with chapter 41.06 RCW.

NEW SECTION. Sec. 4. The energy office shall have the following duties:

(1) The office shall prepare and update contingency plans for implementation in the event of energy shortages or emergencies. The plans shall conform to chapter 43.21G RCW and shall include procedures for determining when these shortages or emergencies exist, the state officers and agencies to participate in the determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during these emergencies. The office shall coordinate the activities undertaken pursuant to the subsection with other persons. The components of plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date. The office shall report to the governor and the legislature on probable, imminent, and existing energy

shortages, and shall administer energy allocation and curtailment programs in accordance with chapter 43.21G RCW.

(2) The office shall establish and maintain a central repository in state government for collection of existing data on energy resources, including:

(a) Supply, demand, costs, utilization technology, projections, and forecasts;

(b) Comparative costs of alternative energy sources, uses, and applications; and

(c) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof.

(3) The office shall coordinate federal energy programs appropriate for state-level implementation, carry out such energy programs as are assigned to it by the governor or the legislature, and monitor federally funded local energy programs as required by federal or state regulations.

(4) The office shall develop energy policy recommendations for consideration by the governor and the legislature.

(5) The office shall provide assistance, space, and other support as may be necessary for the activities of the state's two representatives to the Pacific northwest electric power and conservation planning council. To the extent consistent with federal law, the office shall request that Washington's council members request the administrator of the Bonneville power administration to reimburse the state for the expenses associated with the support as provided in the Pacific northwest electric power planning and conservation act (P.L. 96-501).

(6) The office shall cooperate with state agencies, other governmental units, and private interests on energy matters.

(7) The office shall represent the interests of the state in the siting, construction, and operation of nuclear waste storage and disposal facilities.

(8) The office shall serve as the official state agency responsible for coordination of energy-related activities.

(9) No later than December 1, 1982, and by December 1st of each even-numbered year thereafter, the office shall prepare and transmit to the governor and the legislature a report on energy supply and demand, conservation, and other factors including but not limited to:

(a) An overview of the anticipated energy situation in the state and region.

(b) An assessment of the energy resources available to the state.

(c) A comparison of the costs of available methods to supply and conserve energy.

(d) Identification of barriers and constraints to the rapid achievement of conservation and energy resource development, together with proposals for eliminating or reducing the barriers and constraints. The identification shall include but is not limited to statutes and federal, state, or local governmental regulations applicable to the state of Washington.

(e) A summary of the major energy conservation and resource development programs underway in the state.

(f) An analysis of the means by which the projected annual rate of energy demand growth may be reduced together with an estimate of the amount of reduction to be obtained by each of the means analyzed, and the cost of each option.

(10) The office shall provide support for increasing cost-effective energy conservation, including assisting in the removal of impediments to timely implementation.

(11) The office shall provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

(12) The office shall adopt rules, under chapter 34.04 RCW, necessary to carry out the powers and duties enumerated in this chapter.

NEW SECTION. Sec. 5. The office shall not intervene in any regulatory proceeding before the Washington utilities and transportation commission or proceedings of utilities not regulated by the commission. Nothing in this chapter abrogates or diminishes the functions, powers, or duties of the energy facility site evaluation council pursuant to chapter 80.50 RCW, the utilities and transportation commission pursuant to Title 80 RCW, or other state or local agencies established by law.

The office shall avoid duplication of activity with other state agencies and officers and other persons.

Sec. 6. Section 6, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.060 are each amended to read as follows:

In addition to the duties prescribed in (~~RCW 43.21F.050~~) section 4 of this 1981 act, the energy office shall have the authority to:

(1) Obtain all necessary and existing information from energy producers, suppliers, and consumers, doing business within the state of Washington, from political subdivisions in this state, or any person as may be necessary to carry out the provisions of this chapter: PROVIDED, That if the information is available in reports made to another state agency, the office shall obtain it from that agency: PROVIDED FURTHER, That, to the maximum extent practicable, informational requests to energy companies regulated by the utilities and transportation commission shall be channeled through the commission and shall be accepted in the format normally used by the companies. Such information may include but not be limited to:

- (a) Sales volume;
- (b) Forecasts of energy requirements; and
- (c) (~~Inventory of~~) Energy costs.

Notwithstanding any other provision of law to the contrary, information furnished under this subsection shall be confidential and maintained as such, if so requested by the person providing the information, if the information is proprietary.

It shall be unlawful to disclose such information except as hereinafter provided. A violation shall be punishable, upon conviction, by a fine of not more than one thousand dollars for each offense. In addition, any person who wilfully or with criminal negligence, as defined in RCW 9A.08.010, discloses confidential information in violation of this subsection may be subject to removal from office or immediate dismissal from public employment notwithstanding any other provision of law to the contrary.

Nothing in this subsection prohibits the use of confidential information to prepare statistics or other general data for publication when it is so presented as to prevent identification of particular persons or sources of confidential information.

(2) Receive and expend funds obtained from the federal government or other sources by means of contracts, grants, awards, payments for services, and other devices in support of ~~((energy-related scientific and technical programs, studies, operations, and other activities beneficial to the state of Washington: PROVIDED, That expenditures of such funds shall be subject to prior approval by the legislative budget committee))~~ the duties enumerated in this chapter.

NEW SECTION. Sec. 7. To aid and advise the director in the performance of the duties under this chapter, an advisory council shall be appointed by the governor. The council shall be composed of not more than nine voting members, all of whom shall be residents of this state, representing such geographical areas and energy supply and consumption sectors as the governor shall determine will best further the purposes of this chapter. Terms of council members shall not exceed two years and shall continue until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members may be reappointed. 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, as now existing or hereafter amended.

In addition, there shall be four nonvoting members from the legislature consisting of: (1) Two members of the senate, both to be appointed by the president of the senate, and not more than one to be affiliated with any one political party; and (2) two members of the house of representatives, both to be appointed by the speaker of the house of representatives, and not more than one to be affiliated with any one political party. The appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first. Members may be reappointed. Vacancies shall be filled in the same manner as original appointments are made. The nonvoting members shall collect data considered essential to future legislative proposals and exchange information with the council. The nonvoting members shall be considered 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 council shall select one of its members to serve as chairman at the pleasure of the council. Five voting members constitute a quorum for conducting business. All actions or recommendations of the council require the affirmative vote of a majority of the council membership.

NEW SECTION. Sec. 8. In addition to the duties and functions assigned by section 4 of this act and RCW 43.21F.060, the director shall:

(1) Manage, plan, direct, and administer the activities and staff of the office;

(2) Assign, reassign, and coordinate personnel of the office and prescribe their duties subject to chapter 41.06 RCW; and

(3) Provide staff support to the energy advisory council.

NEW SECTION. Sec. 9. The Washington state energy office and its powers and duties shall terminate on June 30, 1987, unless extended by law.

NEW SECTION. Sec. 10. There is added to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply within the state energy office to the director, one confidential secretary, and up to seven professional staff members.

Sec. 11. Section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.010 are each amended to read as follows:

The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to regulate the production, distribution, and use of energy, a severe impact on the public health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of such energy shortages or disruptions and their effects is necessary for preservation of the public health, safety, and general welfare of the citizens of this state.

It is the intent of this chapter to:

(1) Establish necessary emergency powers for the governor and define the situations under which such powers are to be exercised;

(2) Provide penalties for violations of this chapter.

It is further the intent of the legislature that in developing proposed orders under the powers granted in RCW 43.21G.040 as now or hereafter amended the governor may utilize, on a temporary or ad hoc basis, the knowledge and expertise of persons experienced in the technical aspects of energy supply, distribution, or use. Such utilization shall be in addition to support received by the governor from the state energy office under (~~RCW 43.21F.050 and 43.21F.070~~) sections 4 and 8 of this 1981 act and from other state agencies.

NEW SECTION. Sec. 12. The director shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The office may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in consonance with the terms of the lease and in the best interests of the citizens of the state;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965. In order to finance perpetual surveillance and maintenance under the agreement, the office shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.04 RCW and shall be at a total charge of not less than the prevailing rates at similar sites in the nation or the amount determined by the state radiation control agency to be necessary to defray the estimated liability of the state, whichever is greater. All such fees, when received by the energy office, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account which may be designated the "perpetual maintenance account." Appropriations are required to permit expenditures and payment of obligations from this account, and the condition of the account and its administration shall be reported biennially to the legislature by the director. Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance account. The perpetual maintenance account shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations; and

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director and the state radiation control agency, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities.

Sec. 13. Section 43.31.040, chapter 8, Laws of 1965 as last amended by section 6, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.040 are each amended to read as follows:

The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the tourist promotion division, (3) the research division, (4) ~~((the nuclear~~

~~energy development division, to be known as the "office of nuclear energy development,"~~ ~~(5))~~ the foreign trade division, to be known as the "office of foreign trade," ~~((6))~~ (5) the small business division, to be known as the "office of small business," and others as required.

The director of commerce and economic development may appoint such division supervisors, managers, or executive directors, and clerical supervisors and other assistants as may be necessary for the general administration of the department.

Sec. 14. Section 5, chapter 161, Laws of 1980 and RCW 43.96C.050 are each amended to read as follows:

The department of commerce and economic development (~~and the state energy office~~), as well as all other interested departments and agencies, shall cooperate with the energy fair commission for the fair to become a memorable success. The energy fair commission and all other state departments and agencies shall cooperate in all respects with Benton and Franklin counties and with other departments, agencies, and political subdivisions of this state.

**Sec. 15. Section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030 are each amended to read as follows:*

(1) There is hereby 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 shall be 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 pursuant to the provisions of RCW 43.03.040. The chairman shall be deemed a "state employee" for the purposes of chapter 42.18 RCW.

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

- (a) Department of ecology*
- (b) Department of fisheries*
- (c) Department of game*
- (d) Department of parks and recreation*
- (e) Department of social and health services*
- (f) ~~(State energy office~~*
- (g)) Department of commerce and economic development*
- ~~((h))~~ (g) Utilities and transportation commission*
- ~~((i))~~ (h) Office of ~~(program planning and fiscal)~~ financial management*
- ~~((j))~~ (i) Department of natural resources*
- ~~((k))~~ (j) Planning and community affairs agency*

~~((#))~~ (k) Department of emergency services

~~((m))~~ (l) Department of agriculture

~~((n))~~ (m) Department of highways.

(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 such 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 such 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 such 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. 15. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.078;

(2) Section 2, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.020;

(3) Section 3, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.030;

(4) Section 4, chapter 108, Laws of 1975-'76 2nd ex. sess., section 87, chapter 99, Laws of 1979 and RCW 43.21F.040;

(5) Section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050;

(6) Section 7, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.070;

(7) Section 1, chapter 10, Laws of 1965 and RCW 43.31.280;

(8) Section 3, chapter 10, Laws of 1965 and RCW 43.31.290;

(9) Section 5, chapter 10, Laws of 1965, section 11, chapter 108, Laws of 1975-'76 2nd ex. sess., section 35, chapter 3, Laws of 1981 and RCW 43.31.300;

(10) Section 8, chapter 10, Laws of 1965 and RCW 43.31.310;

(11) Section 9, chapter 10, Laws of 1965 and RCW 43.31.320;

(12) Section 7, chapter 10, Laws of 1965 and RCW 43.31.330;

(13) Section 16, chapter 99, Laws of 1979 and RCW 43.131.179;

(14) Section 58, chapter 99, Laws of 1979 and RCW 43.131.180; and

(15) Section 4, chapter 207, Laws of 1961, section 4, chapter 10, Laws of 1965 and RCW 70.98.040.

NEW SECTION. Sec. 17. Sections 1 through 5, 7 through 9, and 12 of this act are each added to chapter 43.21F 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 Senate April 24, 1981.

Passed the House April 15, 1981.

Approved by the Governor May 18, 1981, with the exception of Section 15, which is vetoed.

Filed in Office of Secretary of State May 18, 1981.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 4085 entitled:

"AN ACT Relating to the energy office."

Section 15 would delete the Energy Office from membership on the Energy Facility Site Evaluation Council (EFSEC). To the extent that the Energy Office can provide its expertise and viewpoint on EFSEC it should do so.

I have therefore vetoed Section 15. The remainder of the bill is approved."

CHAPTER 296

[Engrossed Senate Bill No. 3355]

AGRICULTURAL ACTIVITIES

AN ACT Relating to activities regulated by the state department of agriculture or the director thereof; amending section 15.04.020, chapter 11, Laws of 1961 as amended by section 7, chapter 75, Laws of 1977 and RCW 15.04.020; amending section 15.04.030, chapter 11, Laws of 1961 and RCW 15.04.030; amending section 15.04.070, chapter 11, Laws of 1961 and RCW 15.04.070; amending section 15.08.010, chapter 11, Laws of 1961 and RCW 15.08.010; amending section 2, chapter 27, Laws of 1965 and RCW 15.08.025; amending section 15.08.230, chapter 11, Laws of 1961 and RCW 15.08.230; amending section 15.60.030, chapter 11, Laws of 1961 as last amended by section 3, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.030; amending section 15.60.040, chapter 11, Laws of 1961 as amended by section 4, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.040; amending section 9, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.043; amending section 15.60.100, chapter 11, Laws of 1961 as amended by section 7, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.100; amending section 15.60.120, chapter 11,

Laws of 1961 and RCW 15.60.120; amending section 15.60.140, chapter 11, Laws of 1961 and RCW 15.60.140; amending section 5, chapter 22, Laws of 1957 and RCW 16.36.110; amending section 1, chapter 54, Laws of 1959 as last amended by section 17, chapter 154, Laws of 1979 and RCW 16.57.010; amending section 16, chapter 54, Laws of 1959 as amended by section 4, chapter 135, Laws of 1971 ex. sess. and RCW 16.57.160; amending section 22, chapter 54, Laws of 1959 as last amended by section 5, chapter 135, Laws of 1971 ex. sess. and RCW 16.57.220; amending section 24, chapter 54, Laws of 1959 and RCW 16.57.240; amending section 26, chapter 54, Laws of 1959 and RCW 16.57.260; amending section 29, chapter 54, Laws of 1959 as last amended by section 18, chapter 154, Laws of 1979 and RCW 16.57.290; amending section 30, chapter 54, Laws of 1959 and RCW 16.57.300; amending section 1, chapter 38, Laws of 1974 ex. sess. and RCW 16.57.380; amending section 3, chapter 38, Laws of 1974 ex. sess. and RCW 16.57.400; amending section 2, chapter 292, Laws of 1927 and RCW 17.24.030; amending section 3, chapter 292, Laws of 1927 and RCW 17.24.035; amending section 7, chapter 292, Laws of 1927 and RCW 17.24.100; amending section 1, chapter 156, Laws of 1947 and RCW 17.24.105; amending section 2, chapter 156, Laws of 1947 as amended by section 5, chapter 169, Laws of 1977 ex. sess. and RCW 17.24.110; amending section 5, chapter 156, Laws of 1947 and RCW 17.24.140; amending section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 115, Laws of 1979 ex. sess. and RCW 20.01.010; amending section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 115, Laws of 1979 ex. sess. and RCW 20.01.030; amending section 33, chapter 139, Laws of 1959 as last amended by section 8, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.330; amending section 38, chapter 139, Laws of 1959 as amended by section 4, chapter 232, Laws of 1963 and RCW 20.01.380; amending section 1, chapter 124, Laws of 1963 as last amended by section 12, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.010; amending section 13, chapter 124, Laws of 1963 as amended by section 16, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.130; creating new sections; adding a new section to chapter 16.57 RCW; adding a new section to chapter 17.24 RCW; repealing section 15.04.050, chapter 11, Laws of 1961 and RCW 15.04.050; repealing section 1, chapter 195, Laws of 1967 and RCW 15.04.130; repealing section 2, chapter 195, Laws of 1967 and RCW 15.04.140; declaring an emergency as to a section hereof; and providing penalties.

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

Section 1. Section 15.04.020, chapter 11, Laws of 1961 as amended by section 7, chapter 75, Laws of 1977 and RCW 15.04.020 are each amended to read as follows:

The director (~~(shall)~~) may:

(1) Furnish to the board of county commissioners of each county annually, on or before September 1st, an estimate of the expenses for the ensuing year of inspecting and disinfecting the horticultural plants, fruits, vegetables and nursery stock and the places in the county where such articles are grown, packed, stored, shipped, held for shipment or delivery, or offered for sale;

(2) Appoint inspectors to enforce and carry out the provisions of this title, who may be of two classes: Inspectors—at-large and local inspectors(~~(; but no more than twenty inspectors—at-large shall be appointed)~~);

(3) Adopt, promulgate and enforce such rules and regulations as are necessary to or will facilitate his carrying out of the horticultural laws he is authorized and directed to administer and enforce; and

(4) Adopt, promulgate and enforce rules and regulations:

(a) governing the grading, packing, and size and dimensions of commercial containers of fruits, vegetables, and nursery stock;

(b) fixing commercial grades of fruits, vegetables and nursery stock, and providing for the inspection thereof and issuance of certificates of inspection therefor;

(c) for the inspection, grading and certifying of growing crops of agricultural and vegetable seeds and the fixing and collecting of fees for such services;

(d) covering the collection of native plants and parts thereof, and when the manner of collection is destructive of the plants, prohibiting such collecting;

(e) establishing quarantine measures and methods for the protection of agricultural and horticultural crops and products and the control or eradication of pests and diseases injurious thereto(;

~~(f) he may appoint any officer or member of a local fruit protective association to act as inspector, vested with power only to enter premises and inspect orchards and report to the inspector-at-large. Such inspectors shall receive no compensation for services and need not take the regular examination required of other inspectors)).~~

Sec. 2. Section 15.04.030, chapter 11, Laws of 1961 and RCW 15.04.030 are each amended to read as follows:

The director, supervisor and horticultural inspectors (~~shall~~) may:

(1) Inspect all horticultural premises, fruits, vegetables, nursery stock, horticultural supplies, and other properties which are subject to infection by pests or diseases; require the owners or persons in charge of any infected property to disinfect the same; disinfect the same in case the owner or person in charge fails, after notice, to do so; condemn and destroy properties which cannot be successfully disinfected; have free access to any such premises or properties at any time;

(2) Require all such products held for shipment which are partially infected, to be sorted and repacked, and if the owner or person in charge after notice fails to do so, they (~~shall~~) may condemn and destroy them: PROVIDED, That no inspector shall destroy more than ten percent of any variety of nursery stock in any lot or shipment of fifty or more trees, vines, or shrubs without five days' notice to the shipper, during which time the owner or shipper may appeal to the supervisor;

(3) At the request of the owner, inspect his fruit, vegetables, and nursery stock and all other horticultural plants and products and premises where growing or grown, for diseases and pests, and report to him the result of such investigation and prescribe proper remedies;

(4) Issue certificates of inspection to licensed nurserymen and dealers in nursery stock, on stock inspected and approved; and

(5) Inspect or audit, during business hours, the records of any grower of or dealer in nursery stock, to determine the kind of license required by him.

Sec. 3. Section 15.04.070, chapter 11, Laws of 1961 and RCW 15.04.070 are each amended to read as follows:

Said local inspectors shall satisfy the director, by examination, that their knowledge and experience qualifies them to successfully perform horticultural inspection work. ~~((Their salaries, as fixed by the board, and actual and necessary traveling expenses shall be paid from the county current expense fund on vouchers verified by them, approved by the director and ordered paid by the board.))~~ All local inspectors are under the direction and control of the director and supervisor.

Sec. 4. Section 15.08.010, chapter 11, Laws of 1961 and RCW 15.08.010 are each amended to read as follows:

As used in this chapter:

(1) "Supervisor" means an assistant director known as the supervisor of ~~((horticulture;))~~ plant industry.

(2) "Horticultural premises" includes orchards, vineyards, nurseries, berry farms, vegetable farms, cultivated cranberry marshes, packing houses, dryhouses, warehouses, depots, docks, cars, vessels and other places where nursery stock, fruits, vegetables and other horticultural products are grown, stored, packed, shipped, held for shipment or delivery, sold or otherwise disposed of~~((;))~~.

(3) "Nursery stock" includes ~~((fruit trees, vines and bushes; fruit tree stock; rose bushes and stock; forest, ornamental and shade trees and shrubs (deciduous and evergreen); fruit bearing plants and parts thereof; plant products for planting or propagation (except vegetable plants;))~~, but is not limited to, any horticultural, floricultural, viticultural, and vegetable plant, for planting, propagation or ornamentation, growing or otherwise, including cut plant material.

(4) "Pests and diseases" ~~((includes the following pests injurious to and diseases of nursery stock, fruit and vegetables:~~

(1) Bacterial diseases—fire blight of apple, pear and quince, crown gall or root gall, and hairy root;

(2) fungus diseases—black spot canker, pear scab, apple scab, apple powdery mildew, peach leaf curl, peach mildew, brown rot of peach, cherry and prune, chestnut blight, potato wart, powdery scab of potato and peach twig blight, blue stem of black raspberry, black stem rust of barberry and wheat, eastern filbert blight, European apple canker;

(3) insect pests—chewing insects, such as bud moth, peach twig borer caterpillars, pear slug, flat-headed borer, round-headed borer, imported cabbage worm, potato tuber moth, potato nematode or cel worm, potato leaf mold, Mediterranean fruit fly, lesser apple worm, tussock moth, gypsy moth, brown tail moth, codling moth, fruit tree leaf roller, cherry maggot, cherry fruit saw-fly, satin moth, currant maggot, Colorado potato beetle, strawberry weevil, European earwig, Japanese beetle, pear thrips, and larvae of any thereof;

(4) sucking insects—San Jose scale, scurfy scale, oyster-shell bark louse, aphids, pear leaf blistermites and red spider;

~~(5) and such other bacterial and fungus diseases and insect pests identified as such by science and described as being injurious to horticulture in circulars issued by the director;))~~ means, but is not limited to, any living stage of any insect, mite, nematode, slug, snail, protozoa, or other invertebrate animal, bacteria, fungus, other parasitic plant, weed, or reproductive part thereof, virus or any organism similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in or to any plant or parts thereof, or any processed, manufactured, or other products of plants.

(5) "Nuisance" means any plant((s)), produce or property found in any commercial area upon which is found any pest or disease ((recognized in this chapter)) that is or may be a source of infestation of other properties((:)).

~~(("Nuisance per se" means any nuisance, as above defined, which will or is likely to cause damage or infection to other property;))~~

(6) "Commercial area" means a district where any horticultural product is being produced to the extent that a producer is dependent thereon, in whole or in part, for his livelihood((:)).

(7) "Infect," and its derivatives "infected," "infecting," and "infection," means affected by or infested with pests or diseases as above defined((:)).

(8) "Disinfect," and its derivatives, means the control, cure, or eradication of such pests or diseases by cutting or destroying infected parts or the application of ((fungicides, insecticides, or other)) effective ((solutions or emulsions;)) pesticides.

~~(("Agent" means any person acting as agent, salesman, solicitor, or representative of a licensed nurseryman or licensed dealer in nursery stock, who sells from a catalog or samples and makes no deliveries at the time of solicitation:))~~

Sec. 5. Section 2, chapter 27, Laws of 1965 and RCW 15.08.025 are each amended to read as follows:

The method for disinfecting fruit trees required to be disinfecting under the provisions of this chapter((:)) shall be as prescribed in((, and shall include the mandatory use of all procedures and formulations provided for in the "extension bulletin 419" published by the extension service, institute of agricultural sciences, Washington State University, as published and in effect on June 10, 1965;)) the official published recommendations of the Washington State University for the proper prevention, control and eradication of pests and diseases of fruit trees((: PROVIDED, That the department of agriculture may adopt any subsequent change or amendment to said "extension bulletin 419")).

Whenever specific recommendations for disinfecting fruit trees are not set forth in the ((said "extension bulletin 419", then)) official published

recommendations of the Washington State University, the generally accepted horticultural practices for the prevention, control and eradication of any pests and diseases in the producing area shall be used.

The burden of proving that the proper procedures as set forth in this section have been followed(;) shall be upon the person ordered to disinfect fruit trees.

The disinfection of fruit trees as in this section set forth shall in no way limit the authority of the inspection board to determine that such fruit trees constitute a nuisance and thus shall be subject to removal as provided for in this chapter.

Sec. 6. Section 15.08.230, chapter 11, Laws of 1961 and RCW 15.08-.230 are each amended to read as follows:

The director (~~(and)~~) may require the governing body of counties, cities, towns and irrigation and school districts (~~(shall)~~) or other political subdivisions of the state to disinfect or destroy all infected trees, (~~(or)~~) shrubs, or other nursery stock growing upon public property within their respective jurisdictions, (~~and they may expend funds of their county, city, town or district in carrying out the provisions of this section. The director may compel compliance herewith by an action in the name of the state upon the relation of the director~~) or the director may disinfect or destroy such infected trees, shrubs, or other nursery stock.

Sec. 7. Section 15.60.030, chapter 11, Laws of 1961 as last amended by section 3, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.030 are each amended to read as follows:

Each person owning or having bees in his possession shall register with the director(;) the (~~(location of the bee yard,)~~) name, address, and phone number of the owner, and (~~(post at)~~) identify the bee yard (~~(a registration number)~~) as provided for herein, on or before April 1st each year. A registration fee may be set by the department of agriculture in compliance with chapter 34.04 RCW for the sole purpose of covering the expenses of the apiary board.

The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department (~~(a registration)~~) an identification number(, transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees). Yards shall be identified by displaying the assigned identification number in at least four inch characters on the side and top of some colonies in each yard. The identification shall be in a color that contrasts with the color of the hive. This identification shall be conspicuous to anyone approaching the bee yard: PROVIDED, That any identification number assigned to an apiarist prior to September 21, 1977 shall be assigned to such apiarist as his (~~(registration)~~) identification number. (~~(Bees placed in orchards for pollination shall be exempt from posting during placement. PROVIDED, That)~~) Any apiarist (~~(with)~~) owning or

operating no more than twenty-five colonies shall, when placing bees on other than his own property, post his name and address in the apiary.

Sec. 8. Section 15.60.040, chapter 11, Laws of 1961 as amended by section 4, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.040 are each amended to read as follows:

(1) The director shall make or cause to be made whenever he deems it necessary, inspections of all apiaries.

(2) Whenever a disease exists in any apiary, the inspector making the inspection shall plainly mark the hives containing diseased bees. The inspector shall, in writing, notify the owner or person in charge or in possession of such apiary by certified or registered mail, stating in the notice the nature of the disease found in each colony, identifying such colony by reference to the mark placed upon the hive thereof, and ordering eradication of such disease in accordance with subsections (3) and (4) of this section within a specified time. When the owner or person in charge or in possession of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary, or by mailing a copy thereof to the owner's registered address.

(3) The owner or person in charge or in possession of any diseased bees must eradicate such disease within the time specified in the notice. If the disease is American foul brood, the time specified in the notice shall not be less than twenty-four hours nor more than one hundred and twenty hours from the time of serving the notice.

(4) The owner or person in charge or in possession of any hive infected with American foul brood shall eradicate such disease by~~(;)~~:

(a) Burning the diseased hive including bees, combs, frames, honey, and wax, and burying the ashes by means approved by the director; or

(b) Delivering the hive, comb intact, to a wax salvage plant or authorized fumigation chamber which has been designated by the director as suitable for such purposes which shall disinfect the hive by means approved by the director.

(5) Any apiary which is found to be infected with American foul brood and to be dangerous to the health of any apiary in this state may be summarily quarantined by the department. Notice of the quarantine shall be posted prominently on the apiary, and the owner notified of such quarantine. The quarantine shall not be removed until the department reasonably determines that no further infection exists. During the quarantine period, no bees, honey, appliances, equipment, or other materials may be removed from the apiary without first procuring a permit from the department. However, such bees, honey, appliances, equipment, or other materials may be removed for the purpose of eradicating the disease.

(6) ~~((a))~~ If the inspector finds that American foul brood disease has infected more than two hives of ninety-nine hives or fewer, or more than

two percent of hives of one hundred or more, he may, if he deems it necessary, make a complete inspection of all hives in the apiary and the owner of the apiary shall pay the actual and necessary costs of the complete inspection.

~~((b))~~ (7) Every apiary in which American foul brood is found shall be declared a public nuisance. Whenever any such nuisance exists and the owner refuses or neglects to abate it within the time specified in the notice issued under subsection (2) of this section, the inspector shall abate said nuisance ~~((by burning the condemned hive and its contents, including bees, hive bodies, frames and wax, bottom boards, and covers, within forty-eight hours after the time specified in the notice))~~. The owner shall pay the actual and necessary costs of abatement.

~~((7))~~ (8) The owner or operator of any colony of bees found to be infected with American foul brood shall upon his request be entitled to a scientific analysis of such colony before it is declared a public nuisance by the director. The results of such analysis shall be conclusive as to whether the colony is diseased. The costs of such scientific analysis shall be paid by the apiarist owning or operating the colonies being analyzed if it is found to be diseased. In case the colony is found not to be diseased, the department shall pay the cost of the scientific analysis. The laboratory performing such scientific analysis shall be approved by the director.

Sec. 9. Section 9, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.043 are each amended to read as follows:

An owner of bees or his pollination customer may request the director to make a colony strength inspection of any colony of bees. The director, subject to the availability of qualified personnel, shall make such inspection but shall provide the apiarist with advance notice, ~~((in writing))~~ when possible, of the inspection date. The director shall charge the person requesting such inspection the costs of such inspection, including per diem and travel expenses of the inspector. A copy of the certificate report shall be sent to the person or persons owning the bees within forty-eight hours of the colony strength inspection.

The colony strength requirement shall be decided on a yearly basis by the director, in cooperation with the apiary board created by RCW 15.60.025.

Sec. 10. Section 15.60.100, chapter 11, Laws of 1961 as amended by section 7, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.100 are each amended to read as follows:

It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any bees or used appliances without first having secured an official certificate, certified by the state bee inspector of the state of origin that such bees and appliances are not infected with disease. Written notice shall be given

by the owner to the director within three days after the date of arrival, giving the date of arrival, destination and/or location of bees or used appliances, and a copy of the inspection certificate issued by the state of origin. Each apiary or location shall be marked for identification by placing the name ~~((or recognized abbreviation of the state of origin, and the initials))~~ and address of the person importing the bees, hives, or used appliances in letters at least one inch in height. If evidence of any disease is found such imported bees or appliances shall be subject to the same provisions as local bees or appliances. Each person who brings colonies of bees into this state shall register such colonies, as provided by RCW 15.60.030, within three days.

A resident beekeeper of Washington state who obtains a valid inspection certificate and moves his bees out of state for wintering shall not be required to obtain an inspection certificate from the state from which they are being returned, provided that the bees are returned to the state prior to May 15th each year.

Sec. 11. Section 15.60.120, chapter 11, Laws of 1961 and RCW 15.60-.120 are each amended to read as follows:

Every person rearing queen bees for sale shall have each queen rearing apiary inspected whenever necessary and when conditions are favorable for inspection. If the inspection discloses any contagious or infectious disease in any apiary the owner, lessee, or person in charge of such apiary shall not ship any queen bees therefrom until he receives a certificate in writing from the inspector that such apiary is apparently free from ~~((att))~~ disease.

Sec. 12. Section 15.60.140, chapter 11, Laws of 1961 and RCW 15.60-.140 are each amended to read as follows:

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor ~~((, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars))~~. Upon a second and subsequent violation and conviction, the same shall constitute a gross misdemeanor.

Sec. 13. Section 15.60.150, chapter 11, Laws of 1961 and RCW 15.60-.150 are each amended to read as follows:

No person shall wilfully or maliciously kill honey bees in an apiary, or, for the purpose of injuring honey bees place any poisonous or sweetened substance in a place where it is accessible to them within this state.

Any person who violates any provision of this section shall be ~~((fined not less than ten or more than one hundred dollars))~~ guilty of a misdemeanor.

Sec. 14. Section 5, chapter 22, Laws of 1957 and RCW 16.36.110 are each amended to read as follows:

A violation of or a failure to comply with any provision of this chapter shall be a misdemeanor: PROVIDED, That any violation of RCW 16.36-.030, 16.36.040, 16.36.050, or that part of 16.36.060 which makes it 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 shall be a gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.103, 16.36.105, 16.36.107, 16.36.108 or 16.36.109 may be enjoined from continuing such violation.

Sec. 15. Section 1, chapter 54, Laws of 1959 as last amended by section 17, chapter 154, Laws of 1979 and RCW 16.57.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry and rabbits(~~(: PROVIDED, That livestock when used herein under the provisions of RCW 16.57.160 through 16.57.200, 16.57.220 through 16.57.260, and 16.57.280 through 16.57.330 shall mean and include only cattle of whatever species, breed or age)).~~

(5) "Brand" means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(6) "Production record brand" means a number brand which shall be used for production identification purposes only.

(7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.

(8) "Class I estray" means any ((~~livestock~~)) cattle or horses at large contrary to the provisions of RCW 16.13.010 as now or hereafter amended, or any unclaimed ((~~livestock~~)) cattle or horses submitted or impounded by any person at any public livestock market or any other facility approved by the director.

(9) "Class II estray" means any ((~~livestock~~)) cattle or horses identified as estray that ((~~is~~)) are offered for sale and as provided for in RCW 16.57.290 as now or hereafter amended.

(10) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

(11) "Registering agency" means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.

Sec. 16. Section 16, chapter 54, Laws of 1959 as amended by section 4, chapter 135, Laws of 1971 ex. sess. and RCW 16.57.160 are each amended to read as follows:

Brand inspection of cattle shall be mandatory at the following points:

(1) Prior to being moved out of state to any point where brand inspection is not maintained by the director, directly or in agreement with another state.

(2) Subsequent to delivery to a public livestock market and prior to sale at such public livestock market unless such cattle are exempt from brand inspection by law or regulation((s)) adopted by the director ~~((because of prior brand inspection or if such cattle are shipped directly to a public livestock market from another state and accompanied by a brand inspection certificate specifically identifying such cattle issued by the state of origin or a lawful agency thereof))~~ in order to avoid duplication and/or to allow for efficient administration of this chapter.

(3) Prior to slaughter at any point of slaughter unless such cattle are exempt from such brand inspection by law or regulations adopted by the director because of prior brand inspection or if such cattle are immediate slaughter cattle shipped directly to a point of slaughter from another state and accompanied by a brand inspection certificate specifically identifying such cattle issued by the state of origin or a lawful agency thereof.

(4) Prior to the branding of any cattle except as otherwise provided by law or regulation.

(5) Prior to the sale of any cattle except as otherwise provided by law or regulation.

The director may by regulation adopted subsequent to a public hearing designate any other point for mandatory brand inspection of cattle or the furnishing of proof that cattle passing or being transported through such points have been brand inspected and are lawfully being moved. Further, the director may stop vehicles carrying cattle to determine if such cattle are identified or branded as immediate slaughter cattle, and if so that such cattle are not being diverted for other purposes to points other than the specified point of slaughter.

Sec. 17. Section 22, chapter 54, Laws of 1959 as last amended by section 5, chapter 135, Laws of 1971 ex. sess. and RCW 16.57.220 are each amended to read as follows:

The director shall cause a charge to be made for all brand inspection of cattle required under this chapter and rules and regulations adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Such inspection charges shall be due and payable at the time brand inspection is performed and if not shall constitute a prior lien on the ~~((livestock))~~ cattle or ~~((livestock))~~ cattle hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection shall establish schedules by days and hours when a brand inspector will be on duty ~~((or))~~ to perform brand inspection at established inspection points. The fees for brand inspection performed at inspection points according to schedules established by the director shall be not less than ~~((twenty))~~ thirty cents nor more than ~~((thirty))~~ fifty cents as prescribed by the director subsequent to a hearing. Fees for brand inspection performed by the director at points other than those designated by the director or not in accord with the schedules established by him shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. Such schedule of fees shall be established subsequent to a hearing and all regulations concerning fees shall be adopted in accord with the provisions of chapter 34.04 RCW, the Administrative Procedure Act, concerning the adoption of rules as enacted or hereafter amended.

Sec. 18. Section 24, chapter 54, Laws of 1959 and RCW 16.57.240 and each amended to read as follows:

Any person purchasing, selling, holding for sale, trading, bartering, transferring title, slaughtering, handling, or transporting ~~((livestock))~~ 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 ~~((livestock))~~ 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, one copy shall accompany the ~~((livestock))~~ cattle to ~~((its))~~ 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, ~~((livestock))~~ 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 ~~((livestock-is))~~ cattle are moved or transported upon lands under the exclusive control of the person moving or transporting such ~~((livestock))~~ cattle;

(2) When such ~~((livestock-is))~~ cattle are being moved or transported for temporary grazing or feeding purposes and ~~((has))~~ have the registered

brand of the person having or transporting such (~~(livestock, or accompanied by a certificate of permit)~~) cattle.

Sec. 19. Section 26, chapter 54, Laws of 1959 and RCW 16.57.260 are each amended to read as follows:

It shall be unlawful for any person to remove or cause to be removed or accept for removal from this state, any (~~(livestock)~~) cattle or horses which (~~(is)~~) are not accompanied at all times by an official brand inspection certificate issued by the director on such (~~(livestock)~~) cattle or horses, except as provided in RCW 16.57.160.

Sec. 20. Section 29, chapter 54, Laws of 1959 as last amended by section 18, chapter 154, Laws of 1979 and RCW 16.57.290 are each amended to read as follows:

All unbranded cattle and horses and those bearing brands not recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit, and those bearing brands recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit signed by the owner of the brand when presented for inspection, are hereby declared to be class II estrays, unless other satisfactory proof of ownership is presented showing the person presenting them to be lawfully in possession. Such estrays shall be sold by the director or his representative who shall give the purchasers a bill of sale therefor, or, if theft is suspected, the horse may be impounded by the director or the director's representative.

Sec. 21. Section 30, chapter 54, Laws of 1959 and RCW 16.57.300 are each amended to read as follows:

The proceeds from the sale of (~~(such)~~) class II estrays, after paying the cost thereof, shall be paid to the director, who shall make a record showing the brand or marks or other method of identification of the animals and the amount realized from the sale thereof. However, the proceeds from a sale of class II estrays at a licensed public livestock market shall be held by the licensee for a reasonable period not to exceed thirty days to permit the consignor to establish ownership or the right to sell such (~~(livestock)~~) cattle or horses. If such consignor fails to establish legal ownership or the right to sell such (~~(livestock)~~) cattle or horses, such proceeds shall be paid to the director to be disposed of as any other estray proceeds.

Sec. 22. Section 1, chapter 38, Laws of 1974 ex. sess. and RCW 16.57-.380 are each amended to read as follows:

Brand inspection of horses shall be mandatory at the following points:

(1) Prior to being moved out of state to any point where brand inspection is not maintained by the director, directly or in agreement with another state.

(2) Subsequent to delivery to a public livestock market and prior to sale at such public livestock market unless such horses are exempt from brand

inspection by law, or regulations adopted by the director (~~((because of prior brand inspection or if such horses are shipped directly to a public livestock market from another state and accompanied by a brand inspection certificate specifically identifying such horses issued by the state of origin or a lawful agency thereof))~~) in order to avoid duplication and/or to allow for efficient administration of this chapter.

(3) Prior to slaughter at any point of slaughter unless such horses are exempt from such brand inspection by law, or regulations adopted by the director (~~((because of prior brand inspection or if such horses are immediate slaughter horses shipped directly to a point of slaughter from another state and accompanied by a brand inspection certificate specifically identifying such horses issued by the state of origin or a lawful agency thereof))~~) in order to avoid duplication and/or to allow for efficient administration of this chapter.

(4) Prior to the branding of any horses except as otherwise provided by law or regulation.

(5) Prior to the sale of any horses except as otherwise provided by law or regulation.

The director may by regulation adopted subsequent to a public hearing designate any other point for mandatory brand inspection of horses or the furnishing of proof that horses passing or being transported through such points have been brand inspected and are lawfully being moved. Further, the director may stop vehicles carrying horses to determine if such horses are identified or branded as immediate slaughter horses, and if so that such horses are not being diverted for other purposes to points other than the specified point of slaughter.

Sec. 23. Section 3, chapter 38, Laws of 1974 ex. sess. and RCW 16.57-.400 are each amended to read as follows:

The director may provide by rules and regulations adopted pursuant to chapter 34.04 RCW for the issuance of individual horse identification certificates or other means of horse identification deemed appropriate. Such certificates or other means of identification shall be valid only for the use of the horse owner in whose name it is issued.

Horses identified pursuant to the provisions of this section and the rules and regulations adopted hereunder shall not be subject to brand inspection except when sold at points provided for in RCW 16.57.380. The director shall charge (~~(an annual)~~) a fee for the certificates or other means of identification authorized pursuant to this section and no identification shall be issued until the director has received the fee. The schedule of fees shall be established in accordance with the provisions of chapter 34.04 RCW.

Sec. 24. Section 2, chapter 292, Laws of 1927 and RCW 17.24.030 are each amended to read as follows:

The director of agriculture (~~((by and with the approval of the governor))~~) may after investigation establish, maintain and enforce such obligatory

quarantine regulations as may be deemed necessary to protect the forest, agricultural, horticultural, ornamental and floral trees, shrubs and plants, and the products thereof in the state of Washington, ~~((against))~~ from contagion or infestation ~~((by))~~ from injurious plant disease, insect~~((s))~~, or animal or weed pest~~((s))~~, by establishing such quarantine at the boundaries of this state or elsewhere within the state, and he may make and enforce, any and all such obligatory rules and regulations as may be deemed necessary to prevent any infested or infested forest, agricultural, horticultural, ornamental and floral trees, shrubs, and plants, ~~((and the products thereof in the state of Washington))~~ or any nonhorticultural article which may harbor such plant disease, insect, or animal or weed pests from passing over any quarantine line established and proclaimed pursuant to ~~((RCW 17.24.020 through 17.24.100))~~ chapter 17.24 RCW, as now or hereafter amended, and all such articles ~~((shall))~~ may, during the maintenance of such quarantine, be inspected by such director or by horticultural or other inspectors thereto appointed, and he and the inspectors so conducting such inspection ~~((shall not permit))~~ may prevent any such article from passing over such quarantine boundary or may require any such article ~~((to pass))~~ passing over such quarantine ~~((fine during such quarantine, except upon))~~ boundary to be accompanied by a certificate of inspection, signed by such director or in his name by such inspector who has made such inspection. ~~((All approvals by the governor given or made pursuant to RCW 17.24.020 through 17.24.100 shall be in writing and signed by the governor in duplicate, and one copy thereof shall be filed in the office of the secretary of state and the other in the office of said director before such approval shall take effect.))~~ The director shall, when adopting rules or regulations under the provisions of this chapter, hold a public hearing and satisfy all the requirements of chapter 34.04 RCW, the Administrative Procedure Act, as now or hereafter amended, concerning the adoption of rules and regulations.

Sec. 25. Section 3, chapter 292, Laws of 1927 and RCW 17.24.035 are each amended to read as follows:

Upon information received by ~~((such))~~ the director of agriculture of the existence of any infectious plant disease, insect or other animal or weed pest, dangerous to any plant or commodity or to the interests of the plant industry of this state, or that there is a probability of the introduction of any such infectious plant disease, insect or other animal or weed pest~~((s))~~ into this state or across the boundaries thereof, he ~~((shall))~~ may proceed to thoroughly investigate same and may establish, maintain and enforce quarantine as hereinbefore provided, and may make and enforce such regulations as are in his opinion, necessary to circumscribe and exterminate such infectious plant diseases, insect or other animal or weed pest~~((s))~~ and prevent the spread thereof. Such director may disinfect, or take such other action with reference to any tree~~((s))~~, shrub~~((s))~~, plant~~((s))~~, vine~~((s))~~, cutting~~((s))~~, graft~~((s))~~, scion~~((s))~~, bud~~((s))~~, fruit-pit~~((s))~~, fruit, seed~~((s))~~,

vegetable((s)) or any crop((s)) or crop product((s)), and any ~~((containers thereof, and any packing material used therewith))~~ nonhorticultural article infested or infected with, or which, in his opinion may have been exposed to infection or infestation by, any such infectious plant disease((s)), insect or other animal or weed pest((s)), as in his discretion shall seem necessary to carry out and give effect to the provisions of ~~((RCW 17.24.020 through 17.24.100))~~ chapter 17.24 RCW, as now or hereafter amended. Such director, his deputies and inspectors are hereby authorized to enter upon any ground or premises to inspect the same or to inspect any tree, shrub, plant, vine, cutting, graft, scion, bud, fruit—pit, fruit, seed, vegetable, or other article of horticulture or ~~((implement thereof or box or package or packing material pertaining thereto, or connected therewith or that has been used in packing, shipping or handling the same, and to open any such package))~~ any nonhorticultural article which may harbor such plant disease, insect, or animal or weed pest, and ~~((generally))~~ to do~~((, with the least injury possible under the conditions to property or business))~~ all acts and things necessary to carry out the provisions of ~~((RCW 17.24.020 through 17.24.100.~~ The said director shall at once notify the governor of all quarantine lines established under or pursuant to RCW 17.24.020 through 17.24.100, and if the governor approve or shall have approved of the same or any portion thereof, the same shall be in effect and the governor may issue his proclamation proclaiming the boundaries of such quarantine and the nature thereof, and the order, rules or regulations prescribed for the maintenance and enforcement of the same, and may publish said proclamation in such manner as he may deem expedient to give proper notice thereof)) chapter 17.24 RCW, as now or hereafter amended, with the least possible injury to property and business.

~~((All orders, rules and regulations issued by the director of agriculture pursuant to RCW 17.24.020 through 17.24.100 shall have the force and effect of law:))~~

Sec. 26. Section 7, chapter 292, Laws of 1927 and RCW 17.24.100 are each amended to read as follows:

Every person who shall violate or fail to comply with any rule or regulation adopted and promulgated by the director of agriculture in accordance with and under the provision of ~~((RCW 17.24.020 through 17.24.100))~~ chapter 17.24 RCW, as now or hereafter amended, shall be guilty of a misdemeanor, and for a second and each subsequent violation or failure to comply with the ~~((same))~~ provisions of this chapter or rule or regulation adopted hereunder, shall be ~~((punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars or both such fine and imprisonment))~~ guilty of a gross misdemeanor.

Sec. 27. Section 1, chapter 156, Laws of 1947 and RCW 17.24.105 are each amended to read as follows:

The director of agriculture of the state of Washington (~~(, and the supervisor of horticulture of the department of agriculture of the state of Washington, are)~~) is authorized and empowered to apply such quarantine control methods as may be necessary to prevent the introduction of insect pests or plant diseases, including ~~((the))~~ virus diseases ~~((known as potato leaf roll))~~ that may ~~((be destructive to))~~ become a public nuisance or endanger the agricultural or horticultural industries of the state of Washington, and to apply such methods as may be necessary for quarantine, and/or eradication, and/or control of insect pests or plant diseases that are now established or later become established in the state of Washington that may ~~((seriously))~~ endanger the agricultural or horticultural industries of the state of Washington.

Sec. 28. Section 2, chapter 156, Laws of 1947 as amended by section 5, chapter 169, Laws of 1977 ex. sess. and RCW 17.24.110 are each amended to read as follows:

The director of agriculture ~~((and the supervisor of horticulture are))~~ is authorized to cooperate with any individual, group of citizens, municipalities and counties of the state of Washington, Washington State University or any of its experiment stations, and/or with the secretary of agriculture of the United States and such agencies as the secretary may designate, and/or with any other state or states, agency or group the director of agriculture may designate, to carry out the provisions of ~~((RCW 17.24.105 through 17.24.140))~~ chapter 17.24 RCW, as now or hereafter amended.

Sec. 29. Section 5, chapter 156, Laws of 1947 and RCW 17.24.140 are each amended to read as follows:

The director of agriculture ~~((, acting by and through the supervisor of horticulture))~~ of the state of Washington, may, in his discretion, provide funds for technical or scientific services, labor, materials and supplies for the purposes specified in ~~((RCW 17.24.105 through 17.24.130))~~ chapter 17.24 RCW, as now or hereafter amended.

Sec. 30. Section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 115, Laws of 1979 ex. sess. 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 by or for the producer thereof, and livestock except horses, mules, and donkeys: PROVIDED, That horses, mules, and donkeys purchased or sold for slaughter shall be considered agricultural products for the purposes of this chapter.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of such products, or producing such 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 shall receive on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of such consignor, or who shall accept any farm product in trust from the consignor thereof for the purpose of resale, or who shall sell or offer for sale on commission any agricultural product, or who shall in any way handle for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a (~~commission merchant or~~) cash buyer, as defined in subsection (~~((9) - ((10)))~~) (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: PROVIDED, That for the purpose 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, as now or hereafter amended.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product: PROVIDED, That no broker may handle the agricultural products involved or proceeds of such 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 such 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 such 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 such business at any location other than at the principal place of business of his employer: PROVIDED, That, 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 said 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: PROVIDED, That 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 such retailer's gross business.

(13) "Fixed or established place of business" for the purpose of this chapter shall mean 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 which 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, said personnel being 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 who cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes such 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 which shall indicate 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 which shall include variety, grade, size and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs: PROVIDED, That 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 such products.

Sec. 31. Section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 115, Laws of 1979 ex. sess. and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW or chapter 24.32 RCW, except as to that portion of the activities of such association or federation as involves the handling or dealing in the agricultural products of nonmembers of such organization: PROVIDED, That such associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if such cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets such processed agricultural crops on behalf of the grower or its own behalf, said association or federation shall be subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection shall apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW.

(2) Any person who sells exclusively his own agricultural products as the producer thereof.

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of such public livestock market's obligation: PROVIDED, That any such market operating as a livestock dealer and/or order buyer shall be subject to all

provisions of this chapter except for the payment of the license fee required in RCW 20.01.040 as now or hereafter amended.

(4) Any retail merchant having bona fide fixed or permanent place of business in this state.

(5) Any person buying farm products for his own use or consumption.

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act, chapter 22.09 RCW, with respect to his operations as a licensee under that act.

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee.

(8) Any person licensed under the now existing dairy laws of the state with respect to his operations as such licensee.

(9) Any producer who purchases less than fifteen percent of his volume to complete orders.

Sec. 32. Section 33, chapter 139, Laws of 1959 as last amended by section 8, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.330 are each amended to read as follows:

The director may refuse to grant a license or renew a license and may revoke or suspend a license or issue a conditional or probationary order if he is satisfied after a hearing, as herein provided, of the existence of any of the following facts, which are hereby declared to be a violation of this chapter:

(1) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any agricultural product.

(2) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for agricultural products received, within the time and in the manner required by this chapter.

(3) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of agricultural products received, handled, sold or stored by him.

(4) That the applicant, or licensee, directly or indirectly has purchased for his own account agricultural products received by him upon consignment without prior authority from the consignor together with the price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of agricultural products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(5) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any agricultural products.

(6) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the consignor.

(7) That a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant and has received, collected, or charged by such means more than one commission for making the sale thereof, for the consignor, unless by written consent of such consignor.

(8) That the licensee was guilty of fraud or deception in the procurement of such license.

(9) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with agricultural products handled on account of or as an agent of another, or that the applicant, or licensee, has indulged in any unfair practice.

(10) That the licensee has rejected, without reasonable cause, or has failed or refused to accept, without reasonable cause, any agricultural product bought or contracted to be bought from a consignor by such licensee; or failed or refused, without reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service contracted to be done by licensee in connection with the acceptance, harvesting, or other handling of said agricultural products bought or handled or contracted to be bought or handled; or has used any other device to avoid acceptance or unreasonably to defer acceptance of agricultural products bought or handled or contracted to be bought or handled.

(11) That the licensee has otherwise violated any provision of this chapter and/or rules and regulations adopted hereunder.

(12) That the licensee has knowingly employed an agent, as defined in this chapter, without causing said agent to comply with the licensing requirements of this chapter applicable to agents.

(13) That the applicant or licensee has, in the handling of any agricultural products, been guilty of fraud, deceit, or negligence.

(14) That the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examination or audits, as provided in this chapter, or that the licensee has removed or sequestered any books, records, or papers necessary to any such investigations, examination, or audits, or has otherwise obstructed the same.

(15) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a consignor.

(16) That the licensee has failed or refused to keep and maintain the records as required by this chapter and/or rules and regulations adopted hereunder.

(17) That the licensee has attempted payment by check with insufficient funds to cover such check.

(18) That the licensee has been guilty of fraud or deception in his dealings with purchasers including misrepresentation of goods as to grade,

quality, weights, quantity, or any other essential fact in connection therewith.

(19) That the licensee has permitted an agent to in fact operate his own separate business under cover of the licensee's license and bond.

(20) That a commission merchant or dealer (~~(in livestock, hay, grain, or straw)~~) has failed to furnish additional bond coverage within fifteen days of when it was requested in writing by the director.

(21) That the licensee has discriminated in the licensee's dealings with consignors on the basis of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

Sec. 33. Section 38, chapter 139, Laws of 1959 as amended by section 4, chapter 232, Laws of 1963 and RCW 20.01.380 are each amended to read as follows:

Every dealer or cash buyer purchasing any agricultural products from the consignor thereof shall promptly make and keep for one year a correct record showing in detail the following:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The terms of the sale.
- (4) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- (5) An itemized statement of any charges paid by the dealer or cash buyer for the account of the consignor.

(6) The name and address of the purchaser: PROVIDED, That the name and address of the purchaser may be deleted from the record furnished to the consignor.

A copy of such record containing the above matters shall be forwarded to the consignor forthwith.

Livestock dealers must also maintain individual animal identification and disposition records as may be required by law, or regulation adopted by the director.

NEW SECTION. Sec. 34. Section 16 of this amendatory 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. 35. There is added to chapter 16.57 RCW a new section to read as follows:

(1) No person may act as a registering agency without a permit issued by the department. The director may issue a permit to any person or organization to act as a registering agency for the purpose of issuing permanent identification symbols for horses in a manner prescribed by the director. Application for such permit, or the renewal thereof by January 1

of each year, shall be on a form prescribed by the director, and accompanied by the proof of registration to be issued, any other documents required by the director, and a fee of one hundred dollars.

(2) Each registering agency shall maintain a permanent record for each individual identification symbol. The record shall include, but need not be limited to, the name, address, and phone number of the horse owner and a general description of the horse. A copy of each permanent record shall be forwarded to the director, if requested by the director.

(3) Individual identification symbols shall be inspected as required for brands under RCW 16.57.380 and 16.57.390. Any horse presented for inspection and bearing such a symbol, but not accompanied by proof of registration and certificate of permit, shall be considered a class II estray under RCW 16.57.290 through 16.57.330.

(4) The director shall adopt such rules as are necessary for the effective administration of this section pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 36. There is added to chapter 17.24 RCW a new section to read as follows:

(1) "Plant pest" means, but is not limited to, any living stage of any insect, mite, nematode, slug, snail, protozoa, or other invertebrate animal, bacteria, fungus, other parasitic plant, weed, or reproductive part thereof, virus or any organism similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or part thereof, or any processed, manufactured, or other products of plants.

(2) "Nuisance" means any plant, or part thereof, or property found in any commercial area upon which is found any pest or disease that is a source of infestation of other properties.

(3) "Commercial area" means a district where any horticultural product is being produced to the extent that a producer is dependent thereon, in whole or in part, for his livelihood.

(4) "Infect" and its derivatives "infected," "infecting," and "infection," means affected by or infested with pests or diseases as above defined.

(5) "Disinfect" and its derivatives means the control, cure or eradication of such pests or diseases by cutting or destroying infected parts or the application of effective pesticides.

Sec. 37. Section 1, chapter 124, Laws of 1963 as last amended by section 12, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.010 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture of the state of Washington.

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

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, port district, or two or more persons having a joint or common interest.

(4) "Agricultural commodities," hereinafter referred to as "commodities," means, but is not limited to, all the grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products, and shall also include agricultural seeds but only when stored by a warehouseman who issues negotiable warehouse receipts therefor.

(5) "Public warehouse," hereinafter referred to as "warehouse," means any elevator, mill, warehouse, subterminal grain warehouse, public warehouse, terminal warehouse, or other structure or facility in which commodities are received from the public for storage, shipment, or handling, for compensation, and in the case of hay any yard or other enclosure within five miles thereof: PROVIDED, That this shall not include any warehouse storing or handling fresh fruits and/or vegetables or any warehouse used exclusively for cold storage.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and which are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area which can be reasonably audited by the department as a station under the provisions of this chapter and which has been established as such by the director by rule or regulation adopted pursuant to chapter 34.04 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for such station are maintained at the warehouse located in Washington.

(9) "Depositor" means any person who deposits a commodity in a warehouse for storage, handling, or shipment, or who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of such deposit or any person whose agricultural commodity has been sold to or is under control of the warehouseman for selling, processing, or handling for compensation, whether or not such commodity is in the warehouse.

(10) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in Article 7 of Title 62A RCW, as enacted or hereafter amended.

(11) "Warehouseman" means any person owning, operating, or controlling a warehouse.

(12) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (10) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and shall show the warehouse name, and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(13) "Subterminal warehouse" means any warehouse which performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated prior to shipment to a terminal warehouse.

(14) "Put through" means agricultural commodities which are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

(15) "Historical depositor" means any person who in the normal course of business operations has consistently made deposits in the same warehouse of commodities produced on the same land. In addition the purchaser, lessee, and/or inheritor of such land from the original historical depositor with reference to the land shall be considered a historical depositor with regard to the commodities produced on the land.

Sec. 38. Section 13, chapter 124, Laws of 1963 as amended by section 16, chapter 238, Laws of 1979 ex. sess. and RCW 22.09.130 are each amended to read as follows:

(1) Every warehouseman shall receive for storage, handling, or shipment, so far as the capacity and facilities of his warehouse will permit, all commodities included in the provisions of this chapter, in suitable condition for storage, tendered him in the usual course of business from historical depositors and shall issue therefor a warehouse receipt or receipts in form prescribed by the department as herein provided or a scale weight ticket. Warehousemen may accept agricultural commodities from new depositors who qualify to the extent of the capacity of that warehouse. The deposit for storage, shipment, or handling of such commodity must be credited to the depositor in the books of the warehouseman within seven days from the date of such deposit. If the commodity has been graded a warehouse receipt shall be issued within ten days after demand by the owner.

(2) If requested by the depositor, each lot of his commodity shall be kept in a special pile or special bin, if available, but in the case of a bulk commodity, if the lot or any portion of it does not equal the capacity of any

available bin, the depositor may exercise his option to require the commodity to be specially binned only on agreement to pay charges based on the capacity of the available bin most nearly approximating the required capacity.

(3) A warehouseman may refuse to accept for storage, commodities which are wet, damaged, insect-infested, or in other ways unsuitable for storage.

(4) Terminal and subterminal warehousemen shall receive put through agricultural commodities to the extent satisfactory transportation arrangements can be made, but may not be required to receive agricultural commodities for storage.

NEW SECTION. Sec. 39. The following acts or parts of acts are each repealed:

(1) Section 15.04.050, chapter 11, Laws of 1961 and RCW 15.04.050;

(2) Section 1, chapter 195, Laws of 1967 and RCW 15.04.130; and

(3) Section 2, chapter 195, Laws of 1967 and RCW 15.04.140.

These repeals shall not be construed as affecting any existing right acquired under the statutes repealed or under any rule, regulation, or order adopted pursuant thereto; nor as affecting any proceeding instituted thereunder.

NEW SECTION. Sec. 40. If any provision of this amendatory 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 24, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 297

[Substitute House Bill No. 252]

AGRICULTURAL ACTIVITIES

AN ACT Relating to agriculture; amending section 15.36.110, chapter 11, Laws of 1961 and RCW 15.36.110; amending section 15.36.120, chapter 11, Laws of 1961 and RCW 15.36.120; amending section 15.36.140, chapter 11, Laws of 1961 and RCW 15.36.140; amending section 15.36.290, chapter 11, Laws of 1961 and RCW 15.36.290; amending section 15.36.320, chapter 11, Laws of 1961 and RCW 15.36.320; amending section 22, chapter 63, Laws of 1969 and RCW 15.49.220; amending section 28, chapter 63, Laws of 1969 and RCW 15.49.280; amending section 29, chapter 63, Laws of 1969 and RCW 15.49.290; amending section 31, chapter 63, Laws of 1969 and RCW 15.49.310; amending section 32, chapter 63, Laws of 1969 and RCW 15.49.320; amending section 33, chapter 63, Laws of 1969 as amended by section 1, chapter 154, Laws of 1979 and RCW 15.49.330; amending section 34, chapter 63, Laws of 1969 as amended by section 3, chapter 26, Laws of 1977 ex. sess. and RCW 15.49.340; amending section 35, chapter 63, Laws of 1969 and RCW 15.49.350; amending section 37, chapter 63, Laws of 1969 and RCW 15.49.370; amending section 38, chapter 63, Laws of 1969 and RCW 15.49.380; amending

section 41, chapter 63, Laws of 1969 and RCW 15.49.410; amending section 6, chapter 31, Laws of 1965 ex. sess. as last amended by section 1, chapter 91, Laws of 1979 and RCW 15.53.9018; amending section 23, chapter 22, Laws of 1967 ex. sess. as amended by section 9, chapter 257, Laws of 1975 1st. ex. sess. and RCW 15.54.350; amending section 20, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.200; amending section 22, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.220; amending section 7, chapter 249, Laws of 1961 as amended by section 3, chapter 177, Laws of 1967 and RCW 17.21.070; amending section 11, chapter 249, Laws of 1961 as amended by section 6, chapter 177, Laws of 1967 and RCW 17.21.110; amending section 9, chapter 191, Laws of 1971 ex. sess. as amended by section 4, chapter 92, Laws of 1979 and RCW 17.21.203; amending section 22, chapter 249, Laws of 1961 as last amended by section 7, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.220; amending section 50, chapter 124, Laws of 1963 and RCW 22.09.500; amending section 6, chapter 19, Laws of 1913 as amended by section 2, chapter 34, Laws of 1961 and RCW 23.86.090; amending section 9, chapter 19, Laws of 1913 and RCW 23.86.120; amending section 2, chapter 221, Laws of 1971 ex. sess. and RCW 23.86.210; amending section 3, chapter 221, Laws of 1971 ex. sess. and RCW 23.86.220; amending section 22, chapter 115, Laws of 1921 as amended by section 1, chapter 86, Laws of 1979 and RCW 24.32.300; amending section 15.66.150, chapter 11, Laws of 1961 as amended by section 1, chapter 93, Laws of 1979 ex. sess. and RCW 15.66.150; adding a new section to chapter 17.21 RCW; adding new sections to chapter 43.23 RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 90.48 RCW; adding new sections to chapter 23.86 RCW; creating a new section; repealing section 15.36.050, chapter 11, Laws of 1961 and RCW 15.36.050; repealing section 15.52.020, chapter 11, Laws of 1961 and RCW 15.52.020; repealing section 15.52.030, chapter 11, Laws of 1961 and RCW 15.52.030; repealing section 15.52.040, chapter 11, Laws of 1961 and RCW 15.52.040; repealing section 51, chapter 124, Laws of 1963 and RCW 22.09.510; repealing section 16, chapter 19, Laws of 1913 and RCW 23.86.190; making an appropriation; providing an effective date; and declaring an emergency.

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

Section 1. Section 15.36.110, chapter 11, Laws of 1961 and RCW 15.36.110 are each amended to read as follows:

During each six months period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the director: PROVIDED, That in the case of raw milk for pasteurization the director may accept the results of nonofficial laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the director as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the director may require. Bacterial plate counts, direct microscopic counts, ((~~reduction tests,~~)) coliform determinations, phosphatase tests and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods For The Examination Of Dairy Products," recommended by the American public health association. Examinations may include such other chemical and physical determinations as the director may deem necessary for the detection of adulteration. Samples may be taken by the director at any time prior to the final delivery of the milk or milk products. All proprietors of cafes, stores, restaurants, soda fountains, and other similar places shall furnish the director, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D

content of vitamin D milk shall be made when required by the director in a laboratory approved by him for such examinations.

~~((Whenever the average bacterial count, the average reduction time, or the average cooling temperature, falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three days, for determining a new average in accordance with RCW 15.36.050. PROVIDED, That the three-out-of-four method, as specified in the following paragraph, may be used in lieu of the averaging method provided in RCW 15.36.050 for determining compliance of bacterial plate counts, direct microscopic counts, or cooling temperatures. Violation of the grade requirement by the new average or the three-out-of-four method shall call for immediate degrading or suspension of the permit, unless the last individual result is within the grade limit.~~

~~Whenever more than one of the last four consecutive coliform tests made to determine bacterial count of samples taken on separate days falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall take an additional sample but not before the lapse of three days. Immediate degrading or suspension of permit shall be called for if the grade requirements are violated by such additional sample, unless the last individual result is within the grade limit:))~~

If two of the last four consecutive bacterial counts, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the standard for milk or milk products, the director shall send written notice thereof to the person concerned. This notice shall remain in effect so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within twenty-one days of the sending of the notice, but not before the lapse of three days, except sixty days must lapse before an official somatic cell count can be taken. The director shall degrade or suspend the grade A permit whenever the standard is again violated by more than one of the last four consecutive samples.

In case of violation of the phosphatase test requirements, the cause of underpasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products.

Sec. 2. Section 15.36.120, chapter 11, Laws of 1961 and RCW 15.36.120 are each amended to read as follows:

Grade of milk and milk products as defined in this chapter shall be based on the respectively applicable standards contained in RCW 15.36.120 to 15.36.460, inclusive, the grading of milk products being identical with the grading of milk, ~~((except that the bacterial standards shall be doubled in the case of cream))~~ and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A, certified pasteurized, or certified

raw quality. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation.

Sec. 3. Section 15.36.140, chapter 11, Laws of 1961 and RCW 15.36-.140 are each amended to read as follows:

Grade A raw milk is raw milk produced upon dairy farms conforming with all of the items of sanitation contained in RCW 15.36.150 to 15.36-.280, inclusive, and the bacterial plate count (~~(or the direct microscopic clump count of which)~~) does not exceed twenty thousand per milliliter(~~(, or the methylene blue reduction time of which is not less than seven hours, as determined in accordance with RCW 15.36.110)~~) and the coliform count does not exceed ten per milliliter.

Grade A raw milk for pasteurization is raw milk produced upon dairy farms conforming with all of said items of sanitation except RCW 15.36-.265 (bottling and capping), 15.36.270 (personnel health), and such portions of other items as are indicated therein, and the bacterial plate count (~~(or the direct microscopic clump count of which)~~), as delivered from the farm, does not exceed one hundred thousand per milliliter(~~(, or the resazurin reduction time of which to P seven-fourth is not less than three hours;)~~) as determined in accordance with RCW 15.36.110.

Sec. 4. Section 15.36.290, chapter 11, Laws of 1961 and RCW 15.36-.290 are each amended to read as follows:

Grade B raw milk is raw milk which violates the bacterial standard requirement for grade A raw milk, but which conforms with all other requirements for grade A raw milk, and has (~~(an average)~~) a bacterial plate count not exceeding one hundred thousand per milliliter, (~~(or an average direct microscopic count not exceeding one hundred thousand per cubic centimeter if clumps are counted or six hundred thousand per cubic centimeter if individual organisms are counted, or an average reduction time of not less than three and one-half hours;)~~) as determined under RCW (~~(15-.36.050 and)~~) 15.36.110.

Sec. 5. Section 15.36.320, chapter 11, Laws of 1961 and RCW 15.36-.320 are each amended to read as follows:

Grade A pasteurized milk is grade A raw milk for pasteurization which has been pasteurized, cooled and placed in the final container in a milk plant conforming with all of the items of sanitation contained in RCW 15-.36.325 to 15.36.440, inclusive, which in all cases shows efficient pasteurization as evidenced by satisfactory phosphatase tests, and which at no time after pasteurization and until delivery has a bacterial plate count exceeding twenty thousand per milliliter or a positive coliform test in more than two out of four samples taken on separate days as determined in accordance with RCW 15.36.110: PROVIDED, That the raw milk at no time between dumping and pasteurization, shall have a bacterial plate count (~~(or direct~~

~~microscopic clump count~~) exceeding ~~((two))~~ three hundred thousand per milliliter.

The grading of a pasteurized-milk supply shall include the inspection of receiving and collection stations with respect to compliance with RCW 15.36.325 to 15.36.395, inclusive, and RCW 15.36.405, 15.36.415, 15.36.430 and 15.36.440, except that the partitioning requirement of RCW 15.36.345 shall not apply.

Sec. 6. Section 22, chapter 63, Laws of 1969 and RCW 15.49.220 are each amended to read as follows:

"Lot number" shall identify the producer or dealer and year of production or the year distributed for each lot of seed. This requirement may be satisfied by use of a ~~((processor's))~~ conditioner's or dealer's code.

Sec. 7. Section 28, chapter 63, Laws of 1969 and RCW 15.49.280 are each amended to read as follows:

"Screenings" mean chaff, seed, weed seed, inert matter, and other materials removed from seed in cleaning or ~~((processing))~~ conditioning.

Sec. 8. Section 29, chapter 63, Laws of 1969 and RCW 15.49.290 are each amended to read as follows:

"Treated" means that the seed has received an application of a pesticide or has been subjected to a ~~((process))~~ conditioning which pesticide or ~~((process))~~ conditioning is designed to reduce, control, or repel certain disease organisms, insects, or other pests attacking such seeds or the seedlings emerging therefrom. Excluded are seeds intended for food or feed use which are treated with pesticides approved for that intended use.

Sec. 9. Section 31, chapter 63, Laws of 1969 and RCW 15.49.310 are each amended to read as follows:

The department shall administer, enforce, and carry out the provisions of this chapter and may adopt regulations necessary to carry out its purpose. The adoption of regulations shall be subject to a public hearing and all other applicable provisions of chapter 34.04 RCW (Administrative Procedure Act), as enacted and hereafter amended.

The department when adopting regulations in respect to the seed industry shall consult with affected parties, such as growers, ~~((processors))~~ conditioners, and distributors of seed. Any final regulation adopted shall be based upon the requirements and conditions of the industry and shall be for the purpose of promoting the well-being of the purchasers and users of seed as well as the members of the seed industry.

When seed labeling, terms, methods of sampling and analysis, and tolerances are not specifically stated in this chapter or otherwise designated by the department, the department shall, in order to promote uniformity, be guided by officially recognized associations, or regulations under The Federal Seed Act.

Sec. 10. Section 32, chapter 63, Laws of 1969 and RCW 15.49.320 are each amended to read as follows:

(1) Each container of seed distributed in this state for seeding purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label in the English language providing the following information:

(a) Kind, or kind and variety, or kind and type.

(b) Lot number.

(c) Net weight as required under chapter ((19.93)) 19.94 RCW as enacted or hereinafter amended.

(d) Name and address of the seed labeling registrant under whose label said seed is distributed within this state.

(e) When seed is treated, or subjected to a ((process)) conditioning for which a claim is made, the label shall contain:

(i) A word or statement indicating that the seed has been treated and the ((process)) conditioning the seed has been subjected to.

(ii) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or a description of the ((process)) conditioning used.

(iii) The appropriate warning or caution statement for the pesticide used. The skull and cross-bones and the word POISON shall be used when the pesticide is highly toxic. This warning shall be conspicuous, and the size of type shall be not less than eight point.

(f) When a claim is made for inoculation the label shall also show the month and year beyond which the inoculant is no longer claimed to be effective.

(g) The name and number of restricted noxious weed seeds per pound.

(2) The label for each container of agricultural seed distributed in the state shall contain the information required in subsection (1) of this section and the following:

(a) For each named crop seed the percentage of germination, exclusive of hard seed;

(b) The percentage of hard seed, if present;

(c) The calendar month and year the test was completed to determine such percentages;

(d) A purity statement which shall include a commonly accepted name of kind, or kind and variety, or kind and type of each crop seed component in excess of five percent of the whole and the percentage by weight of each in the order of its predominance. When more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label;

(e) Percentage by weight of all weed seeds, of inert matter, and of other agricultural seeds (percent other crop) other than those required to be named on the label as components in subsection (2)(d) of this section;

(f) Origin—The state (domestic) or country (foreign) where grown, or if origin unknown, that fact shall be stated. Exceptions may be provided by regulations.

(3) The label for each container of vegetable seed distributed in this state shall contain the kind and variety, the information required in subsection (1) (b) through (g) of this section, and the following:

(a) For packages of more than one pound—

(i) The information in subsection (2) (a), (b), (c), and (d) of this section.

(b) For packages of one pound or less (when seed germination is less than the standards established by the department)—

(i) The information in subsection (2) (a), (b), (c) of this section and the words "below standard."

(4) Specific labeling requirements for kinds of seeds may be adopted in regulations because of individual unique requirements, e.g., bulk grain seed.

(5) The provisions of this section shall not apply:

(a) To seed or grain not intended for seeding purposes, except when labeling, advertising, or other representations indicate that it is suitable for seed by the use of such terms as ~~((processed))~~ conditioned, treated, certified, variety designated or other terms of similar implication.

(b) To seed in a cleaning or ~~((processing))~~ conditioning establishment, or being transported or consigned to such establishment for the purpose of cleaning or ~~((processing))~~ conditioning: PROVIDED, That any labeling or other representation which may be made with respect to the uncleaned or ~~((unprocessed))~~ unconditioned seed shall be subject to this chapter.

(c) To seed weighed and packaged, in the presence of the purchaser, from a bulk container which is labeled in accordance with this chapter.

(d) To seed transported from one warehouse to another without transfer of title, when each container is plainly marked or identified with a lot number. Upon request of the department, required label information shall be made available.

Sec. 11. Section 33, chapter 63, Laws of 1969 as amended by section 1, chapter 154, Laws of 1979 and RCW 15.49.330 are each amended to read as follows:

(1) All screenings, removed in the cleaning or ~~((processing))~~ conditioning of seeds, which contain prohibited or restricted noxious weed seeds shall be removed from the seed ~~((processing))~~ conditioning plant only under conditions that will prevent weed seeds from being dispersed into the environment.

(2) The director may by regulation adopt requirements for moving, ~~((processing))~~ conditioning, and/or disposing of screenings.

Sec. 12. Section 34, chapter 63, Laws of 1969 as amended by section 3, chapter 26, Laws of 1977 ex. sess. and RCW 15.49.340 are each amended to read as follows:

It shall be unlawful for any person:

(1) To distribute mislabeled seed. Seed shall be deemed to be mislabeled:

(a) If the germination test, required by RCW 15.49.320 has not been completed within the following time limitations:

(i) Eight months for seeds distributed to a dealer for resale.

(ii) Eighteen months for seeds distributed by a dealer at retail.

(iii) When seeds are packaged under conditions which the department has determined will prolong their viability, the department may designate a longer period than otherwise specified in this section, and may require additional labeling to maintain identification of seed packaged under such conditions.

(b) If it is not labeled in accordance with RCW 15.49.320 or regulations adopted thereunder: **PROVIDED**, That no person shall be subject to the penalties of this chapter for having distributed seed which is incorrectly labeled or misrepresented as to kind, type, variety, or origin and which seed cannot be identified by examination thereof, if he possesses, at the time of notification of the violation, an invoice or a declaration from a distributor or grower giving kind, type, variety, or origin, and if he has taken such other precautions necessary to insure the identity to be that stated.

(c) If advertising or labeling is false or misleading in any way.

(d) If composition or quality falls below or differs from that which it is purported or represented to be by its labeling.

(e) If it consists of or contains prohibited noxious weed seeds.

(f) If it consists of or contains restricted noxious weed seeds in excess of the number declared on the label: **PROVIDED**, That the maximum number of restricted noxious weed seeds per pound shall not exceed that amount established by regulations.

(g) If the total weed seed content is in excess of two percent.

(h) If it contains less than twenty-five percent pure live seed.

(i) If its labeling represents it to be foundation, registered or certified seed unless it has been inspected and tagged accordingly by a certifying agency meeting certification standards of the department.

(j) If a white, purple, or blue colored tag is attached which is of similar size and format to the official certification tag which could be mistaken for the official certification tag.

(k) If labeled with a variety name but not certified by a certifying agency when it is a variety for which a certificate of plant variety protection under the federal plant variety protection act (84 Stat. 1542, 7 U.S.C. Sec. 2321 et seq.) specifies sale only as a class of certified seed: **PROVIDED**, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

(2) To detach, alter, deface, or destroy any seed label or alter or substitute seed in a manner that may defeat the purpose of this chapter.

(3) To hinder or obstruct the department in the performance of its duties under this chapter.

(4) To engage in the cleaning of seeds, entered by growers for certification, without first having obtained a seed ~~((processing))~~ conditioning permit from the department.

(5) To distribute screenings for seeding purposes.

Sec. 13. Section 35, chapter 63, Laws of 1969 and RCW 15.49.350 are each amended to read as follows:

Upon application for a permit to ~~((process))~~ condition certified seed, the department shall inspect the seed ~~((processing))~~ conditioning facilities of the applicant to determine that genetic purity and identity of seed ~~((processed))~~ conditioned can be maintained. Upon approval, the department shall issue a seed ~~((processing))~~ conditioning permit, for each regular place of business, which shall be conspicuously displayed in the office of such business. The permit shall remain in effect as long as the facilities comply with the department's requirements for such permit.

Sec. 14. Section 37, chapter 63, Laws of 1969 and RCW 15.49.370 are each amended to read as follows:

The department shall have the authority to:

(1) Sample, inspect, make analysis of, and test seeds distributed within this state at such time and place and to such extent as it may deem necessary to determine whether such seeds are in compliance with the provisions of this chapter. The methods of sampling and analysis shall be those adopted by the department from officially recognized sources. The department, in determining for administrative purposes whether seeds are in violation of this chapter, shall be guided by records, and by the official sample obtained and analyzed as provided for in this section. Analysis of an official sample, by the department, shall be accepted as prima facie evidence by any court of competent jurisdiction.

(2) Enter any dealer's or seed labeling registrant's premises at all reasonable times in order to have access to seeds and to records. This includes the determination of the weight of packages and bulk shipments.

(3) Adopt and enforce regulations for certifying seeds, and shall fix and collect fees for such service. The director of the department may appoint persons as agents for the purpose of assisting in the certification of seeds.

(4) Adopt and enforce regulations for inspecting, grading, and certifying growing crops of seeds; inspect, grade, and issue certificates upon request; and fix and collect fees for such services.

(5) Make purity, germination and other tests of seed on request, and fix and collect charges for the tests made.

(6) Establish and maintain seed testing facilities, employ qualified persons, establish by rule special assessments as needed, and incur such expenses as may be necessary to ~~((comply with the intent))~~ carry out the provisions of this chapter.

(7) Adopt a list of the prohibited and restricted noxious weed seeds.

(8) Publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this chapter, and other seed branch activities which do not reveal confidential information regarding individual company operations or production.

(9) Deny, suspend, or revoke licenses, permits and certificates provided for in this chapter subsequent to a hearing, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended, in any case in which the department finds that there has been a failure or refusal to comply with the provisions of this chapter or regulations adopted hereunder.

Sec. 15. Section 38, chapter 63, Laws of 1969 and RCW 15.49.380 are each amended to read as follows:

(1) No person shall distribute seeds without having obtained a dealer's license for each regular place of business: PROVIDED, That no license shall be required of a person who distributes seeds only in sealed packages of eight ounces or less, packed by a seed labeling registrant and bearing the name and address of the registrant: PROVIDED FURTHER, That a license shall not be required of any grower selling seeds of his own production exclusively. Such seed sold by such grower must be properly labeled as provided in this chapter. Each dealer's license shall cost (~~(ten)~~ twenty-five dollars, shall be issued by the department, shall bear the date of issue, shall expire on January 31st of each year and shall be prominently displayed in each place of business.

(2) Persons custom (~~(processing)~~ conditioning) and/or custom treating seeds for others for remuneration shall be considered dealers for the purpose of this chapter.

(3) Application for a license to distribute seed shall be on a form prescribed by the department and shall include the name and address of the person applying for the license, the name of a person domiciled in this state authorized to receive and accept service or legal notices of all kinds, and any other reasonable and practical information prescribed by the department necessary to carry out the purposes and provisions of this chapter.

Sec. 16. Section 41, chapter 63, Laws of 1969 and RCW 15.49.410 are each amended to read as follows:

(1) When the department has determined or has probable cause to suspect that any lot of seed or screenings is mislabeled and/or is being distributed in violation of this chapter or regulations adopted hereunder, it may issue and enforce a written or printed "stop sale, use or removal order" warning the distributor not to dispose of the lot of seed or screenings in any manner until written permission is given by the department or a court of competent jurisdiction. The department shall release the lot of seed or screenings so withdrawn when said provisions and regulations have been

complied with. If compliance is not obtained, the department may bring proceedings for condemnation.

(2) Any lot of seed or screenings not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the department to a court of competent jurisdiction in the locality in which the seed or screenings are located. In the event the court finds the seed or screenings to be in violation of this chapter and orders the condemnation of said seed or screenings, such lot of seed or screenings shall be denatured, (~~processed~~) conditioned, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this state: PROVIDED, That in no instance shall the court order such disposition of said seed or screenings without first having given the claimant an opportunity to apply to the court, within twenty days, for the release of said seed or screenings or for permission to (~~process~~) condition or relabel it to bring it into compliance with this chapter.

Sec. 17. Section 6, chapter 31, Laws of 1965 ex. sess. as last amended by section 1, chapter 91, Laws of 1979 and RCW 15.53.9018 are each amended to read as follows:

(1) On or after (~~January 1, 1980~~) June 30, 1981, each initial distributor of a commercial feed in this state shall pay to the department an inspection fee (~~of eight cents per ton~~) on all commercial feed sold by such person during the year. The fee shall be not less than four cents nor more than fourteen cents per ton as prescribed by the director by rule.

(2) In computing the tonnage on which the inspection fee must be paid, sales of commercial feed to other feed registrants, sales of commercial feed in packages weighing less than ten pounds, and sales of commercial feed for shipment to points outside this state may be excluded.

(3) When more than one distributor is involved in the distribution of a commercial feed, the last registrant or initial distributor who distributes to a nonregistrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee, unless the reporting and paying of fees have been made by a prior distributor of the feed.

(4) Each person made responsible by this chapter for the payment of inspection fees for commercial feed sold in this state shall file a report with the department on January 1st (~~and~~), April 1st, July 1st, and October 1st of each year showing the number of tons of such commercial feed sold during the (~~six~~) three calendar months immediately preceding the date the report is due. The proper inspection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty-day period of grace immediately following the day the report and payment are due to file the report, and pay the fee: PROVIDED, That upon permission of the department, an annual statement under oath may be filed by any person distributing within the state less than (~~one hundred~~) fifty tons for each (~~six-month~~) three-month period during any year, and upon filing

such statement such person shall pay the inspection fee at the rate (~~(stated)~~) provided for in subsection (1) of this section.

(5) Each distributor shall keep such reasonable and practical records as may be necessary or required by the department to indicate accurately the tonnage of commercial feed distributed in this state, and the department shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute a violation of this chapter.

(6) Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a collection fee of ten percent, but not less than five dollars, added to the amount due when payment is finally made. The assessment of this collection fee shall not prevent the department from taking other actions as provided for in this chapter.

(7) The report required by subsection (4) of this section shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report: PROVIDED, That nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person if any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the director of the department.

(8) Any commercial feed purchased by a consumer or contract feeder outside the jurisdiction of this state and brought into this state for use shall be subject to all the provisions of this chapter, including inspection fees.

Sec. 18. Section 23, chapter 22, Laws of 1967 ex. sess. as amended by section 9, chapter 257, Laws of 1975 1st. ex. sess. and RCW 15.54.350 are each amended to read as follows:

(1) Each distributor of a commercial fertilizer in this state shall pay to the department an inspection fee of (~~(seven)~~) nine cents per ton of lime and (~~(thirteen)~~) eighteen cents per ton of all other commercial fertilizer sold by such person during the year beginning July 1st and ending June 30th.

(2) In computing the tonnage on which the inspection fee must be paid, sales of commercial fertilizers to fertilizer manufacturers, sales of commercial fertilizers in packages weighing five pounds net or less, and sales of commercial fertilizers for shipment to points outside this state may be excluded.

(3) When more than one distributor is involved in the distribution of a commercial fertilizer, the last registrant who distributes to a nonregistrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee, unless the reporting and paying of fees have been made by a prior distributor of the fertilizer.

Sec. 19. Section 20, chapter 190, Laws of 1971 ex. sess. and RCW 15-58.200 are each amended to read as follows:

The director shall require each pesticide dealer manager to demonstrate to the director his knowledge of pesticide laws and regulations; pesticide hazards; and the safe distribution, use and application, and disposal of pesticides by satisfactorily passing a written examination after which the director shall issue a license of qualification. Application for a license shall be accompanied by a license fee of ten dollars. The director shall charge a five dollar examination fee for each examination administered on other than a regularly scheduled examination date. The pesticide dealer manager license shall be valid until revoked or until the director determines relicensing is necessary.

Sec. 20. Section 22, chapter 190, Laws of 1971 ex. sess. and RCW 15-58.220 are each amended to read as follows:

For the purpose of this section public pest control consultant means any individual who is employed by a governmental agency or unit to act as a pest control consultant as defined in RCW 15.58.030(23). No person shall act as a public pest control consultant on or after February 28, 1973 without first obtaining ~~((an annual))~~ a nonfee license from the director which shall expire on the ~~((final day of February of each year))~~ third December 31st from the date of issuance. Application for a license shall be on a form prescribed by the director: PROVIDED, That federal and state employees whose principal responsibilities are in pesticide research, the jurisdictional health officer or his duly authorized representative, and public operators licensed under RCW 17.21.220 shall be exempt from this licensing provision.

Sec. 21. Section 7, chapter 249, Laws of 1961 as amended by section 3, chapter 177, Laws of 1967 and RCW 17.21.070 are each amended to read as follows:

It shall be unlawful for any person to engage in the business of applying pesticides to the land of another without a pesticide applicator's license. Application for such a license shall be made on or before January 1st of each year. Such application shall be accompanied by a fee of ~~((fifty))~~ one hundred dollars and in addition thereto a fee of ten dollars for each apparatus, exclusive of one, used by the applicant in the application of pesticides: PROVIDED, That the provisions of this section shall not apply to any person employed only to operate any apparatus used for the application of any pesticide, and in which such person has no financial interest or other control over such apparatus other than its day to day mechanical operation for the purpose of applying any pesticide.

Sec. 22. Section 11, chapter 249, Laws of 1961 as amended by section 6, chapter 177, Laws of 1967 and RCW 17.21.110 are each amended to read as follows:

It shall be unlawful for any person to act as an employee of a pesticide applicator and apply pesticides manually or as the operator directly in charge of any apparatus which is licensed or should be licensed under the provisions of this chapter for the application of any pesticide, without having obtained an operator's license from the director. Such an operator's license shall be in addition to any other license or permit required by law for the operation or use of any such apparatus. Any person applying for such an operator's license shall file an application on a form prescribed by the director on or before January 1st of each year. Such application shall state the classifications the applicant is applying for and whether the applicant intends to apply pesticides manually or to operate either a ground or aerial apparatus, or both, for the application of pesticides. Application for a license to apply pesticides manually and/or to operate ground apparatuses shall be accompanied by a license fee of ~~((ten))~~ twenty dollars. Application for a license to operate an aerial apparatus shall be accompanied by a license fee of ~~((ten))~~ twenty dollars. The provisions of this section shall not apply to any individual who has passed the examination provided for in RCW 17.21.090, and is a licensed pesticide applicator.

Sec. 23. Section 9, chapter 191, Laws of 1971 ex. sess. as amended by section 4, chapter 92, Laws of 1979 and RCW 17.21.203 are each amended to read as follows:

(1) The licensing provisions of this chapter shall not apply to research personnel of federal, state, county, or municipal agencies when performing pesticide research in their official capacities: PROVIDED, That when such persons are applying pesticides restricted to use by certified applicators, they shall be licensed as public operators.

(2) The licensing provisions of this chapter shall not apply to any other person when applying pesticides to small experimental plots for research purposes when no charge is made for the pesticide and its application: PROVIDED, That if such persons are not provided for in subsection (1) of this section and are applying pesticides restricted to use by certified applicators, they shall be required to be licensed as ~~((pesticide))~~ demonstration and research applicators in accordance with section 26 of this 1981 act, but shall be exempt from the requirements of RCW 17.21.160, 17.21.170, and 17.21.180.

Sec. 24. Section 22, chapter 249, Laws of 1961 as last amended by section 7, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.220 are each amended to read as follows:

(1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of pesticides: PROVIDED, That the operators in charge of any apparatuses used by any

state agencies, municipal corporations and public utilities or any governmental agencies shall be subject to the provisions of RCW 17.21.100, 17.21.110 and 17.21.120 (~~and~~) : PROVIDED FURTHER, That the director shall issue a limited public operator license without a fee to such operators which shall be valid only when such operators are acting as operators on apparatuses used by such entities and which shall expire on the third December 31st from the date of issuance: AND PROVIDED FURTHER, That the jurisdictional health officer or his duly authorized representative is exempt from this licensing provision when applying pesticides to control pests other than weeds.

(2) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

Sec. 25. Section 50, chapter 124, Laws of 1963 and RCW 22.09.500 are each amended to read as follows:

(1) All moneys collected as warehouse license fees, fees for weighing, grading, and inspecting commodities and all other fees collected under the provisions of this chapter, except as provided in subsection (2) of this section, shall be (~~paid~~) deposited into the grain and hay inspection revolving fund (~~in the state treasury~~), which is hereby established. The state treasurer is the custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the director of the department of agriculture. The revolving fund is subject to the allotment procedure provided in chapter 43.88 RCW, but no appropriation is required for disbursements from the fund. Such fund shall be used for (~~administrative~~) all expenses (~~under this chapter and for the enforcement of all~~) directly incurred by the division of grain and agricultural chemicals in carrying out the provisions (~~thereof~~) of this chapter. The department may use so much of such fund not exceeding five percent thereof as the director of agriculture may determine necessary for research and promotional work, including rate studies, relating to wheat and wheat products.

(2) All fees collected for the inspection, grading, and testing of hops shall be deposited into the hop inspection fund, which is hereby established, and shall be retained by the department for the purpose of inspecting, grading, and testing hops. Any moneys in any fund retained by the department on the effective date of this chapter and derived from hop inspection and grading shall be deposited to this hop inspection fund. For the purposes of research which would contribute to the development of superior hop varieties and to improve hop production and harvest practices, the department may expend up to twenty percent of the moneys deposited in the hop inspection fund during the fiscal year ending June 30th immediately preceding the year in which such expenditures are to be made. No expenditures

shall be made under the provisions of this subsection when the hop inspection fund is, or the director may reasonably anticipate that it will be, reduced below twenty thousand dollars as the result of such expenditure or other necessary expenditures made to carry out the inspection, grading, and testing of hops.

NEW SECTION. Sec. 26. There is added to chapter 17.21 RCW a new section to read as follows:

Except as provided in RCW 17.21.203(1), it is unlawful for a person to use or supervise the use of any pesticide which is restricted to use by certified applicators, on small experimental plots for research purposes when no charge is made for the pesticide and its application, without a demonstration and research applicator's license.

Demonstration and research applicators shall be subject to the record-keeping requirements of RCW 17.21.100. The director shall not issue a demonstration and research license until the applicant has passed an examination to demonstrate (1) the applicant's ability to apply pesticides in the classifications the applicant has applied for, and (2) the applicant's knowledge of the nature and effect of pesticides applied manually or used in such apparatuses under such classifications. A license fee of twenty dollars shall be paid before a demonstration and research license may be issued. The director shall charge a five-dollar examination fee for each examination administered on other than a regularly scheduled examination date. The demonstration and research applicator's license shall be valid until revoked or until the director determines that recertification is necessary.

NEW SECTION. Sec. 27. There is added to chapter 43.23 RCW a new section to read as follows:

The dean of the college of fisheries of the University of Washington and the dean's appointed laboratory director, and the chief chemist of the department of agriculture chemistry and hop laboratory shall be the official chemists of the department of agriculture. Official chemists of the department shall provide laboratory services and analyze all substances that the director of agriculture may send to them and report to the director without unnecessary delay the results of any analysis so made. When called upon by the director, they or any of the additional chemists provided for pursuant to section 28 of this act shall assist in any prosecution for the violation of any law enforced by the department. The dean of the college of fisheries of the University of Washington and the dean's appointed laboratory director shall provide such laboratory services without additional compensation other than their expenses incurred in the performance of such work.

NEW SECTION. Sec. 28. There is added to chapter 43.23 RCW a new section to read as follows:

The director of agriculture may appoint one or more competent graduate chemists to serve as additional chemist of the department of agriculture,

who may perform any of the duties required of and under the supervision of the official chemists, and whose compensation shall be fixed by the director.

NEW SECTION. Sec. 29. The legislature finds that agricultural land is essential to providing citizens with food and fiber and to insuring aesthetic values through the preservation of open spaces in our state. The legislature further finds that government regulations can cause agricultural land to be converted to nonagricultural uses. The legislature intends that agricultural activity consistent with good practices be protected from government over-regulation.

NEW SECTION. Sec. 30. There is added to chapter 70.94 RCW a new section to read as follows:

(1) Odors caused by agricultural activity consistent with good agricultural practices on agricultural land are exempt from the requirements of this chapter unless they have a substantial adverse effect on public health. In determining whether agricultural activity is consistent with good agricultural practices, the department of ecology or board of any authority shall consult with a recognized third-party expert in the activity prior to issuing any notice of violation.

(2) Any notice of violation issued under this chapter pertaining to odors caused by agricultural activity shall include a statement as to why the activity is inconsistent with good agricultural practices, or a statement that the odors have substantial adverse effect on public health.

(3) In any appeal to the pollution control hearings board or any judicial appeal, the agency issuing a final order pertaining to odors caused by agricultural activity shall prove the activity is inconsistent with good agricultural practices or that the odors have a substantial adverse impact on public health.

(4) If a person engaged in agricultural activity on a contiguous piece of agricultural land sells or has sold a portion of that land for residential purposes, the exemption of this section shall not apply.

(5) As used in this section:

(a) "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products.

(b) "Good agricultural practices" means economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.

(c) "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities.

NEW SECTION. Sec. 31. There is added to chapter 90.48 RCW a new section to read as follows:

(1) Prior to issuing a notice of violation related to discharges from agricultural activity on agricultural land, the department shall consider whether an enforcement action would contribute to the conversion of agricultural land to nonagricultural uses. Any enforcement action shall attempt to minimize the possibility of such conversion.

(1)[(2)] As used in this section:

(a) "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay and dairy products.

(b) "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities.

Sec. 32. Section 6, chapter 19, Laws of 1913 as amended by section 2, chapter 34, Laws of 1961 and RCW 23.86.090 are each amended to read as follows:

The articles of association may be amended by a majority vote of the ~~((stockholders))~~ members voting thereon, at any regular ~~((stockholders'))~~ meeting or at any special ~~((stockholders'))~~ meeting called for that purpose, ~~((on twenty days' written))~~ after notice ~~((being))~~ of the proposed amendment has been given to ~~((the stockholders))~~ all members entitled to vote thereon, in the manner provided by the bylaws: **PROVIDED, That if the total vote upon the proposed amendment shall be less than twenty-five percent of the total membership of the association, the amendment shall not be approved. At the meeting, members may vote upon the proposed amendment in person, or by written proxy, or by mailed ballot. The power to amend shall include the power to extend the period of its duration for a further definite time or perpetually, and also include the power to increase or diminish the amount of capital stock and the number of shares: PROVIDED, The amount of the capital stock shall not be diminished below the amount of the paid-up capital stock at the time such amendment is adopted. Within thirty days after the adoption of an amendment to its articles of association, the association shall cause a copy of such amendment adopted to be recorded in the office of the secretary of state and of the county auditor of the county where its principal place of business is located.**

Sec. 33. Section 9, chapter 19, Laws of 1913 and RCW 23.86.120 are each amended to read as follows:

~~((At any regular meeting or any regularly called special meeting at which at least a majority of all the stockholders shall be present, or represented,))~~ An association organized under this chapter may ((by a majority vote of the stockholders present or represented,)) subscribe for shares and invest its reserve fund or any part thereof in the capital stock of any other cooperative association upon approval by a majority vote of the members voting thereon, at any regular meeting or at any special meeting called for that purpose, after notice of the proposed action has been given to all

members entitled to vote thereon, in the manner provided by the bylaws: PROVIDED, That if the total vote upon the action shall be less than twenty-five percent of the total membership of the association, the action shall not be approved. At the meeting, members may vote on the proposed action in person, or by written proxy, or by mailed ballot.

Sec. 34. Section 2, chapter 221, Laws of 1971 ex. sess. and RCW 23-86.210 are each amended to read as follows:

(1) A cooperative association may be converted to a domestic ordinary business corporation pursuant to the following procedures:

(a) The board of trustees of the association shall, by affirmative vote of not less than two-thirds of all such trustees, adopt a plan for such conversion setting forth:

(i) The reasons why such conversion is desirable and in the interests of the members of the association;

(ii) The proposed contents of articles of conversion with respect to items (ii) through (ix) of subparagraph (c) below; and

(iii) Such other information and matters as the board of trustees may deem to be pertinent to the proposed plan.

(b) After adoption by the board of trustees, the plan for conversion shall be submitted for approval or rejection to the members of the association at ~~((a)) any regular meetings or at any special meetings ((of such members duly called and held))~~ called for that purpose, after notice of the proposed conversion has been given to all members entitled to vote thereon, in the manner provided by the bylaws. The notice of the meeting shall be accompanied by a full copy of the proposed plan for conversion or by a summary of its provisions. ~~At the meeting members ((shall have the right to)) may vote upon the ((proposal)) proposed conversion in person, or by written proxy, or by ((mail)) mailed ballot. ((If not less than))~~ The affirmative vote of two-thirds of ((all of)) the members ((of the association vote in favor thereof, the plan for conversion)) voting thereon shall ((thereby)) be ((approved)) required for approval of the plan of conversion: PROVIDED, That if the total vote upon the proposed conversion shall be less than twenty-five percent of the total membership of the association, the conversion shall not be approved.

(c) Upon approval by the members of the association, the articles of conversion shall be executed in triplicate by the association by its president and by its secretary and verified by one of its officers and shall set forth:

(i) The dates and vote by which the plan for conversion was adopted by the board of trustees and members respectively;

(ii) The corporate name of the converted organization. The name shall comply with requirements for names of business corporations formed under Title 23A RCW, and shall not contain the term "cooperative";

(iii) The purpose or purposes for which the converted corporation is to exist;

(iv) The duration of the converted corporation;

(v) The capitalization of the converted corporation and the class or classes of shares of stock into which divided, together with the par value, if any, of such shares, in accordance with statutory requirements applicable to ordinary business corporations, and the basis upon which outstanding shares of the association are converted into shares of the converted corporation;

(vi) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the converted corporation;

(vii) The address of the converted corporation's initial registered office and its initial registered agent at such address;

(viii) The names and addresses of the persons who are to serve as directors of the converted corporation until the first annual meeting of shareholders of the converted corporation or until their successors are elected and qualify;

(ix) Any additional provisions, not inconsistent with law, provided for by the plan for conversion for the regulation of the internal affairs of the converted corporation, including any provision restricting the transfer of shares or which under Title 23A RCW is required or permitted to be set forth in bylaws.

(d) The executed triplicate originals of the articles of conversion shall be delivered to the secretary of state. If the secretary of state finds that the articles of conversion conform to law, he shall, when all the fees have been paid as in this section prescribed:

(i) Endorse on each of such originals the word "Filed", and the month, day and year of such filing;

(ii) File one of such originals in his office; and

(iii) Issue a certificate of conversion to which he shall affix one of such originals.

The certificate of conversion together with the original of the articles of conversion affixed thereto by the secretary of state, and the other remaining original shall be returned to the converted corporation. The remaining original shall be filed in the office of the county auditor of the county in which the converted corporation's registered office is situated. The original affixed to the certificate of conversion shall be retained by the converted corporation.

(e) Upon filing the articles of conversion the converted corporation shall pay, and the secretary of state and county auditor shall collect, the same filing and license fees as for filing with them respectively of articles of incorporation of a newly formed business corporation similarly capitalized.

(2) Upon issuance by the secretary of state of the certificate of conversion, the conversion of the cooperative association to an ordinary business corporation shall become effective; the articles of conversion shall thereafter constitute and be treated in like manner as articles of incorporation; and the converted corporation shall be subject to all laws applicable to corporations

formed under Title 23A RCW, and shall not thereafter be subject to laws applying only to cooperative associations. The converted corporation shall constitute and be deemed to constitute a continuation of the corporate substance of the cooperative association and the conversion shall in no way derogate from the rights of creditors of the former association.

(3) A member of the cooperative association who dissents from the plan for conversion shall have the same right of dissent and payment and in accordance with the same applicable procedures, as are provided for dissenting shareholders with respect to merger of ordinary business corporations under chapter 23A.24 RCW.

Sec. 35. Section 3, chapter 221, Laws of 1971 ex. sess. and RCW 23-86.220 are each amended to read as follows:

(1) A cooperative association may merge with one or more domestic cooperative associations, or with one or more domestic ordinary business corporations, in accordance with the procedures and subject to the conditions set forth or referred to in this section.

(2) If the merger is into another domestic cooperative association, the board of trustees of each of the associations shall approve by vote of not less than two-thirds of all the trustees, a plan of merger setting forth:

(a) The names of the associations proposing to merge;

(b) The name of the association which is to be the surviving association in the merger;

(c) The terms and conditions of the proposed merger;

(d) The manner and basis of converting the shares of each merging association into shares or other securities or obligations of the surviving association;

(e) A statement of any changes in the articles of association of the surviving association to be effected by such merger; and

(f) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

(3) Following approval by the boards of trustees, the plan of merger shall be submitted to a vote of the members of each of the associations at any regular meeting or at any special meetings ((of the members)) called for ((the)) that purpose, after notice of the proposed merger has been given to all members entitled to vote thereon, in the manner provided in the by-laws. The notice of the meeting shall be in writing stating the purpose or purposes of the meeting and include or be accompanied by a copy or summary of the plan of merger. At the meeting members may vote upon the proposed merger in person, or by written proxy, or by mailed ballot. The affirmative vote of ((not less than)) two-thirds of ((all of)) the members ((of the)) voting thereon, by each association, shall be required for approval of the plan of merger: PROVIDED, That if the total vote of either association upon the proposed merger shall be less than twenty-five percent of the total membership of such association, the merger shall not be approved.

(4) Upon approval by the members of the associations proposing to merge, articles of merger shall be executed in triplicate by each association by its president and by its secretary and verified by one of the officers of each association signing such articles, and shall set forth:

(a) The plan of merger;

(b) As to each association, the number of members and number of shares outstanding; and

(c) As to each association, the number of members who voted for and against such plan, respectively.

(5) Triplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this section prescribed:

(a) Endorse on each of such originals the word "Filed", and the month, day and year of such filing;

(b) File one of such originals in his office; and

(c) Issue a certificate of merger to which he shall affix one of such originals.

(6) The certificate of merger, together with the duplicate original of the articles of merger affixed thereto by the secretary of state, and the other remaining original, shall be returned to the surviving association or its representative. Such remaining original shall then be filed in the office of the county auditor of the county in which the principal place of business of the surviving association is located. If the principal place of business of the merged association has been located in a different county from that of the surviving association, a copy of the articles of merger, certified by the secretary of state, shall likewise be filed with the county auditor of such different county.

(7) For filing articles of merger hereunder the secretary of state and county auditor shall charge and collect the same fees, respectively, as apply to filing of articles of merger of ordinary business corporations.

(8) If the plan of merger is for merger of the cooperative association into a domestic ordinary business corporation, the association shall follow the same procedures as hereinabove provided for merger of domestic cooperative associations and the ordinary business corporation shall follow the applicable procedures set forth in chapter 23A.20 RCW.

(9) At any time prior to filing of the articles of merger, the merger may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger.

(10) A member of a cooperative association, or shareholder of the ordinary business corporation, who dissents from the plan of merger shall have the same right of dissent and payment and in accordance with the same applicable procedures, as are provided for dissenting shareholders with respect to merger of ordinary business corporations under chapter 23A.24 RCW.

NEW SECTION. Sec. 36. There is added to chapter 23.86 RCW a new section to read as follows:

The members of any association may by the vote of two-thirds of the members voting thereon, at any regular meeting or at any special meeting called for that purpose, vote to dissolve said association after notice of the proposed dissolution has been given to all members entitled to vote thereon, in the manner provided by the bylaws, and thereupon such proceeding shall be had for the dissolution of said association as is provided by law for the dissolution of corporations organized under chapter 24.06 RCW: PROVIDED, That if the total vote upon the proposed dissolution shall be less than twenty-five percent of the total membership of the association, the dissolution shall not be approved. At the meeting, members may vote upon the proposed dissolution in person, or by written proxy, or by mailed ballot.

Sec. 37. Section 22, chapter 115, Laws of 1921 as amended by section 1, chapter 86, Laws of 1979 and RCW 24.32.300 are each amended to read as follows:

The members of any association may by the vote of two-thirds ((vote)) of ((all such)) the members voting thereon, at any regular meeting or at ((a)) any special meeting ((regularly)) called for that purpose, vote to dissolve said association after notice of the proposed dissolution has been given to all members entitled to vote thereon, in the manner provided by the bylaws, and thereupon such proceedings shall be had for the dissolution of said association as is provided by law for the dissolution of corporations organized under chapter 24.06 RCW(:

~~If the association has more than ten thousand members, the decision to dissolve the association may be made by the vote of two-thirds of the members voting thereon after notice of the proposed dissolution has been given to all members entitled to vote thereon, in the manner provided by the bylaws))~~: PROVIDED, That if the total vote upon the proposed dissolution shall be less than twenty-five percent of the total membership of the association, the dissolution shall not be approved.

NEW SECTION. Sec. 38. There is added to chapter 23.86 RCW a new section to read as follows:

Any cooperative association organized under any other statute may be reorganized under the provisions of this chapter by adopting and filing amendments to its articles of association in accordance with the provisions of this chapter for amending articles of association. The articles of association as amended must conform to the requirements of this chapter, and shall state that the cooperative association accepts the benefits and will be bound by the provisions of this chapter.

NEW SECTION. Sec. 39. Section 16, chapter 19, Laws of 1913 and RCW 23.86.190 are each hereby repealed.

Sec. 40. Section 15.66.150, chapter 11, Laws of 1961 as amended by section 1, chapter 93, Laws of 1979 ex. sess. and RCW 15.66.150 are each amended to read as follows:

There is hereby levied, and there shall be collected by each commission, upon each and every unit of any agricultural commodity specified in any marketing order an annual assessment which shall be paid by the producer thereof upon each and every such unit sold, processed, stored or delivered for sale, processing or storage by him. Such assessments shall be expressed as a stated amount of money per unit or as a percentage of the net unit price at the time of sale. The total amount of such annual assessment to be paid by all affected producers of such commodity shall not exceed three percent of the total market value of all affected units sold, processed, stored or delivered for sale, processing or storage by all affected producers of such units during the year to which the assessment applies.

Every marketing order shall prescribe the per unit or percentage rate of such assessment. Such rate may be at the full amount of, or at any lesser amount than the amount hereinabove limited and may be altered from time to time by amendment of such order. In every such marketing order and amendment the determination of such rate shall be based upon the volume and price of sales of affected units during a period which the director determines to be a representative period. The per unit or percentage rate of assessment prescribed in any such order or amendment shall for all purposes and times be deemed to be within the limits of assessment above provided until such time as such order is amended as to such rate. However, at the end of any year, any affected producer may obtain a refund from the commission of any assessment payments made which exceed three percent of the total market value of all of the affected commodity sold, processed, stored or delivered for sale, processing or storage by such producer during the year. Such refund shall be made only upon satisfactory proof given by such producer in accordance with reasonable rules and regulations prescribed by the director. Such market value shall be based upon the average sales price received by such producer during the year from all his bona fide sales or, if such producer did not sell twenty-five percent or more of all of the affected commodity produced by him during the year, such market value shall be determined by the director upon other sales of the affected commodity determined by the director to be representative and comparable. ~~((No assessment or rate or amendment thereof shall apply in any order unless and until confirmed by a majority of affected producers participating in a vote taken in the manner by this chapter providing for the election of commission members:))~~

To collect such assessment each order may require:

(1) Stamps to be purchased from the affected commodity commission or other authority stated in such order and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or

tickets (said stamps to be canceled immediately upon being attached and the date of cancellation placed thereon).

(2) Payment of producer assessments before the affected units are shipped off the farm or payment of assessments at different or later times, and in such event the order may require any person subject to the assessment to give adequate assurance or security for its payment.

(3) Every affected producer subject to assessment under such order to deposit with the commission in advance an amount based on the estimated number of affected units upon which such person will be subject to such assessment in any one year during which such marketing order is in force, or upon any other basis which the director determines to be reasonable and equitable and specifies in such order, but in no event shall such deposit exceed twenty-five percent of the estimated total annual assessment payable by such person. At the close of such marketing year the sums so deposited shall be adjusted to the total of such assessments payable by such person.

(4) Handlers receiving the affected commodity from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and remit the same to the affected commission. The lending agency for a commodity credit corporation loan to producers shall be deemed a handler for the purpose of this subsection. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business.

NEW SECTION. Sec. 41. (1) The following acts or parts of acts are hereby repealed:

- (a) Section 15.36.050, chapter 11, Laws of 1961 and RCW 15.36.050;
- (b) Section 15.52.020, chapter 11, Laws of 1961 and RCW 15.52.020;
- (c) Section 15.52.030, chapter 11, Laws of 1961 and RCW 15.52.030;

and

- (d) Section 15.52.040, chapter 11, Laws of 1961 and RCW 15.52.040.

(2) These repeals shall not be construed as affecting any existing right acquired under the statutes repealed or under any rule, regulation, or order adopted pursuant thereto; nor as affecting any proceeding instituted thereunder; nor as affecting any action taken by any chemists of the department of agriculture.

NEW SECTION. Sec. 42. (1) There is appropriated to the grain and hay inspection revolving fund, from the grain and hay inspection fund the sum of four million dollars, or so much thereof as may be in the fund on the effective date of this act, to be used solely for the purpose of carrying out the provisions of chapter 22.09 RCW and rules adopted thereunder.

(2) Section 51, chapter 124, Laws of 1963 and RCW 22.09.510 are each repealed. The provisions of this subsection and of section 25 of this act

shall take effect immediately after the appropriation in subsection (1) of this section has been made.

NEW SECTION. Sec. 43. 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. 44. Section 17 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 June 30, 1981.

Passed the House April 25, 1981.

Passed the Senate April 24, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 298

[Engrossed Substitute Senate Bill No. 3188]

JUVENILES—CRISIS INTERVENTION—FAMILY RECONCILIATION SERVICES

AN ACT Relating to juveniles; amending section 18, chapter 155, Laws of 1979 and RCW 13.32A.040; amending section 19, chapter 155, Laws of 1979 and RCW 13.32A.050; amending section 20, chapter 155, Laws of 1979 and RCW 13.32A.060; amending section 21, chapter 155, Laws of 1979 and RCW 13.32A.070; amending section 22, chapter 155, Laws of 1979 and RCW 13.32A.080; amending section 23, chapter 155, Laws of 1979 and RCW 13.32A.090; amending section 24, chapter 155, Laws of 1979 and RCW 13.32A.100; amending section 27, chapter 155, Laws of 1979 and RCW 13.32A.130; amending section 28, chapter 155, Laws of 1979 and RCW 13.32A.140; amending section 29, chapter 155, Laws of 1979 and RCW 13.32A.150; amending section 31, chapter 155, Laws of 1979 and RCW 13.32A.170; amending section 33, chapter 155, Laws of 1979 and RCW 13.32A.190; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 165, Laws of 1979 ex. sess. and RCW 74.13.031; amending section 80, chapter 155, Laws of 1979 as amended by section 21, chapter 165, Laws of 1979 ex. sess. and RCW 74.13.034; amending section 82, chapter 155, Laws of 1979 and RCW 74.13.036; adding new sections to chapter 13.32A RCW; creating a new section; and prescribing penalties.

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

Section 1. Section 18, chapter 155, Laws of 1979 and RCW 13.32A.040 are each amended to read as follows:

Families who are in conflict may request ~~((crisis intervention))~~ family reconciliation services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. ~~((Crisis intervention))~~ Family reconciliation services shall be designed to develop skills and supports within families to resolve family conflicts and may include but are not limited to referral to

services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

Sec. 2. Section 19, chapter 155, Laws of 1979 and RCW 13.32A.050 are each amended to read as follows:

A law enforcement officer shall take a ~~((juvenile))~~ child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes that a ~~((juvenile))~~ child is in circumstances which constitute a ~~((serious))~~ danger to the ~~((juvenile's))~~ child's physical safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW.

~~((In no case may))~~ Law enforcement custody shall not extend ~~((more than six hours from the time of the juvenile's initial contact with the law enforcement officer))~~ beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

Sec. 3. Section 20, chapter 155, Laws of 1979 and RCW 13.32A.060 are each amended to read as follows:

(1) An officer taking a ~~((juvenile))~~ child into custody under RCW 13.32A.050 (1) or (2) shall inform the ~~((juvenile))~~ child of the reason for such custody and shall either:

(a) Transport the ~~((juvenile))~~ child to his or her home ~~((if the juvenile consents))~~. The officer ~~((so))~~ releasing a ~~((juvenile from))~~ child into the custody of the parent shall inform the parent of the reason for the taking of the ~~((juvenile))~~ child into custody and may ~~((; if he or she believes further services may be needed;))~~ inform the ~~((juvenile))~~ child and the ~~((person to whom the juvenile is released))~~ parent of the nature and location of appropriate services available in their community; or

(b) Take the child to a designated crisis residential center or the home of a responsible adult:

(i) If the child evinces fear or distress at the prospect of being returned to his or her home; or

(ii) If the officer believes there is a possibility that the child is experiencing in the home some type of child abuse or neglect, as defined in RCW 26.44.020, as now law or hereafter amended; or

(iii) If it is not practical to transport the child to his or her home; or

(iv) If there is no parent available to accept custody of the child.

(2) ~~((If, in the judgment of the law enforcement officer, it is not practical nor in the best interests of the family to take the juvenile home, the law enforcement officer))~~ An officer taking a child into custody under RCW 13.32A.050 (3) or (4) shall inform the child of the reason for custody, and shall take the ((juvenile)) child to a designated crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. However, an officer taking a child into custody under RCW 13.32A.050(4) may place the child in a juvenile detention facility as provided in section 4 of this 1981 act. The department shall ensure that all the enforcement authorities are informed on a regular basis as to the location of the designated crisis residential ((shelter or shelters)) center or centers in their judicial district, where ((juveniles)) children taken into custody under RCW 13.32A.050 may be taken.

NEW SECTION. Sec. 4. There is added to chapter 13.32A RCW a new section to read as follows:

(1) A child may be placed in detention after being taken into custody pursuant to RCW 13.32A.050(4). The court shall hold a detention review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court orders the child to remain in detention, the court shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays.

Sec. 5. Section 21, chapter 155, Laws of 1979 and RCW 13.32A.070 are each amended to read as follows:

An officer taking a ((juvenile)) child into custody under RCW 13.32A.050 may, at his or her discretion, transport the ((juvenile)) child to the home of a responsible adult who is other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a ((juvenile)) child with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the ((juvenile)) child into custody.

A law enforcement officer acting reasonably and in good faith pursuant to this chapter in releasing a ((juvenile)) child to a person other than a parent of such ((juvenile)) child is immune from civil or criminal liability

for such action. A person other than a parent of such ((juvenile)) child who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse.

Sec. 6. Section 22, chapter 155, Laws of 1979 and RCW 13.32A.080 are each amended to read as follows:

~~(1) ((Any person who knowingly provides shelter to a child without the acquiescence of the child's parent shall be guilty of a gross misdemeanor if he or she refuses to release the child to a law enforcement officer after being informed by the officer that the child is a reported runaway and that refusal to release the juvenile is a gross misdemeanor. This section does not apply to any person providing shelter to a reported runaway pursuant to RCW 13.32A.090.~~

(2)) (a) A person commits the crime of unlawful harboring of a minor if the person provides shelter to a minor without the consent of a parent of the minor and after the person knows that the minor is away from the home of the parent, without the parent's permission, and if the person intentionally:

(i) Fails to release the minor to a law enforcement officer after being requested to do so by the officer; or

(ii) Fails to disclose the location of the minor to a law enforcement officer after being requested to do so by the officer, if the person knows the location of the minor and had either taken the minor to that location or had assisted the minor in reaching that location; or

(iii) Obstructs a law enforcement officer from taking the minor into custody; or

(iv) Assists the minor in avoiding or attempting to avoid the custody of the law enforcement officer.

(b) It is a defense to a prosecution under this section that the defendant had custody of the minor pursuant to a court order.

(2) Harboring a minor is punishable as a misdemeanor if the offender has not been previously convicted under this section and a gross misdemeanor if the offender has been previously convicted under this section.

(3) Any person who provides shelter to a child, absent from home, may notify the department's local community service office of the child's presence.

((3)) (4) An adult responsible for involving a ((juvenile)) child in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

(a) Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;

(b) Promoting prostitution as defined in chapter 9A.88 RCW; and

(c) Complicity of the adult in the crime of a minor, under RCW 9A.08.020.

Sec. 7. Section 23, chapter 155, Laws of 1979 and RCW 13.32A.090 are each amended to read as follows:

(1) The person in charge of a designated crisis residential center or the department pursuant to RCW 13.32A.070 shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW 13.32A.080(2) that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW 13.32A.070.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) ~~((Notify and inform the parent of the child as to the parent's rights under this chapter including, but not limited to, the right to file an alternative residential placement petition))~~ Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home;

(e) Arrange transportation for the child to an alternative residential placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.

Sec. 8. Section 24, chapter 155, Laws of 1979 and RCW 13.32A.100 are each amended to read as follows:

Where a child is placed in a residence other than that of his or her parent pursuant to RCW 13.32A.090(2)(e), the department shall make available ~~((crisis intervention))~~ family reconciliation services in order to facilitate the reunification of the family. Any such placement may continue as long as there is agreement by the child and parent.

Sec. 9. Section 27, chapter 155, Laws of 1979 and RCW 13.32A.130 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under ~~((RCW 13.32A.090(2)(e)))~~ an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in such placement under the rules and regulations established for the center for a period not to exceed seventy-two hours, excluding Saturdays, Sundays, and holidays, from the ~~((point))~~ time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours, excluding Saturdays, Sundays and holidays, from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the seventy-two hour period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement and to obtain assistance in filing the petition; and (3) the right to request a review of such a placement: PROVIDED, That at no time shall information regarding a parent's or child's rights be withheld if requested.

Sec. 10. Section 28, chapter 155, Laws of 1979 and RCW 13.32A.140 are each amended to read as follows:

The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian; and

(e) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center (~~(or placed with a responsible adult other than his or her parent,))~~) and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent; and

(e) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 11. Section 29, chapter 155, Laws of 1979 and RCW 13.32A.150 are each amended to read as follows:

A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved (~~(or disapproved)~~). The filing of a petition to approve (~~(or disapprove)~~) such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement (~~(or its continuation)~~).

Sec. 12. Section 31, chapter 155, Laws of 1979 and RCW 13.32A.170 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper petition and may approve or ~~((disapprove))~~ deny alternative residential placement giving due weight to the intent of the legislature ~~((expressed in RCW 13.32A.010))~~ that families, absent compelling reasons to the contrary, shall remain together and that parents have the right to place reasonable rules and restrictions upon their children. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence that ~~((a serious conflict exists between the parent and child and that the conflict cannot be resolved by the delivery of services to the family during continued placement of the child in the parental home))~~:

(a) The petition is not capricious;

(b) The petitioner, if a parent or the child, has made a reasonable effort to resolve the conflict; and

(c) The conflict which exists cannot be resolved by delivery of services to the family during continued placement of the child in the parental home.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

(2) The order approving out-of-home placement shall direct the department to submit a disposition plan for a three-month placement of the child that is designed to reunite the family and resolve the family conflict. In making the order, the court shall further direct the department to make recommendations, as to which agency or person should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct the department to consider the cultural heritage of the child in making its recommendations.

(3) The hearing to consider the recommendations of the department for a three-month disposition plan shall be set no later than fourteen days after the approval of the court of a petition to approve alternative residential placement. Each party shall be notified of the time and place of such disposition hearing.

(4) If the court ~~((disapproves))~~ approves or denies a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court ~~((disapproves))~~ denies a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall ~~((instruct that))~~ enter an order requiring the child to remain at or return to the home of his or her parent.

(5) (~~The court shall dismiss the petition if it finds (a) that a petition filed pursuant to RCW 13.32A.150 is capricious, or (b) that the filing party did not first reasonably attempt to resolve the conflict outside the court. Upon dismissing~~) If the court denies the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where a family conflict is so great that it cannot be resolved by the provision of in-home services.

(6) A child who fails to comply with a court order directing that the child remain at or return to the home of his or her parent shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within ninety calendar days after the day of the order.

Sec. 13. Section 33, chapter 155, Laws of 1979 and RCW 13.32A.190 are each amended to read as follows:

(1) Upon making a dispositional order under RCW 13.32A.180, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel and/or a guardian ad litem to represent the child (~~and the parent, if indigent,~~) at the review hearing, advise (~~nonindigent~~) parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing. Where resources are available, the court shall encourage the parent and child to participate in mediation programs for reconciliation of their conflict.

(2) At the review hearing, the court(~~(a)~~) shall approve or disapprove the continuation of the dispositional plan ((according to the standards)) in accordance with the goal of resolving the conflict and reuniting the family which governed the initial approval((b)). The court is authorized to discontinue the placement and order that the child return home if the court has reasonable grounds to believe that the parents have displayed concerted efforts to utilize services and resolve the conflict and the court has reason to believe that the child's refusal to return home is capricious. If out-of-home placement is continued, the court may modify the dispositional plan ((according to the standards of resolving the family conflict and reuniting the family and shall set the matter on the calendar for further review within six months, (c) may determine that interim services as may be appropriate have been offered to the parent and child.

(3) ~~Subsequent six-month review hearings shall be held pursuant to this section until such time as the family is reunited. If the court, at any such hearing, does not approve the continuation of an alternative residential placement and states that the child shall reside with his or her parents, it may hold another review hearing within six months).~~

Out-of-home placement may not be continued past one hundred eighty days from the day the review hearing commenced. The court shall order that the child return to the home of the parent at the expiration of the placement. If continued out-of-home placement is disapproved, the court

shall enter an order requiring that the child return to the home of the child's parent.

NEW SECTION. Sec. 14. There is added to chapter 13.32A RCW a new section to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is punishable as contempt.

(2) Contempt under this section is punishable by a fine of up to one hundred dollars and imprisonment for up to seven days, or both.

(3) A child found in contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) The procedure in a contempt proceeding held under this section is governed by RCW 7.20.040 through 7.20.080, as now law or hereafter amended.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

NEW SECTION. Sec. 15. There is added to chapter 13.32A RCW a new section to read as follows:

In any proceeding in which the court approves an alternative residential placement, the court shall inquire into the ability of parents to contribute to the child's support. If the court finds that the parents are able to contribute to the support of the child, the court shall order them to make such support payments as the court deems equitable. The court may enforce such an order by execution or in any way in which a court of equity may enforce its orders. However, payments shall not be required of a parent who has both opposed the placement and continuously sought reconciliation with, and the return of, the child.

Sec. 16. Section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 165, Laws of 1979 ex. sess. and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the house and senate committees on social and health services. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of neglect, abuse, or abandonment of children by parents, legal custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, (~~(crisis intervention)~~) family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report delineating the results to the house and senate committees on social and health services.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

(10) Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and RCW 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.; and 42 U.S.C. 5701 note as amended by P.L. 94-273, 94-503, and 95-115).

Sec. 17. Section 80, chapter 155, Laws of 1979 as amended by section 21, chapter 165, Laws of 1979 ex. sess. and RCW 74.13.034 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032(2) may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed seventy-two hours from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of (~~(twenty-four)~~) forty-eight hours, including Saturdays, Sundays, and holidays, if the person in charge of the crisis residential center finds that the child is (~~(severely, emotionally, or behaviorally disturbed to the point that the child is suicidal,)~~) seriously assaultive(;) or seriously destructive towards others and the center is unable to provide appropriate supervision and structure. Any child who takes unauthorized leave from the center, if the person in charge of the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave, may be taken to a secure juvenile detention facility subject to the provisions of this section: PROVIDED, That juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed seventy-two hours from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5) It is the intent of the legislature that by (~~(December 1, 1980)~~) July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be

able to respond to the needs of such children with appropriate treatment, supervision, and structure.

Sec. 18. Section 82, chapter 155, Laws of 1979 and RCW 74.13.036 are each amended to read as follows:

The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters ~~((155, Laws of 1979 is))~~ 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state. The department shall make ~~((periodic))~~ reports at least quarterly to the governor and to the legislature regarding implementation of the chapters cited in this section and shall report any violations and misunderstandings regarding the implementation thereof. Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.

NEW SECTION. Sec. 19. The committee on institutions of the house of representatives and the committee on judiciary of the senate shall meet as a joint legislative oversight committee to receive the report of the department, and to receive complaints and recommendations from the department and any other criminal justice or child care agency and any parent or parents who have an interest in implementation of the chapters cited in this section.

The joint committee shall meet at least quarterly and rotate the hearings in all regions of the department.

This section shall expire on January 1, 1983.

NEW SECTION. Sec. 20. 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 26, 1981.

Passed the House April 26, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 299

[Substitute Senate Bill No. 3190]

JUVENILE OFFENDERS

AN ACT Relating to juveniles; amending section 2, chapter 160, Laws of 1913 as last amended by section 6, chapter 128, Laws of 1980 and RCW 13.04.030; amending section 56, chapter 291, Laws of 1977 ex. sess. as amended by section 54, chapter 155, Laws of 1979 and RCW 13.40.020; amending section 57, chapter 291, Laws of 1977 ex. sess. as

amended by section 55, chapter 155, Laws of 1979 and RCW 13.40.030; amending section 60, chapter 291, Laws of 1977 ex. sess. as amended by section 59, chapter 155, Laws of 1979 and RCW 13.40.060; amending section 61, chapter 291, Laws of 1977 ex. sess. as amended by section 60, chapter 155, Laws of 1979 and RCW 13.40.070; amending section 62, chapter 291, Laws of 1977 ex. sess. as amended by section 61, chapter 155, Laws of 1979 and RCW 13.40.080; amending section 66, chapter 291, Laws of 1977 ex. sess. as amended by section 64, chapter 155, Laws of 1979 and RCW 13.40.120; amending section 67, chapter 291, Laws of 1977 ex. sess. as amended by section 65, chapter 155, Laws of 1979 and RCW 13.40.130; amending section 68, chapter 291, Laws of 1977 ex. sess. as amended by section 66, chapter 155, Laws of 1979 and RCW 13.40.140; amending section 69, chapter 291, Laws of 1977 ex. sess. as amended by section 67, chapter 155, Laws of 1979 and RCW 13.40.150; amending section 70, chapter 291, Laws of 1977 ex. sess. as amended by section 68, chapter 155, Laws of 1979 and RCW 13.40.160; amending section 72, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.180; amending section 77, chapter 291, Laws of 1977 ex. sess. as amended by section 72, chapter 155, Laws of 1979 and RCW 13.40.230; amending section 1, chapter 170, Laws of 1975 1st ex. sess. as amended by section 73, chapter 155, Laws of 1979 and RCW 13.40.300; amending section 3, chapter 240, Laws of 1977 ex. sess. as amended by section 15, chapter 186, Laws of 1980 and RCW 34.08.020; amending section 9, chapter 155, Laws of 1979 and RCW 13.50.050; adding new sections to chapter 13.40 RCW; adding a new section to chapter 9.92 RCW; creating a new section; making an appropriation; and declaring an emergency.

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

Section 1. Section 2, chapter 160, Laws of 1913 as last amended by section 6, chapter 128, Laws of 1980 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)(a) of this section; (~~and~~)

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

(8) 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. 2. Section 56, chapter 291, Laws of 1977 ex. sess. as amended by section 54, chapter 155, Laws of 1979 and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree(~~, rape in the first degree,~~) or rape in the second degree; or

(c) Assault in the second degree, extortion in the first degree, indecent liberties, kidnaping in the second degree, robbery in the second degree, burglary in the second degree, (~~statutory rape in the first degree,~~) or statutory rape in the second degree, where such offenses include the infliction of (~~grievous~~) bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator (~~uses~~) is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth (~~for a period of time not to exceed one year. Such an order may include one or more of~~). A community supervision order for a single offense may be for a period of up to one year and include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include confinement;

(4) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(6) "Criminal history" includes all criminal complaints against the respondent (~~where~~) for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. (~~In any judgment where~~) If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older(~~, committed pursuant to~~) over whom jurisdiction has been extended under RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would impose an excessive penalty on the juvenile or a clear danger to society in light of the purposes of this chapter;

(13) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony (~~((except for any felony which is listed in subsection (1) (b) or (c) of this section)))~~) and one misdemeanor or gross misdemeanor;

(f) One class B felony (~~((except for any felony which is listed in subsection (1) (a), (b), or (c) of this section)))~~ except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; rape in the second degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; or statutory rape in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

~~((14))~~ (15) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

~~((15))~~ (16) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((16))~~ (17) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((17))~~ (18) "Secretary" means the secretary of the department of social and health services;

~~((18))~~ (19) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((19))~~ (20) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((20))~~ (21) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

NEW SECTION. Sec. 3. There is added to chapter 13.40 RCW a new section to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following eight members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; and (f) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03-.060 as now or hereafter amended.

(6) The commission's first meeting shall be held prior to January 1, 1982. Thereafter, the commission shall meet at least once every six months.

NEW SECTION. Sec. 4. There is added to chapter 13.40 RCW a new section to read as follows:

(1) It is the responsibility of the commission to: (a) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010; (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) develop and propose to the legislature modifications of the disposition standards in accordance with RCW 13.40.030.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission with recommendations for modification of the disposition standards.

Sec. 5. Section 57, chapter 291, Laws of 1977 ex. sess. as amended by section 55, chapter 155, Laws of 1979 and RCW 13.40.030 are each amended to read as follows:

(1) (a) The ~~((secretary))~~ juvenile disposition standards commission shall propose to the legislature no later than November 1st of each even-numbered year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards proposed for offenders listed in RCW 13.40.020(1) shall include a range of confinement which may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards proposed by the ~~((department))~~ commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed.

(b) The secretary shall ~~((also))~~ submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review ~~((at the same time the department proposes its disposition standards))~~ no later than November 1st of each even-numbered year.

(2) If the commission fails to propose disposition standards as provided in this section, the existing standards shall remain in effect and may be adopted by the legislature or referred to the commission for modification as provided in subsection (3) of this section. If the standards are referred for modification, the provisions of subsection (4) shall be applicable.

(3) The legislature may adopt the proposed standards or refer the proposed standards to the ~~((secretary))~~ commission for modification. If the legislature fails to adopt or refer the proposed standards to the ~~((secretary))~~

commission by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.

~~((3))~~ (4) If the legislature refers the proposed standards to the ~~((secretary))~~ commission for modification on or before February 15th, the ~~((secretary))~~ commission shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.

~~((4) Notwithstanding any other provision of this section, the secretary shall propose standards and submit guidelines to the legislature no later than November 1, 1977. The legislature shall consider the proposed standards and submitted guidelines during the following year in the manner prescribed by subsections (2) and (3) of this section. Such standards shall be in effect for the period July 1, 1978, to June 30, 1979.~~

~~(5) Any term of confinement in excess of thirty days shall be served at a facility operated by or pursuant to a contract with the state of Washington.~~

~~(6))~~ (5) In developing and promulgating the permissible ranges of confinement under this section the ~~((secretary))~~ commission shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

Sec. 6. Section 60, chapter 291, Laws of 1977 ex. sess. as amended by section 59, chapter 155, Laws of 1979 and RCW 13.40.060 are each amended to read as follows:

(1) Proceedings under this chapter shall be commenced in the county where the juvenile resides. However, proceedings may be commenced in the county where an element of the alleged criminal offense occurred if so requested by the juvenile or by the prosecuting attorney of the county where the incident occurred.

(2) If the hearing takes place in the county where an element of the alleged criminal offense occurred, the case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county where the juvenile resides for a disposition hearing. All

costs and arrangements for care and transportation of the juvenile in custody shall be the responsibility of the receiving county as of the date of the transfer of the juvenile to such county, unless the counties otherwise agree.

(3) If the adjudicatory and disposition hearings take place in a county in which an element of the alleged offense occurred, the case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county in which the juvenile resides for supervision and enforcement of the disposition order. The court of the receiving county has jurisdiction to modify and enforce the disposition order.

(4) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when:

(a) There is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun; or

(b) It appears that venue is incorrect under this section.

Sec. 7. Section 61, chapter 291, Laws of 1977 ex. sess. as amended by section 60, chapter 155, Laws of 1979 and RCW 13.40.070 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (4), (5) and (6) of this section. If the prosecutor neither files nor diverts the case, he shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(3) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(4) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, assault in the third degree, rape in the third degree, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender is accused of a felony and has a criminal history of at least one class A or class B felony, or two class C felonies, or at least two gross misdemeanors, or at least two misdemeanors and one additional

misdeemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion.

(5) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed three offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (4) and (6) of this section, a case under this subsection may also be filed.

(6) Where a case is legally sufficient and falls into neither subsection (4) nor (5) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(7) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.

(8) The responsibilities of the prosecutor under subsections (1) through (7) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

Sec. 8. Section 62, chapter 291, Laws of 1977 ex. sess. as amended by section 61, chapter 155, Laws of 1979 and RCW 13.40.080 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it.

(2) A diversion agreement shall be limited to:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim, and to an amount the juvenile has the means or potential means to pay; and

(c) ~~((An informational, educational, or counseling interview, which may be required))~~ Attendance at up to two hours of counseling and/or up to ten

hours of educational or informational sessions at a community agency; PROVIDED, That the state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to two hours of counseling and/or up to ten hours of educational or informational sessions.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall to the extent possible involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4) A diversion agreement may not exceed a period of six months for a misdemeanor or gross misdemeanor or one year for a felony and may include a period extending beyond the eighteenth birthday of the divertee. Any restitution assessed during its term may not exceed an amount which the juvenile could be reasonably expected to pay during this period. If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

- (i) In juvenile court if the divertee is under eighteen years of age; or
- (ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(7) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(8) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(6) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(9) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

(10) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. It shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile fails to make restitution or perform community service as required by the diversion agreement.

(11) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and

release or release such a juvenile without entering into a diversion agreement: PROVIDED, That any juvenile so handled shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(6) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language: PROVIDED FURTHER, That a juvenile determined to be eligible by a diversionary unit for such release shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(12) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

Sec. 9. Section 66, chapter 291, Laws of 1977 ex. sess. as amended by section 64, chapter 155, Laws of 1979 and RCW 13.40.120 are each amended to read as follows:

~~((The court shall hold an adjudicatory hearing on the information, and, after it has announced its findings of fact and its decision, shall hold a hearing to consider disposition of the case pursuant to RCW 13.40.150 and 13.40.160, as now or hereafter amended, immediately following the adjudicatory hearing or at a continued hearing within fourteen days unless good cause is shown for a further continuance. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, that party shall be notified by mail of the time and place of any continued hearing.))~~

All hearings may be conducted at any time or place within the limits of the ((county)) judicial district, and such cases may not be heard in conjunction with other business of any other division of the superior court.

Sec. 10. Section 67, chapter 291, Laws of 1977 ex. sess. as amended by section 65, chapter 155, Laws of 1979 and RCW 13.40.130 are each amended to read as follows:

(1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, ((a)) an adjudicatory hearing date shall be set.

(3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.

(4) The court shall record its findings of fact and shall enter its decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its decision.

(5) If the respondent is found not guilty he or she shall be released from detention.

(6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, the party shall be notified by mail of the time and place of the continued hearing.

(7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.

(8) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay.

(9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.

Sec. 11. Section 68, chapter 291, Laws of 1977 ex. sess. as amended by section 66, chapter 155, Laws of 1979 and RCW 13.40.140 are each amended to read as follows:

(1) A juvenile shall be advised of his or her rights when appearing before the court.

(2) A juvenile and his or her parent, guardian, or custodian shall be advised by the court or its representative that the juvenile has a right to be represented by counsel at all critical stages of the proceedings. Unless waived, counsel shall be provided to a juvenile who is financially unable to obtain counsel without causing substantial hardship to himself or herself or the juvenile's family, in any proceeding where the juvenile may be subject to transfer for criminal prosecution, or in any proceeding where the juvenile may be in danger of confinement. The ability to pay part of the cost of counsel does not preclude assignment. In no case may a juvenile be deprived of counsel because of a parent, guardian, or custodian refusing to pay therefor. The juvenile shall be fully advised of his or her right to an attorney and of the relevant services an attorney can provide.

(3) The right to counsel includes the right to the appointment of experts necessary, and the experts shall be required pursuant to the procedures and requirements established by the supreme court.

(4) Upon application of a party, the clerk of the court shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing, or such subpoenas may be issued by an attorney of record.

(5) All proceedings shall be transcribed verbatim by means which will provide an accurate record.

(6) The general public and press shall be permitted to attend any hearing unless the court, for good cause, orders a particular hearing to be closed. The presumption shall be that all such hearings will be open.

(7) In all adjudicatory proceedings before the court, all parties shall have the right to adequate notice, discovery as provided in criminal cases, opportunity to be heard, confrontation of witnesses except in such cases as this chapter expressly permits the use of hearsay testimony, findings based solely upon the evidence adduced at the hearing, and an unbiased fact-finder.

(8) A juvenile shall be accorded the same privilege against self-incrimination as an adult. An extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding may not be received in evidence at an adjudicatory hearing over objection. Evidence illegally seized or obtained may not be received in evidence over objection at an adjudicatory hearing to prove the allegations against the juvenile if the evidence would be inadmissible in an adult criminal proceeding. An extrajudicial admission or confession made by the juvenile out of court is insufficient to support a finding that the juvenile committed the acts alleged in the information unless evidence of a corpus delicti is first independently established in the same manner as required in an adult criminal proceeding.

(9) Waiver of any right which a juvenile has under this chapter must be an express waiver intelligently made by the juvenile after the juvenile has been fully informed of the right being waived.

(10) Whenever this chapter refers to waiver or objection by a juvenile, the word juvenile shall be construed to refer to a juvenile who is at least twelve years of age. If a juvenile is under twelve years of age, the juvenile's parent, guardian, or custodian shall give any waiver or offer any objection contemplated by this chapter.

Sec. 12. Section 69, chapter 291, Laws of 1977 ex. sess. as amended by section 67, chapter 155, Laws of 1979 and RCW 13.40.150 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

- (a) Violations which are current offenses count as misdemeanors;
- (b) Violations may not count as part of the offender's criminal history;
- (c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement; ((and))

(v) The respondent was the leader of a criminal enterprise involving several persons; and

(vi) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.

(4) The following factors may not be considered in determining the punishment to be imposed:

- (a) The sex of the respondent;
- (b) The race or color of the respondent or the respondent's family;
- (c) The creed or religion of the respondent or the respondent's family;
- (d) The economic or social class of the respondent or the respondent's family; and

(e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.

(5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

Sec. 13. Section 70, chapter 291, Laws of 1977 ex. sess. as amended by section 68, chapter 155, Laws of 1979 and RCW 13.40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(~~((6))~~)(5), as now or hereafter amended, shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition. A disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(~~((6))~~)(5), as now or hereafter amended, shall be used to determine the range. Any disposition

other than community supervision may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision may not be appealed under RCW 13.40.230 as now or hereafter amended.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) ~~((Where))~~ If a respondent is found to ((have committed an offense which is neither a serious nor a minor or first offense)) be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense: PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030~~((6))~~(5), as now or hereafter amended, shall be used to determine the range.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(6) In its dispositional order, the court shall not suspend or defer the imposition or the execution of the disposition.

Sec. 14. Section 72, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.180 are each amended to read as follows:

Where a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:

(1) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense; ~~((and))~~

(2) ~~((in all other cases;))~~ The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

(3) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than two hundred dollars in fines or the performance of more than two hundred hours of community service.

NEW SECTION. Sec. 15. There is added to chapter 13.40 RCW a new section to read as follows:

Any term of confinement imposed for an offense which exceeds thirty days shall be served under the supervision of the department. If the period of confinement imposed for more than one offense exceeds thirty days but the term imposed for each offense is less than thirty days, the confinement may, in the discretion of the court, be served in a juvenile facility operated by or pursuant to a contract with the state or a county.

Sec. 16. Section 77, chapter 291, Laws of 1977 ex. sess. as amended by section 72, chapter 155, Laws of 1979 and RCW 13.40.230 are each amended to read as follows:

(1) Dispositions reviewed pursuant to RCW 13.40.160, as now or hereafter amended, shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, or which imposes confinement for a minor or first offender, the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range, or non-confinement for a minor or first offender, would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter.

(4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) Pending appeal, a respondent may not be committed or detained for a period of time in excess of the standard range for the offense(s) committed ~~((and may not be detained if a first or minor offender. PROVIDED; That if the order of the disposition court is below the standard range, the respondent shall be committed or detained for no longer than the term set by the disposition court))~~ or sixty days, whichever is longer. The disposition court may impose conditions on release pending appeal as provided in RCW 13.40.040(4) and 13.40.050(6). Upon the expiration of the period of commitment or detention specified in this subsection, the court may also impose such conditions on the respondent's release pending disposition of the appeal.

(6) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt.

Sec. 17. Section 1, chapter 170, Laws of 1975 1st ex. sess. as amended by section 73, chapter 155, Laws of 1979 and RCW 13.40.300 are each amended to read as follows:

(1) In no case may a juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday. A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence consisting of the standard range of disposition for the offense and the sentence includes a period beyond the juvenile offender's eighteenth birthday; or

(b) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence outside the standard range of disposition for the offense and the sentence includes a period beyond the juvenile's eighteenth birthday and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile offender for that period; or

(c) Proceedings are pending seeking the adjudication of a juvenile offense or seeking ~~((an order of))~~ a disposition order or the enforcement of such an order and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday.

(2) In no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday.

(3) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

Sec. 18. Section 3, chapter 240, Laws of 1977 ex. sess. as amended by section 15, chapter 186, Laws of 1980 and RCW 34.08.020 are each amended to read as follows:

There is hereby created a state publication to be called the Washington State Register, which shall be published on no less than a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) The full text of any proposed new or amendatory rule, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof may take action on any such rule except on emergency rules adopted in accordance with RCW 34.04-.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010;

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification; (~~and~~)

(6) Summaries of attorney general opinions and letter opinions, noting the number, date, subject, and other information, and prepared by the attorney general for inclusion in the register; and

(7) Juvenile disposition standards and security guidelines proposed and adopted under RCW 13.40.030.

Sec. 19. Section 9, chapter 155, Laws of 1979 and RCW 13.50.050 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and RCW 13.50.010.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being

pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding may be released to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system may be released to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8).

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

- (a) The person making the motion is at least twenty-three years of age;
- (b) The person has not subsequently been convicted of a felony;
- (c) No proceeding is pending against that person seeking the conviction of a criminal offense; and
- (d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((19))~~ (20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((20))~~ (21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((21))~~ (22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((22))~~ (23) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

NEW SECTION. Sec. 20. The provisions of chapters 13.04 and 13.40 RCW, as now or hereafter amended, shall be the exclusive authority for the adjudication and disposition of juvenile offenders except where otherwise expressly provided.

NEW SECTION. Sec. 21. There is added to chapter 9.92 RCW a new section to read as follows:

No provision of this chapter shall authorize a court to suspend or defer the imposition or the execution of a disposition under chapter 13.40 RCW, as now law or hereafter amended.

NEW SECTION. Sec. 22. There is hereby appropriated to the department of social and health services \$3,918 from the general fund to carry out the purposes of this 1981 act.

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.

Passed the Senate April 25, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 300

[Engrossed Substitute Senate Bill No. 3554]

MUNICIPAL INDUSTRIAL DEVELOPMENT PROGRAM

AN ACT Relating to local economic development; adding a new chapter to Title 39 RCW; creating new sections; and prescribing penalties.

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

NEW SECTION. Section 1. FINDING AND DECLARATION OF NECESSITY. The legislature hereby finds and declares that this state urgently needs to do the following: Promote higher employment; encourage the development of new jobs; maintain and supplement the capital investments in industry that currently exist in this state; encourage future employment by ensuring future capital investment; attract environmentally sound industry to the state; protect and enhance the quality of natural resources and the environment; and promote the production and conservation of energy.

NEW SECTION. Sec. 2. DEFINITIONS. 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, production, assembly, warehousing, transportation, pollution control, solid waste disposal, and energy facilities.

(7) "Municipality" means a city, town, county, or port district of this state.

(8) "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.

(9) "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.

(10) "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.

(11) "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.

NEW SECTION. Sec. 3. PUBLIC CORPORATIONS—CREATION, DISSOLUTION. (1) For the purpose of facilitating economic development and employment opportunities in the state of Washington through the financing of the project costs of industrial development facilities, a municipality may enact an ordinance creating a public corporation for the purposes authorized in this chapter. The ordinance creating the public corporation shall approve a charter for the public corporation containing such provisions as are authorized by and not in conflict with this chapter. Any charter issued under this chapter shall contain in substance the limitations set forth in section 6 of this act. In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the public corporation, the public corporation is conclusively presumed to be established and authorized to transact business and exercise its powers under this chapter upon proof of the adoption of the ordinance creating the public corporation by the governing body. A copy of the ordinance duly certified by the clerk of the governing body of the municipality shall be admissible in evidence in any suit, action, or proceeding.

(2) A public corporation created by a municipality pursuant to this chapter may be dissolved by the municipality if the public corporation: (a) Has no property to administer, other than funds or property, if any, to be paid or transferred to the municipality by which it was established; and (b) all its outstanding obligations have been satisfied. Such a dissolution shall

be accomplished by the governing body of the municipality adopting an ordinance providing for the dissolution.

(3) The creating municipality may, at its discretion and at any time, alter or change the structure, organizational programs, or activities of a public corporation, including termination of the public corporation if contracts entered into by the public corporation are not impaired. Any net earnings of a public corporation, beyond those necessary for retirement of indebtedness incurred by it, shall not inure to the benefit of any person other than the creating municipality. Upon dissolution of a public corporation, title to all property owned by the public corporation shall vest in the municipality.

NEW SECTION. Sec. 4. BOARD OF DIRECTORS OF PUBLIC CORPORATION. The ordinance creating a public corporation shall include provisions establishing a board of directors to govern the affairs of the public corporation, what constitutes a quorum of the board of directors, and how the public corporation shall conduct its affairs.

NEW SECTION. Sec. 5. PUBLIC CORPORATIONS—DIRECTORS. It shall be illegal for a director, officer, agent, or employee of a public corporation to have, directly or indirectly, any financial interest in any property to be included in or any contract for property, services, or materials to be furnished or used in connection with any industrial development facility financed through the public corporation. Violation of any provision of this section is a gross misdemeanor.

NEW SECTION. Sec. 6. PUBLIC CORPORATIONS—LIMITATIONS. No municipality may give or lend any money or property in aid of a public corporation. The municipality that creates a public corporation shall annually review any financial statements of the public corporation and at all times shall have access to the books and records of the public corporation. No public corporation may issue revenue obligations under this chapter except upon the approval of both the municipality under the auspices of which it was created and the county, city, or town within whose planning jurisdiction the proposed industrial development facility lies. No revenue bonds may be issued pursuant to this chapter unless the board of directors of the public corporation proposing to issue revenue bonds makes a finding that in its opinion the interest paid on the bonds will be exempt from income taxation by the federal government. Revenue bonds issued by a public corporation under this chapter shall not be considered to constitute a debt of the state, of the municipality, or of any other municipal corporation, quasi municipal corporation, subdivision, or agency of this state or to pledge any or all of the faith and credit of any of these entities. The revenue bonds shall be payable solely from both the revenues derived as a result of the industrial development facilities funded by the revenue bonds, including, without limitation, amounts received under the terms of any financing document or by reason of any additional security furnished by the user of the

industrial development facility in connection with the financing thereof, and money and other property received from private sources. Each revenue bond shall contain on its face statements to the effect that: (1) Neither the state, the municipality, or any other municipal corporation, quasi municipal corporation, subdivision, or agency of the state is obligated to pay the principal or the interest thereon; (2) no tax funds or governmental revenue may be used to pay the principal or interest thereon; and (3) neither any or all of the faith and credit nor the taxing power of the state, the municipality, or any other municipal corporation, quasi municipal corporation, subdivision, or agency thereof is pledged to the payment of the principal of or the interest on the revenue bond. A public corporation may incur only those financial obligations which will be paid from revenues received pursuant to financing documents, from fees or charges paid by users or prospective users of the industrial development facilities funded by the revenue bonds, or from the proceeds of revenue bonds. A public corporation established under the terms of this chapter constitutes an authority and an instrumentality (within the meaning of those terms in the regulations of the United States treasury and the rulings of the Internal Revenue Service prescribed pursuant to section 103 of the Internal Revenue Code of 1954, as amended) and may act on behalf of the municipality under whose auspices it is created for the specific public purposes authorized by this chapter. The public corporation is not a municipal corporation within the meaning of the state Constitution and the laws of the state, or a political subdivision within the meaning of the state Constitution and the laws of the state, including without limitation, Article VIII, section 7, of the Washington state Constitution. A municipality shall not delegate to a public corporation any of the municipality's attributes of sovereignty, including, without limitation, the power to tax, the power of eminent domain, and the police power.

NEW SECTION. Sec. 7. PUBLIC CORPORATIONS—AUDIT BY STATE. The finances of any public corporation are subject to examination by the state auditor's office pursuant to RCW 43.09.260.

NEW SECTION. Sec. 8. PUBLIC CORPORATIONS—POWERS. (1) A public corporation created under this chapter has the following powers with respect to industrial development facilities together with all powers incidental thereto or necessary for the performance thereof:

(a) To construct and maintain one or more industrial development facilities;

(b) To lease to a lessee all or any part of any industrial development facility for such rentals and upon such terms and conditions, including options to purchase, as its board of directors considers advisable and not in conflict with this chapter;

(c) To sell by installment contract or otherwise and convey all or any part of any industrial development facility for such purchase price and upon

such terms and conditions as its board of directors considers advisable which are not in conflict with this chapter;

(d) To make secured loans for the purpose of providing temporary or permanent financing or refinancing of all or part of the project cost of any industrial development facility, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the project costs; and to charge and collect interest on the loans for the loan payments upon such terms and conditions as its board of directors considers advisable which are not in conflict with this chapter;

(e) To issue revenue bonds for the purpose of financing all or part of the project cost of any industrial development facility and to secure the payment of the revenue bonds as provided in this chapter;

(f) As security for the payment of the principal of and interest on any revenue bonds issued and any agreements made in connection therewith, to mortgage, pledge, or otherwise encumber any or all of its industrial development facilities or any part or parts thereof, whether then owned or thereafter acquired, and to assign any mortgage and repledge any security conveyed to the public corporation, to secure any loan made by the public corporation and to pledge the revenues and receipts therefrom;

(g) To sue and be sued, complain, and defend in its corporate name;

(h) To make contracts and to execute all instruments necessary or convenient for the carrying out of its business;

(i) To have a corporate seal and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced;

(j) Subject to the limitations of section 6 of this act, to borrow money, accept grants from, or contract with any local, state, or federal governmental agency or with any financial, public, or private corporation;

(k) To make and alter bylaws not inconsistent with its charter for the administration and regulation of the affairs of the corporation;

(l) To collect fees or charges from users or prospective users of industrial development facilities to recover actual or anticipated administrative costs;

(m) To execute financing documents incidental to the powers enumerated in this subsection.

(2) No public corporation created under this chapter may operate any industrial development facility as a business other than as lessor, seller, or lender. The purchase and holding of mortgages, deeds of trust, or other security interests and contracting for any servicing thereof is not considered the operation of an industrial development facility.

(3) No public corporation may exercise any of the powers authorized in this section or issue any revenue bonds with respect to any industrial development facility unless the industrial development facility is located wholly within the boundaries of the municipality under whose auspices the public

corporation is created or unless the industrial development facility comprises energy facilities or solid waste disposal facilities which provide energy for or dispose of solid waste from the municipality or the residents thereof.

NEW SECTION. Sec. 9. REPORTING TO THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT. (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 and economic development.

(2) If the industrial development facility is not eligible under this chapter, the department of commerce 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 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 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 and economic development considers appropriate.

NEW SECTION. Sec. 10. REVENUE BONDS—PROVISIONS. (1) The principal of and the interest on any revenue bonds issued by a public corporation shall be payable solely from the funds provided for this payment from the revenues of the industrial development facilities funded by the revenue bonds. Each issue of revenue bonds shall be dated, shall bear interest at such rate or rates, and shall mature at such time or times as may be determined by the board of directors, and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be fixed by the board of directors prior to the issuance of the revenue bonds or other revenue obligations.

(2) The board of directors shall determine the form and the manner of execution of the revenue bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the revenue bonds and the place or places of payment of principal and interest. If any officer whose signature or a facsimile of whose signature appears on any revenue bonds or coupons ceases to be an officer before the delivery of the revenue bonds, the signature shall for all purposes have the same effect as if he had remained in office until delivery. The revenue bonds may be issued in

coupon or in registered form or both as the board of directors may determine, and provisions may be made for the registration of any coupon revenue bonds as to the principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. A public corporation may sell revenue bonds at public or private sale for such price and bearing interest at such fixed or variable rate as may be determined by the board of directors.

(3) The proceeds of the revenue bonds of each issue shall be used solely for the payment of all or part of the project cost of or for the making of a loan in the amount of all or part of the project cost of the industrial development facility for which authorized and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing the issuance of the revenue bonds or in the trust agreement securing the bonds. If the proceeds of the revenue bonds of any series issued with respect to the cost of any industrial development facility exceeds the cost of the industrial development facility for which issued, the surplus shall be deposited to the credit of the debt service fund for the revenue bonds or used to purchase revenue bonds in the open market.

(4) A public corporation may issue interim notes in the manner provided for the issuance of revenue bonds to fund industrial development facilities prior to issuing other revenue bonds to fund such facilities. A public corporation may issue revenue bonds to fund industrial development facilities that are exchangeable for other revenue bonds when these other revenue bonds are executed and available for delivery.

(5) The principal of and interest on any revenue bonds issued by a public corporation shall be secured by a pledge of unexpended bond proceeds and the revenues and receipts received by the public corporation from the industrial development facilities funded by the revenue bonds pursuant to financing documents. The resolution under which the revenue bonds are authorized to be issued and any financing document may contain agreements and provisions respecting the maintenance or use of the industrial development facility covered thereby, the fixing and collection of rents, purchase price payments or loan payments, the creation and maintenance of special funds from such revenues or from revenue bond proceeds, the rights and remedies available in the event of default, and other provisions relating to the security for the bonds, all as the board of directors consider advisable which are not in conflict with this chapter.

(6) The governing body of the municipality under whose auspices the public corporation is created shall approve by resolution any agreement to issue revenue bonds adopted by a public corporation, which agreement and resolution shall set out the amount and purpose of the revenue bonds. Additionally, no issue of revenue bonds, including refunding bonds, may be sold and delivered by a public corporation without a resolution of the governing body of the municipality under whose auspices the public corporation

is created, adopted no more than sixty days before the date of sale of the revenue bonds specifically, approving the resolution of the public corporation providing for the issuance of the revenue bonds.

(7) All revenue bonds issued under this chapter and all interest coupons applicable thereto are negotiable instruments within the meaning of Article 8 of the Uniform Commercial Code, Title 62A RCW, regardless of form or character.

NEW SECTION. Sec. 11. REVENUE BONDS—REFUNDING. Each public corporation may provide by resolution for the issuance of revenue refunding bonds for the purpose of refunding any revenue bonds issued for an industrial development facility under this chapter, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption or maturity of the revenue bonds and, if considered advisable by the public corporation, for the additional purpose of financing improvements, extensions, or enlargements to the industrial development facility for another industrial development facility. The issuance of the revenue bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the public corporation in respect to the same shall be governed by this chapter insofar as applicable.

NEW SECTION. Sec. 12. TRUST AGREEMENTS. Any bonds issued under this chapter may be secured by a trust agreement between the public corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement may evidence a pledge or assignment of the financing documents and lease, sale, or loan revenues to be received from a lessee or purchaser of or borrower with respect to an industrial development facility for the payment of principal of and interest and any premium on the bonds as the same shall become due and payable and may provide for creation and maintenance of reserves for these purposes. A trust agreement or resolution providing for the issuance of the revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties in relation to the acquisition of property and the construction, improvement, maintenance, use, repair, operation, and insurance of the industrial development facility for which the bonds are authorized, and the custody, safeguarding, and application of all money. Any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of revenue bonds or of revenues may furnish such indemnifying bonds or pledge such securities as may be required by the corporation. A trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of private corporations. In addition,

a trust agreement may contain such provisions as the public corporation considers reasonable and proper for the security of the bondholders which are not in conflict with this chapter.

NEW SECTION. Sec. 13. **COMMINGLING OF BOND PROCEEDS OR REVENUES WITH MUNICIPAL FUNDS PROHIBITED.** No part of the proceeds received from the sale of any revenue bonds under this chapter, of any revenues derived from any industrial development facility acquired or held under this chapter, or of any interest realized on moneys received under this chapter may be commingled by the public corporation with funds of the municipality creating the public corporation.

NEW SECTION. Sec. 14. **SUBLEASES AND ASSIGNMENTS.** A lessee or contracting party under a sale contract or loan agreement shall not be required to be the eventual user of an industrial development facility if any sublessee or assignee assumes all of the obligations of the lessee or contracting party under the lease, sale contract, or loan agreement, but the lessee or contracting party or their successors shall remain primarily liable for all of its obligations under the lease, sale contract, or loan agreement and the use of the industrial development facility shall be consistent with the purposes of this chapter.

NEW SECTION. Sec. 15. **DETERMINATION OF RENT.** Before entering into a lease, sale contract, or loan agreement with respect to any industrial development facility, the public corporation shall determine that there are sufficient revenues to pay (1) the principal of and the interest on the revenue bonds proposed to be issued to finance the industrial development facility; (2) the amount necessary to be paid each year into any reserve funds which the public corporation considers advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the industrial development facility; and (3) unless the terms of the lease, sale contract, or loan agreement provide that the lessee or contracting party shall maintain the industrial development facility and carry all proper insurance with respect thereto, the estimated cost of maintaining the industrial development facility in good repair and keeping it properly insured.

NEW SECTION. Sec. 16. **PROCEEDINGS IN THE EVENT OF DEFAULT.** The proceedings authorizing any revenue bonds under this chapter or any financing document securing the revenue bonds may provide that if there is a default in the payment of the principal of or the interest on the bonds or in the performance of any agreement contained in the proceedings or financing document, the payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents, purchase price payments, and loan repayments, and to apply the revenues from the industrial development facility in accordance with the proceedings or provisions of the financing

document. Any financing document entered into under this chapter to secure revenue bonds issued under this chapter may also provide that if there is a default in the payment thereof or a violation of any agreement contained in the financing document, the industrial development facility may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Any financing document may also provide that any trustee under the financing document or the holder of any revenue bonds secured thereby may become the purchaser at any foreclosure sale if it is the highest bidder.

NEW SECTION. Sec. 17. CONSTRUCTION—SUPPLEMENTAL NATURE OF CHAPTER. This chapter supplements and neither restricts nor limits any powers which a municipality or presently authorized public corporation might otherwise have under any laws of this state.

NEW SECTION. Sec. 18. LEGISLATIVE DIRECTIVE. Sections 1 through 17 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 19. CAPTIONS NOT PART OF LAW. As used in this chapter, captions constitute no part of the law.

NEW SECTION. Sec. 20. SEVERABILITY. 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 25, 1981.

Passed the House April 25, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 301

[House Bill No. 304]

OPERATING AGENCIES—SECURITY FORCES

AN ACT Relating to security forces for operating agencies; and adding new sections to chapter 43.52 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.52 RCW a new section to read as follows:

An operating agency constructing or operating a nuclear power plant under a site certificate issued under chapter 80.50 RCW may establish a security force for the protection and security of each nuclear power plant site exclusion area. Members of the security force may be supplied with uniforms and badges indicating their position as security force members if the uniforms and badges do not closely resemble the uniforms or badges of any law enforcement agency or other agency possessing law enforcement

powers in the surrounding area of the nuclear power plant exclusion area. Members of the security force shall enroll in and successfully complete a training program approved by the criminal justice training commission which does not conflict with any requirements of the United States nuclear regulatory commission for the training of security personnel at nuclear power plants. All costs incurred by the criminal justice training commission in the preparation, delivery, or certification of the training programs shall be paid by the operating agency.

NEW SECTION. Sec. 2. There is added to chapter 43.52 RCW a new section to read as follows:

An operating agency is authorized to obtain criminal history record information pursuant to RCW 10.97.050 for any member of an operating agency security force and for any applicant seeking employment as a member of an operating agency security force.

NEW SECTION. Sec. 3. There is added to chapter 43.52 RCW a new section to read as follows:

(1) Members of an operating agency security force authorized under section 1 of this act may use reasonable force to detain, search, or remove persons who enter or remain without permission within the nuclear power plant site exclusion area or whenever, upon probable cause, it appears to a member of the security force that a person has committed or is attempting to commit a crime. Should any person be detained, the security force shall immediately notify the law enforcement agency, having jurisdiction over the nuclear power plant site, of the detainment. The security force is authorized to detain the person for a reasonable time until custody can be transferred to a law enforcement officer. Members of a security force may use that force necessary in the protection of persons and properties located within the confines of the nuclear power plant site exclusion area.

(2) An operating agency may adopt and enforce rules controlling the speed, operation, and location of vehicles on property owned or occupied by the operating agency. Such rules shall be conspicuously posted and persons violating the rules may be expelled or detained.

(3) The rights granted in subsection (1) of this section are in addition to any others that may exist by law including, but not limited to, the rights granted in RCW 9A.16.020(4).

NEW SECTION. Sec. 4. There is added to chapter 43.52 RCW a new section to read as follows:

Members of the operating agency security force shall be members of the retirement system under chapter 41.40 RCW.

Passed the House February 18, 1981.

Passed the Senate April 26, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 302

[Senate Bill No. 3784]

FILING AND RECORDING DOCUMENTS

AN ACT Relating to filing and recording documents; amending section 1, chapter 38, Laws of 1897 and RCW 19.76.100; amending section 3, chapter 19, Laws of 1913 and RCW 23-.86.060; amending section 4, chapter 220, Laws of 1959 as last amended by section 88, chapter 158, Laws of 1979 and RCW 23.90.040; amending section 54, chapter 53, Laws of 1965 as amended by section 36, chapter 292, Laws of 1971 ex. sess. and RCW 23A-.12.010; amending section 34, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.170; amending section 39, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.195; amending section 40, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.200; amending section 45, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.225; amending section 56, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.280; amending section 3, chapter 79, Laws of 1915 and RCW 24.12.030; amending section 1, chapter 80, Laws of 1903 as amended by section 1, chapter 63, Laws of 1925 ex. sess. and RCW 24.20.010; amending section 1, chapter 190, Laws of 1927 and RCW 24.24.010; amending section 1, page 97, Laws of 1875 as amended by section 1, chapter 207, Laws of 1959 and RCW 24.28.010; amending section 2, page 97, Laws of 1875 and RCW 24.28.020; amending section 30.08.040, chapter 33, Laws of 1955 as amended by section 6, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.040; amending section 30.08.050, chapter 33, Laws of 1955 as amended by section 2, chapter 248, Laws of 1957 and RCW 30.08.050; amending section 30.08.060, chapter 33, Laws of 1955 as amended by section 7, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.060; amending section 30.08.070, chapter 33, Laws of 1955 and RCW 30.08.070; amending section 30.08.095, chapter 33, Laws of 1955 as last amended by section 8, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.095; amending section 3, chapter 172, Laws of 1923 as amended by section 1, chapter 71, Laws of 1929 and RCW 31.04.040; amending section 4, chapter 172, Laws of 1923 and RCW 31.04.050; amending section 5, chapter 172, Laws of 1923 and RCW 31.04.070; amending section 3, chapter 173, Laws of 1933 as last amended by section 82, chapter 81, Laws of 1971 and RCW 31.12.050; amending section 6, chapter 121, Laws of 1921 and RCW 31.16.040; amending section 9, chapter 121, Laws of 1921 and RCW 31.16.070; amending section 32.08.060, chapter 13, Laws of 1955 as amended by section 1, chapter 80, Laws of 1957 and RCW 32.08.060; amending section 8, chapter 80, Laws of 1957 as amended by section 1, chapter 176, Laws of 1963 and RCW 32.08.061; amending section 32.08.070, chapter 13, Laws of 1955 and RCW 32.08.070; amending section 32.24.020, chapter 13, Laws of 1955 and RCW 32.24.020; amending section 6, chapter 235, Laws of 1945 and RCW 33.08.050; amending section 9, chapter 235, Laws of 1945 and RCW 33-.08.080; amending section 10, chapter 235, Laws of 1945 as amended by section 2, chapter 113, Laws of 1979 and RCW 33.08.090; amending section 76, chapter 235, Laws of 1945 and RCW 33.28.010; amending section 1, chapter 154, Laws of 1917 as last amended by section 7, chapter 57, Laws of 1979 ex. sess. and RCW 33.44.020; amending section 5, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.050; amending section 6, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.060; amending section .06.20, chapter 79, Laws of 1947 as last amended by section 1, chapter 60, Laws of 1963 and RCW 48.06.200; amending section .07.07, chapter 79, Laws of 1947 and RCW 48.07.070; and amending section 93, chapter 35, Laws of 1945 as last amended by section 2, chapter 190, Laws of 1979 ex. sess. and RCW 50.24.050.

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

Section 1. Section 1, chapter 38, Laws of 1897 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(~~(, and also in the office of the auditor of the county in which such articles are manufactured, bottled or sold;))~~) a description of names or marks so used by them, and cause 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, printed in the English language, six times a week for six successive weeks, in counties where such articles are manufactured, bottled or sold.

Sec. 2. Section 3, chapter 19, Laws of 1913 and RCW 23.86.060 are each amended to read as follows:

The original articles of associations organized under this chapter or a true copy thereof verified to be such by the affidavits of two of the signers thereof, shall be filed with the secretary of state(~~(. Whenever a certified copy of the same accompanied by a certificate of the secretary of state showing that the same has been filed in his office, is filed with the county auditor of the county in which is located the principal place of business of said association))~~), at which time the said association shall be deemed to be legally organized.

Sec. 3. Section 4, chapter 220, Laws of 1959 as last amended by section 88, chapter 158, Laws of 1979 and RCW 23.90.040 are each amended to read as follows:

(1) Any Massachusetts trust desiring to do business in this state shall file with the secretary of state a verified copy of the trust instrument creating such a trust and any amendment thereto, the assumed business name, if any, and the names and addresses of its trustees(~~(; and it shall also file true copies of the foregoing with the county auditor in the county in which it has its principal place of business in this state, and also in any county in which it owns any real property))~~).

(2) Any person dealing with such Massachusetts trust shall be bound by the terms and conditions of the trust instrument and any amendments thereto so filed.

(3) Any Massachusetts trust created under this chapter or entering this state pursuant thereto shall pay such taxes and fees as are imposed by the laws, ordinances, and resolutions of the state of Washington and any counties and municipalities thereof on domestic and foreign corporations, respectively, on an identical basis therewith. In computing such taxes and fees, the shares of beneficial interest of such a trust shall have the character for tax purposes of shares of stock in private corporations.

(4) Any Massachusetts trust shall be subject to such applicable provisions of law, now or hereafter enacted, with respect to domestic and foreign corporations, respectively, as relate to the issuance of securities, filing of required statements or reports, service of process, general grants of power to

act, right to sue and be sued, limitation of individual liability of shareholders, rights to acquire, mortgage, sell, lease, operate and otherwise to deal in real and personal property, and other applicable rights and duties existing under the common law and statutes of this state in a manner similar to those applicable to domestic and foreign corporations.

(5) The secretary of state, director of licensing, and the department of revenue of the state of Washington(~~(, and the several county auditors in which any such Massachusetts trust shall have its principal place of business or own any real property)~~) are each authorized and directed to prescribe binding rules and regulations applicable to said Massachusetts trusts consistent with this chapter.

Sec. 4. Section 54, chapter 53, Laws of 1965 as amended by section 36, chapter 292, Laws of 1971 ex. sess. and RCW 23A.12.010 are each amended to read as follows:

One or more persons of the age of eighteen years, or more, or a domestic or foreign corporation, may act as incorporator or incorporators of a corporation by signing and delivering in ~~((triplicate))~~ duplicate to the secretary of state articles of incorporation for such corporation.

Sec. 5. Section 34, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.170 are each amended to read as follows:

~~((Triplicate))~~ Duplicate originals of the articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to law, he or she shall, when all fees have been paid as in this chapter prescribed:

(1) Endorse on each of such originals the word "filed" and the month, day, and year of the filing thereof.

(2) File one of such originals in his or her office.

(3) Issue a certificate of incorporation to which he or she shall affix one of such originals.

The certificate of incorporation together with the original of the articles of incorporation affixed thereto by the secretary of state (~~((and the other remaining original))~~) shall be returned to the incorporators or their representatives(~~((The third remaining original shall then be filed in the office of the county auditor of the county in which the registered office is situated or in such other office as may be designated in a charter county for the filing of articles of incorporation. The original affixed to the certificate of incorporation))~~) and shall be retained by the corporation.

Sec. 6. Section 39, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.195 are each amended to read as follows:

The articles of amendment shall be executed in ~~((triplicate))~~ duplicate originals by the corporation by its president or a vice president, and by its secretary or an assistant secretary, and verified by one of the officers signing such articles, and shall set forth:

(1) The name of the corporation.

(2) The amendment so adopted.

(3) A statement setting forth the date of the meeting of members and shareholders at which the amendment was adopted, that a quorum was present at such meeting, and that such amendment received at least two-thirds of the votes which members or shareholders of the corporation, and of each class entitled to vote thereon as a class, present at such meeting in person, by mail, or represented by proxy were entitled to cast, or a statement that such amendment was adopted by a consent in writing signed by all members and shareholders entitled to vote with respect thereto.

Sec. 7. Section 40, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.200 are each amended to read as follows:

~~((TriPLICATE))~~ Duplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he or she shall, when all fees have been paid as prescribed in this chapter:

(1) Endorse on each of such originals the word "filed", and the month, day and year of the filing thereof.

(2) File one of such originals in his or her office.

(3) Issue a certificate of amendment to which he or she shall affix one of such originals.

The certificate of amendment, together with original of the articles of amendment affixed thereto by the secretary of state (~~and the other remaining original~~) shall be returned to the corporation or its representative (~~(The last remaining original shall then be filed in the office of the county auditor of the county in which the registered office is situated or in such other office as may be designated in a charter county for the filing of articles of incorporation. The original affixed to the certificate of amendment)~~) and shall be retained by the corporation.

Sec. 8. Section 45, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.225 are each amended to read as follows:

(1) Upon approval, articles of merger or articles of consolidation shall be executed in (~~(triplicate))~~ duplicate originals by each corporation, by its president or a vice president, and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

(a) The plan of merger or the plan of consolidation;

(b) A statement setting forth the date of the meeting of members or shareholders at which the plan was adopted, that a quorum was present at such meeting, and that such plan received at least two-thirds of the votes which members and shareholders of the corporation and of each class entitled to vote thereon as a class, present at such meeting in person or by mail or represented by proxy were entitled to cast, or a statement that such amendment was adopted by a consent in writing signed by all members;

(2) (~~(TriPLICATE)~~) Duplicate originals of the articles of merger or articles of consolidation shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he or she shall, when all fees have been paid as prescribed in this chapter:

- (a) Endorse on each of such originals the word "filed", and the month, day and year of the filing thereof;
- (b) File one of such originals in his or her office;
- (c) Issue a certificate of merger or a certificate of consolidation to which he or she shall affix one of such originals.

The certificate of merger or certificate of consolidation, together with the original of the articles of merger or articles of consolidation affixed thereto by the secretary of state (~~(and the other remaining original)~~) shall be returned to the surviving or new corporation, as the case may be, or its representative (~~(. The remaining original shall be filed in the office of the county auditor of the county in which the registered office is situated or in such other office as may be designated in a charter county for the filing of articles of incorporation. The original affixed to the certificate of merger or consolidation)~~), and shall be retained by the corporation.

Sec. 9. Section 56, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.280 are each amended to read as follows:

(~~(TriPLICATE)~~) Duplicate originals of articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that such articles of dissolution conform to law, he or she shall, when all fees have been paid as prescribed in this chapter:

- (1) Endorse on each of such originals the word "filed", and the month, day and year of the filing thereof.
- (2) File one of the originals in his or her office.
- (3) Issue a certificate of dissolution which he or she shall affix to one of such originals.

The certificate of dissolution, together with the original of the articles of dissolution affixed thereto by the secretary of state, (~~(and the other remaining original)~~) shall be returned to the representative of the dissolved corporation (~~(, who shall file such remaining original in the office of the county auditor of the county in which the registered agent is situated or in such other county office as may be designated in a charter county for the filing of articles of incorporation. The other original with affixed certificate of dissolution)~~) and shall be retained with the corporation minutes.

Upon the issuance of a certificate of dissolution, the corporate existence shall cease, except for the purpose of determining such suits, other proceedings and appropriate corporate action by members, directors and officers as are authorized in this chapter.

Sec. 10. Section 3, chapter 79, Laws of 1915 and RCW 24.12.030 are each amended to read as follows:

Articles of incorporation shall be filed in like manner as provided by law for corporations aggregate, and therein shall be set forth the facts authorizing such incorporation, and declare the manner in which any vacancy occurring in the incumbency of such bishop, overseer or presiding elder, as the case may be, is required by the constitution, canons, rules, regulations or discipline of such church or denomination to be filled, which statement shall be verified by affidavit, and for proof of the appointment or election of such bishop, overseer or presiding elder, as the case may be, or any succeeding incumbent of such corporation, it shall be sufficient to file with the secretary of state (~~and in the office of the county auditor of the county in which such bishop, overseer or presiding elder, as the case may be, resides,~~) the original or a copy of his commission, or certificate, or letters of election or appointment, duly attested: PROVIDED, All property held in such official capacity by such bishop, overseer or presiding elder, as the case may be, shall be in trust for the use, purpose, benefit and behoof of his religious denomination, society or church.

Sec. 11. Section 1, chapter 80, Laws of 1903 as amended by section 1, chapter 63, Laws of 1925 ex. sess. and RCW 24.20.010 are each amended to read as follows:

Any grand lodge, encampment, chapter or any subordinate lodge or body of Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias, or other fraternal society, desiring to incorporate, shall make articles of incorporation in (~~triplicate~~) duplicate, and file one of such articles in the office of the secretary of state (~~and another in the office of the county auditor of the county in which the meetings of such lodge, chapter or encampment are held~~); such articles shall be signed by the presiding officer and the secretary of such lodge, chapter or encampment, and attested by the seal thereof, and shall specify:

(1) The name of such lodge or other society, and the place of holding its meetings;

(2) the name of the grand body from which it derives its rights and powers as such lodge or society; or if it be a grand lodge, the manner in which its powers as such grand lodge are derived;

(3) the names of the presiding officer and the secretary having the custody of the seal of such lodge or society;

(4) what officers shall join in the execution of any contract by such lodge or society to give it force and effect in accordance with the usages of such lodges or society.

Sec. 12. Section 1, chapter 190, Laws of 1927 and RCW 24.24.010 are each amended to read as follows:

Any ten or more residents of this state who are members of any chartered body or of different chartered bodies of any fraternal order or society who shall desire to incorporate for the purpose of owning real or personal property or both real and personal property for the purpose and for the

benefit of such bodies, may make and execute articles of incorporation, which shall be executed in ~~((triplicate))~~ duplicate, and shall be subscribed by each of the persons so associating themselves together, and shall be acknowledged before some officer authorized to take the acknowledgment of deeds; PROVIDED, That no lodge shall be incorporated contrary to the provisions of the laws and regulations of the order or society of which it is a constituent part. Such articles, at the election of the incorporators, may either provide for the issuing of capital stock or for incorporation as a society of corporation without shares of stock. One of such articles shall be filed in the office of the secretary of state, accompanied by a filing fee of five dollars ~~((; another of such articles shall be filed and recorded in the office of the auditor of the county where the organization is located))~~, and the ~~((third))~~ other of such articles shall be preserved in the records of the corporation.

Sec. 13. Section 1, page 97, Laws of 1875 as amended by section 1, chapter 207, Laws of 1959 and RCW 24.28.010 are each amended to read as follows:

Any grange of the patrons of husbandry, desiring hereafter to incorporate, may incorporate and become bodies politic in this state, by filing in the office of the secretary of state of Washington, ~~((and in the office of the county auditor of the county wherein such grange holds its meetings of business;))~~ a certificate or article subscribed and acknowledged by not less than five members of such grange and by the master of the Washington state grange embodying:

(1) The name of such grange and the place of holding its meetings.

(2) What elective officers the said grange will have, when such officers shall be elected; how, and by whom, the business of the grange shall be conducted or managed, and what officers shall join in the execution of any contract by such grange to give force and effect in accordance with the usages of the order of the patrons of husbandry; such articles shall be subscribed by the master of such grange attested by the secretary, with the seal of the grange.

(3) A copy of the bylaws of such grange shall also be filed in the said office of the secretary of state ~~((and the county auditor of the proper county))~~.

(4) The names of all such officers at the time of filing the application, and the time for which they may be respectively elected. When such articles shall be filed, such grange shall be a body politic and corporate, with all the incidents of a corporation, subject nevertheless to the laws and parts of laws now in force or hereafter to be passed regulating corporations.

Sec. 14. Section 2, page 97, Laws of 1875 and RCW 24.28.020 are each amended to read as follows:

Said grange may engage in any industrial pursuit, manufacturing, mining, milling, wharfing, docking, commercial, mechanical, mercantile, building, farming, building, equipping or running railroads, or generally engage

in any species of trade or industry; loan money on security, purchase and sell on real estate, but when desiring to engage in either or any of the above pursuits or industries, said grange shall be subject to all the conditions and liabilities imposed by the provisions of the general corporation laws, and in addition to the conditions to be performed as recited in RCW 24.28.010, shall file additional articles with said secretary of state(~~(; and the county auditor of the proper county;)~~) stating the object, business or industry proposed to be pursued or engaged in; the amount of capital stock, the time of its existence, not to exceed fifty years; the number of shares of which the capital stock shall consist, and price per share, and the names of officers necessary to manage said business, and the places where said officers shall pursue the same.

Sec. 15. Section 30.08.040, chapter 33, Laws of 1955 as amended by section 6, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.040 are each amended to read as follows:

After the supervisor shall have satisfied himself of the above facts, and, within six months of the date the notice of intention to organize has been received in his office, he shall notify the incorporators to file executed and acknowledged articles of incorporation with him in ~~((quadruplicate))~~ triplicate. Unless the supervisor otherwise consents in writing, such articles shall be in the same form and shall contain the same information as the proposed articles and shall be filed with him within ten days of such notice. Within thirty days after the receipt of such articles of incorporation, he shall endorse upon each of the ~~((quadruplicates))~~ triplicates thereof, over his official signature, the word "approved," or the word "refused," with the date of such endorsement. In case of refusal he shall forthwith return one of the ~~((quadruplicates))~~ triplicates, so endorsed, together with a statement explaining the reason for refusal to the person from whom the articles were received, which refusal shall be conclusive, unless the incorporators, within ten days of the issuance of such notice of refusal, shall request a hearing pursuant to the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended.

Sec. 16. Section 30.08.050, chapter 33, Laws of 1955 as amended by section 2, chapter 248, Laws of 1957 and RCW 30.08.050 are each amended to read as follows:

In case of approval the supervisor shall forthwith give notice thereof to the proposed incorporators and file one of the ~~((quadruplicate))~~ triplicate articles of incorporation in his own office, and shall transmit another ~~((quadruplicate to the county auditor of the county in which such bank or trust company is located, and another quadruplicate))~~ triplicate to the secretary of state, and the ~~((fourth quadruplicate))~~ last to the incorporators. Upon receipt from the proposed incorporators of the same fees as are required for filing and recording other articles of incorporation the secretary of state ~~((and county auditor))~~ shall file such articles ~~((in their respective offices,~~

~~and the secretary of state shall~~) and record the same. Upon the filing of articles of incorporation in ~~((quadruplicate))~~ triplicate, approved as aforesaid by the supervisor, with the secretary of state ~~((and county auditor))~~, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this title, and whose existence shall continue from the date of the filing of such articles for the term mentioned in its articles of incorporation unless sooner terminated pursuant to law; but such corporation shall not transact any business except as is necessarily preliminary to its organization until it has received a certificate of authority as provided herein.

Sec. 17. Section 30.08.060, chapter 33, Laws of 1955 as amended by section 7, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.060 are each amended to read as follows:

Before any bank or trust company shall be authorized to do business, and within ninety days after approval of the articles of incorporation, it shall furnish proof satisfactory to the supervisor that such corporation has a paid-in capital in the amount fixed by its articles of incorporation and by this title, that the requisite surplus or reserve fund has been accumulated or paid in cash, and that it has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this title. If so satisfied, and within thirty days after receipt of such proof, the supervisor shall issue under his hand and official seal, in ~~((quadruplicate))~~ triplicate, a certificate of authority for such corporation. The certificate shall state that the corporation therein named has complied with the requirements of law, that it is authorized to transact at the place designated in its articles of incorporation the business of a bank or trust company, or both, as the case may be: PROVIDED, HOWEVER, That the supervisor may make his issuance of the certificate conditional upon the granting of deposit insurance by the federal deposit insurance corporation, and in such event, shall set out such condition in a written notice which shall be delivered to the corporation.

One of the ~~((quadruplicate))~~ triplicate certificates shall be transmitted by the supervisor to the corporation and the other ~~((three))~~ two shall be filed by the supervisor in the same offices where the articles of incorporation are filed and shall be attached to said articles of incorporation, and the one filed with the secretary of state shall be recorded: PROVIDED, HOWEVER, That if the issuance of the certificate is made conditional upon the granting of deposit insurance by the federal deposit insurance corporation, the supervisor shall not transmit or file the certificate until such condition is satisfied.

Sec. 18. Section 30.08.070, chapter 33, Laws of 1955 and RCW 30.08-.070 are each amended to read as follows:

Every corporation heretofore or hereafter authorized by the laws of this state to do business as a bank, trust company, mutual savings bank or industrial loan company, which corporation shall have failed to organize and commence business within six months after certificate of authority to commence business has been issued by the supervisor, shall forfeit its rights and privileges as such corporation, which fact the supervisor shall certify to the ~~((county auditor in whose office the certificate of authority was filed, and to the))~~ secretary of state, and such certificate of forfeiture shall be ~~((filed in the office of the county auditor and))~~ filed and recorded in the office of the secretary of state in the same manner as the certificate of authority: PROVIDED, That the supervisor may, upon showing of cause satisfactory to him, issue an order under his hand and seal extending for not more than three months the time within which such organization may be effected and business commenced, such order to be transmitted to the ~~((offices of such county auditor and the))~~ office of the secretary of state and filed and recorded therein.

Sec. 19. Section 30.08.095, chapter 33, Laws of 1955 as last amended by section 8, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.095 are each amended to read as follows:

The supervisor shall collect in advance fees for the following services:

For filing application for certificate of authority and attendant investigation as outlined in the law;

For filing application for certificate conferring trust powers upon a state or national bank;

For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his office;

For filing merger agreement and attendant investigation;

For filing application to relocate main office or branch and attendant investigation;

For issuing a certificate of increase or decrease of capital stock;

For issuing each certificate of authority;

For furnishing copies of papers filed in his office, per page.

The supervisor shall establish the amount of the fee for each of the above transactions, and for other services rendered by the division of banking by rules and regulations promulgated pursuant to the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended.

Every bank or trust company shall also pay to the secretary of state ~~((or county auditor))~~ for filing any instrument with him or her the same fees as are required of general corporations for filing corresponding instruments, and also the same license fees as are required of general corporations.

Sec. 20. Section 3, chapter 172, Laws of 1923 as amended by section 1, chapter 71, Laws of 1929 and RCW 31.04.040 are each amended to read as follows:

The supervisor of banking shall collect in advance the following fees:

| | |
|---|----------|
| For filing application for certificate of authority and attendant investigation as required by the law, the cost thereof, but not less than | \$100.00 |
| (If the cost of such attendant examination shall exceed \$100.00, the applicant shall pay such excess when ascertained by the supervisor of banking.) | |
| For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his office | 10.00 |
| For issuing a certificate of increase or decrease of capital stock | 10.00 |
| For issuing each certificate of authority | 10.00 |
| For furnishing copies of papers filed in his office, per folio | .20 |

Every industrial loan company shall also pay to the secretary of state (~~or county auditor~~) for filing any instrument with him or her the same fees as are required of general corporations for filing corresponding instruments, and also the same license fees as are required of general corporations.

Sec. 21. Section 4, chapter 172, Laws of 1923 and RCW 31.04.050 are each amended to read as follows:

When articles of incorporation complying with the foregoing requirements have been received by the supervisor of banking, together with the fees required by law, he shall ascertain from the best source of information at his command and by such investigation as he may deem necessary, whether the character, responsibility and general fitness of the persons named in such articles are such as to command confidence and warrant belief that the business of the proposed industrial loan company will be honestly and efficiently conducted in accordance with the intent and purpose of this chapter, whether the resources in the neighborhood of such place and in the surrounding country afford a reasonable promise of adequate support for the proposed company and whether the proposed industrial loan company is being formed for other than legitimate objects covered by this chapter. After the supervisor shall have satisfied himself of the above facts, and, within sixty days after the receipt of such articles of incorporation for examination, he shall endorse upon each of the (~~quadruplicates~~) triplicates thereof, over his official signature, the word "Approved," or the word "Refused," with the date of such endorsement. In case of refusal he shall forthwith return one of the (~~quadruplicates~~) triplicates, so endorsed, to the person from whom the articles were received which refusal shall be conclusive, unless the incorporators, within ten days of the issuance of such notice

of refusal, shall appeal to the superior court of Thurston county, which appeal shall be triable de novo in said court. In case of approval the supervisor shall forthwith give notice thereof to the proposed incorporators, and file one of the ~~((quadruplicate))~~ triplicate articles of incorporation in his own office, and shall transmit another ~~((quadruplicate to the county auditor of the county in which such industrial loan company is located, and another quadruplicate))~~ copy to the secretary of state, and the ~~((fourth quadruplicate))~~ last copy to the incorporators. Upon receipt from the proposed incorporators of the same fees as are required for filing and recording other articles of incorporation the secretary of state ~~((and county auditor))~~ shall file such articles ~~((in their respective offices, and the secretary of state shall))~~ and record the same. Upon the filing of articles of incorporation in ~~((quadruplicate))~~ triplicate, approved as aforesaid by the supervisor of banking, with the secretary of state ~~((and county auditor))~~; all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this chapter, and whose existence shall continue for the period of fifty years from the date of the filing of such articles, unless sooner terminated pursuant to law; but such corporation shall not transact any business except as is necessarily preliminary to its organization until it has received a certificate of authority as provided herein.

Sec. 22. Section 5, chapter 172, Laws of 1923 and RCW 31.04.070 are each amended to read as follows:

Before any industrial loan company shall be authorized to do business, the supervisor of banking shall be satisfied that such corporation has a paid-in capital in the amount fixed by this chapter, and that it has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this chapter. When so satisfied and within ninety days after the date upon which such proposed articles of incorporation were filed with him for examination, but in no case after the expiration of that period, the supervisor of banking shall issue under his hand and official seal, in ~~((quadruplicate))~~ triplicate, a certificate of authority for such corporation. The certificate shall state that the corporation therein named has complied with the requirements of law, that it is authorized to transact at the place designated in its articles of incorporation, the business of an industrial loan company. One of the ~~((quadruplicate))~~ triplicate certificates shall be transmitted by the supervisor, to the corporation and the other ~~((three))~~ two shall be filed by the supervisor in the same offices where the articles of incorporation are filed and shall be attached to said articles of incorporation, and the one filed with the secretary of state shall be recorded.

Sec. 23. Section 3, chapter 173, Laws of 1933 as last amended by section 82, chapter 81, Laws of 1971 and RCW 31.12.050 are each amended to read as follows:

A credit union shall be organized in the following manner:

The applicants shall execute in ((~~quadruplicate~~)) triplicate articles of incorporation and bylaws by the terms of which they agree to be bound, which shall be submitted to and approved by the supervisor.

The articles of incorporation shall state:

- (1) The name and location of the proposed credit union;
- (2) The number of its directors, which shall not be less than five nor more than fifteen;
- (3) The names, occupations and post office address of the subscribers to the articles of incorporation, and a statement of the number of shares which each has agreed to take; and
- (4) The par value of the shares of the credit union, which shall be five dollars.

When articles of incorporation complying with the foregoing requirements, together with duplicate copies of such bylaws, have been filed with the supervisor, he shall ascertain whether such articles of incorporation and bylaws of such credit union are consistent with the purposes of this chapter and whether the character, responsibility and general fitness of the persons named in such articles are such as to command confidence and warrant belief that the purpose of the proposed credit union will be honestly and efficiently conducted in accordance with the purpose of this chapter, and he shall further determine the economic advisability for such credit union, also taking into consideration all surrounding facts and circumstances pertaining to a successful operation of said credit union, and whether the proposed credit union is being formed for other than the legitimate objects covered by this chapter. After the supervisor shall have satisfied himself of the above facts, and within thirty days after receipt of such certificates and bylaws, he shall endorse upon each of the articles of incorporation his official signature with the word "approved" or the word "refused" with the date thereof. In case of refusal, he shall return one of the ((~~quadruplicate~~)) certificates so endorsed with a copy of the bylaws to the person from whom the same were received, which refusal shall be conclusive unless the incorporators, within ten days of the issuance of such notice of refusal, shall appeal to the superior court of the county in which the credit union is proposed to be located. In case an appeal is taken the supervisor shall prepare, certify and deliver to such credit union a copy of the order of refusal with any documents filed by the applicant, and upon such transcript of proceedings, with any testimony that may be offered by either party, the case shall be tried in the superior court to which the appeal is taken, which shall be heard in the nature of a writ of review and summarily disposed of by the superior court upon such orders and proceedings as the judge may deem best and a judgment rendered, from which an appeal may be taken by either party to the supreme court or the court of appeals; all conditioned that the appellant, upon taking

the appeal, shall pay the reasonable charges for a transcript of the proceedings. In case of approval of the proposed corporation, the supervisor shall give notice thereof to the proposed incorporators, and shall file one of the ~~((quadruplicate))~~ articles of incorporation in his own office, and shall transmit another ~~((quadruplicate))~~ copy to the secretary of state, and shall return ~~((two quadruplicate copies))~~ one copy and one of the duplicate bylaws ~~((of))~~ to the incorporators. ~~((The incorporators shall file one of the quadruplicate copies with the county auditor of the county in which such credit union is to be located, with a filing fee of twenty-five cents.))~~

Upon receipt from the proposed incorporators of a filing fee of five dollars the secretary of state shall file and record the articles of incorporation. Upon the filing of articles of incorporation, approved as aforesaid by the supervisor, with the secretary of state ~~((and county auditor))~~, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this chapter, and whose existence may be perpetual. In order to simplify the organization of credit unions the supervisor shall cause forms of articles of incorporation and bylaws to be prepared consistent with the provisions of this chapter, and upon written application of any seven residents of this state shall supply them without charge with blank forms of articles of incorporation and form of suggested bylaws.

Sec. 24. Section 6, chapter 121, Laws of 1921 and RCW 31.16.040 are each amended to read as follows:

Any qualified persons desiring to form a crop credit association as herein provided shall execute in ~~((quadruplicate))~~ triplicate and acknowledge before some officer authorized to take the acknowledgment of deeds articles of association, one copy of which shall be filed in the office of the director, one copy in the office of the secretary of state of the state of Washington, ~~((one copy in the office of the county auditor of the county where the principal place of business of such association is located.))~~ and one copy shall be kept as part of the permanent records and files of such association.

Sec. 25. Section 9, chapter 121, Laws of 1921 and RCW 31.16.070 are each amended to read as follows:

If the director shall be convinced that there is a need for the proposed crop credit association and that the business which it is to do, as shown by said articles of association, is in accordance with the provisions of this chapter, he shall issue a certificate authorizing the filing of the said articles of association in the office of the secretary of state of Washington ~~((and in the office of the county auditor of the county wherein is located the principal place of business of said association))~~.

Sec. 26. Section 32.08.060, chapter 13, Laws of 1955 as amended by section 1, chapter 80, Laws of 1957 and RCW 32.08.060 are each amended to read as follows:

In case of approval, the supervisor shall forthwith give notice thereof to the proposed incorporators, and file one of the ~~((triplicate))~~ duplicate certificates in his own office, ~~((shall transmit another triplicate to the county auditor of the county in which such bank is to be located))~~ and shall transmit the ~~((third triplicate))~~ other to the secretary of state. Upon receipt from the proposed incorporators of the same fees as are required for filing and recording other incorporation certificates, ~~((the county auditor and))~~ the secretary of state shall file the certificate ~~((in their respective offices, and the secretary of state shall))~~ and record the same. Upon the filing of said incorporation certificate in ~~((triplicate))~~ duplicate approved as aforesaid in the offices of the supervisor(;) and the secretary of state ~~((and county auditor))~~, the persons named therein and their successors shall thereupon become and be a corporation, which corporation shall have the powers and be subject to the duties and obligations prescribed in this title and its corporate existence shall be perpetual, unless sooner terminated pursuant to law, but such corporation shall not receive deposits or engage in business until authorized so to do by the supervisor as provided in RCW 32.08.070.

Sec. 27. Section 8, chapter 80, Laws of 1957 as amended by section 1, chapter 176, Laws of 1963 and RCW 32.08.061 are each amended to read as follows:

A mutual savings bank may amend its incorporation certificate to extend the period of its corporate existence for a further definite time or perpetually by a resolution adopted by a majority vote of its board of trustees. ~~((Triplicate))~~ Duplicate copies of the resolution, subscribed and acknowledged by the president and secretary of such bank, shall be filed in the office of the supervisor within thirty days after its adoption. If the supervisor finds that the resolution conforms to law he shall, within sixty days after the date of the filing thereof, endorse upon each of the ~~((triplicates))~~ duplicates thereof, over his official signature, his approval and forthwith give notice thereof to the bank and shall file one of the ~~((triplicate))~~ certificates in his own office~~((, shall transmit another triplicate to the county auditor of the county in which the main office of such bank is located))~~ and shall transmit the ~~((third triplicate))~~ other to the secretary of state. Upon receipt from the mutual savings bank of the same fees as are required of general corporations for filing corresponding instruments, ~~((the county auditor and))~~ the secretary of state shall file the resolution ~~((in their respective offices, and the secretary of state shall))~~ and record the same. Upon the filing of said resolution in ~~((triplicate))~~ duplicate, approved as aforesaid in the offices of the supervisor(;) and the secretary of state ~~((and county auditor))~~, the corporate existence of said bank shall continue for the period set forth in said resolution unless sooner terminated pursuant to law.

Sec. 28. Section 32.08.070, chapter 13, Laws of 1955 and RCW 32.08-.070 are each amended to read as follows:

Before a mutual savings bank shall be authorized to do any business the supervisor shall be satisfied that the corporation has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this title. If satisfied that the corporation has in good faith complied with all the requirements of law, and fulfilled all the conditions precedent to commencing business imposed by this title, the supervisor shall within six months after the date upon which the proposed organization certificate was filed with him for examination, but in no case after the expiration of that period, issue under his hand and official seal in ~~((quadruplicate))~~ triplicate an authorization certificate to such corporation. Such authorization certificate shall state that the corporation therein named has complied with all the requirements of law, that it is authorized to transact at the place designated in its certificate of incorporation, the business of a mutual savings bank. One of the ~~((quadruplicate))~~ triplicate authorization certificates shall be transmitted by the supervisor to the corporation therein named, and the other ~~((three))~~ two authorization certificates shall be filed by the supervisor in the same public offices where the certificate of incorporation is filed, and shall be attached to said incorporation certificate.

Sec. 29. Section 32.24.020, chapter 13, Laws of 1955 and RCW 32.24-.020 are each amended to read as follows:

When the trustees, acting under the provisions of RCW 32.24.010, have paid the sums due respectively to all creditors and depositors, who, after such notice as the supervisor of banking shall prescribe, claim the money due and their deposits, the trustees shall make a transcript or statement from the books in the bank of the names of all depositors and creditors who have not claimed or have not received the balance of the credit due them, and of the sums due them, respectively, and shall file such transcript with the supervisor and pay over and transfer all such unclaimed and unpaid deposits, credits, and moneys to the supervisor. The trustees shall then report their proceedings, duly verified, to the superior court of the county wherein the bank is located, and upon such report and the petition of the trustees, and after notice to the attorney general and the supervisor, and such other notice as the court may deem necessary, the court shall adjudge the franchise surrendered and the existence of the corporation terminated. Certified copies of the judgment shall be filed in the offices of the secretary of state~~(:)~~ and the supervisor of banking ~~((and auditor of the county wherein the bank is located))~~ and shall be recorded in the office of the secretary of state.

Sec. 30. Section 6, chapter 235, Laws of 1945 and RCW 33.08.050 are each amended to read as follows:

The incorporators shall deliver to the supervisor of savings and loan associations the ~~((quadruplicate))~~ triplicate originals of the articles of incorporation and the duplicate copies of its proposed bylaws.

Sec. 31. Section 9, chapter 235, Laws of 1945 and RCW 33.08.080 are each amended to read as follows:

If the supervisor shall approve the incorporation of said proposed corporation, he shall forthwith return ~~((three))~~ two of said articles of incorporation and one of said bylaws to the incorporators, retaining the others as a part of the files of his office. The incorporators, thereupon, shall file one set of said articles with the secretary of state ~~((and one set with the auditor of the county in which it is to have its principal place of business))~~ and retain the other set of the articles of incorporation and the bylaws as a part of its minute records, paying to the secretary of state ~~((and the county auditor))~~ such fees and charges as are required by law. Upon receiving an original set of such approved articles of incorporation, duly endorsed by the supervisor as herein provided, together with the required fees, the secretary of state shall issue his certificate of incorporation and deliver the same to the incorporators, whereupon the corporate existence of the association shall begin. Unless an association whose articles of incorporation and bylaws have been approved by the supervisor shall engage in business within one year from the date of such approval, its right to engage in business shall be deemed revoked and of no effect.

Sec. 32. Section 10, chapter 235, Laws of 1945 as amended by section 2, chapter 113, Laws of 1979 and RCW 33.08.090 are each amended to read as follows:

The members, at any meeting called for the purpose, may amend the articles of incorporation of the association. Such amended articles shall be filed with the supervisor and be subject to the same procedure of approval, refusal, appeal, and filing with the secretary of state ~~((and county auditor))~~ as provided for the original articles of incorporation. Proposed amendments of the articles of incorporation shall be submitted to the supervisor at least thirty days prior to the meeting of the members.

If the amendments include a change in the association's corporate name, the supervisor shall give notice by mail to all savings and loan associations doing business within the state of the filing of such amended articles. The association shall transmit a check to the supervisor for one hundred dollars when filing the amended articles to cover the expense of notification. Persons interested in protesting an amendment changing the association's corporate name may contact the supervisor in person or by writing prior to a date which shall be given in said notice.

Sec. 33. Section 76, chapter 235, Laws of 1945 and RCW 33.28.010 are each amended to read as follows:

The secretary of state shall collect in advance the following fees from each association: For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his or her office, ten dollars; for furnishing copies of papers filed in his or her office, per folio, twenty cents.

Every association shall also pay to the secretary of state (~~(or county auditor)~~), for filing any instrument with him or her, the same fees as are required of general corporations for filing similar papers.

Sec. 34. Section 1, chapter 154, Laws of 1917 as last amended by section 7, chapter 57, Laws of 1979 ex. sess. and RCW 33.44.020 are each amended to read as follows:

Any going building and loan or savings and loan association or society organized under the laws of this state, or under the laws of the United States, may, if its contingent fund regularly accumulated, exclusive of any reserve fund stock, amounts to not less than five thousand dollars and if it has obtained the approval, required by law or regulation, of any federal agencies, including the federal home loan bank board and the federal savings and loan insurance corporation, be converted into a mutual savings bank in the following manner:

(1) The board of directors of such association shall pass a resolution declaring their intention to convert the association into a mutual savings bank and shall apply to the supervisor of banking for leave to submit to the shareholders of the association the question whether the same shall be converted into a mutual savings bank. A duplicate of the application to the supervisor of banking shall be filed with the supervisor of savings and loan associations, except that no such filing shall be required in the case of an association organized under the laws of the United States.

(2) Thereupon the supervisor of banking shall make the same investigation and determine the same questions as he would be required by law to make and determine in case of the submission to him of a certificate of incorporation of a proposed new mutual savings bank, and he shall also determine after conference with the supervisor of savings and loan associations whether by the proposed conversion the business needs and conveniences of the shareholders of such association would be served with facility and safety, except that no such conference shall be pertinent to such investigation or determination in the case of an association organized under the laws of the United States. After the supervisor of banking shall have satisfied himself by such investigation whether it is expedient and desirable to permit the proposed conversion, he shall, within sixty days after the filing of said application, endorse thereon over his official signature the word "granted" or the word "refused", with the date of such endorsement and shall immediately notify the secretary of such association of his decision: **PROVIDED**, That if the application is granted the supervisor of banking shall require the applicants to enter into such an agreement or undertaking with him as trustee for the depositors with the savings bank to make such contributions in cash to the expense fund of the savings bank as in his judgment will be necessary then and from time to time thereafter to pay the operating expenses of the bank if its earnings should not be sufficient to pay the same in

addition to the payment of such dividends as may be declared and credited to depositors from its earnings.

In case of refusal, said board of directors, or a majority thereof, may, within thirty days after receiving the notice of such refusal appeal to a board of appeal composed of the governor or the governor's designee, the attorney general and the supervisor of banking, in the same manner and under the same procedure as that prescribed by law for an appeal to such board from the supervisor of banking's refusal to permit the original organization of a mutual savings bank.

(3) If such application be granted by the supervisor of banking or by the board of appeal, as the case may be, the board of directors of such association shall, within sixty days thereafter, submit the question of the proposed conversion to the shareholders of the association at a special meeting called for that purpose. Notice of such meeting shall be given in the manner prescribed by the bylaws of the association. Such notice shall state the time, place and purpose of the meeting, and that the only question to be voted upon will be, "shall the (naming the association) be converted into a mutual savings bank under the laws of the state of Washington?" The vote on said question shall be by ballot. Any shareholder may vote by proxy or may transmit his ballot by mail if the bylaws provide a method for so doing. If two-thirds or more in number of the shareholders voting on the question vote affirmatively, then the board of directors shall have power, and it shall be their duty, to proceed to convert such association into a mutual savings bank; otherwise, the proposed conversion shall be abandoned and shall not be again submitted to the shareholders within three years from the date of said meeting.

(4) If authority for the proposed conversion has been voted by the shareholders as hereinabove required, the directors shall, within thirty days thereafter, subscribe and acknowledge and file with the supervisor of banking in ~~((quadruplicate))~~ triplicate a certificate of reincorporation, stating:

(a) The name by which the converted corporation is to be known, which name shall include the words "mutual savings bank."

(b) The place where the bank is to be located and its business transacted, naming the city or town and county, which city or town shall be the same as that where the principal place of business of the corporation has theretofore been located.

(c) The name, occupation, residence and post office address of each signer of the certificate.

(d) The amount of the assets of the corporation, the amount of its liabilities and the amount of its contingent fund as of the first day of the then calendar month.

(e) A declaration that each signer will accept the responsibilities and faithfully discharge the duties of a trustee of the savings bank, and is free

from all the disqualifications specified in the laws applicable to mutual savings banks.

(5) Upon the filing of said certificate in ~~((quadruplicate))~~ triplicate the supervisor of banking shall, within thirty days thereafter, if satisfied that all the provisions of this chapter have been complied with, issue in ~~((quadruplicate))~~ triplicate an authorization certificate stating that the corporation has complied with all the requirements of law, and that it has authority to transact at the place designated in its certificate of incorporation the business of a mutual savings bank. One of the supervisor's ~~((quadruplicate))~~ certificates of authorization shall be attached to each of the ~~((quadruplicate))~~ certificates of reincorporation, and one set of these shall be filed and retained by the supervisor of banking, ~~((one set shall be filed in the office of the county auditor of the county in which such bank is located;))~~ one set shall be filed in the office of the secretary of state, and one set shall be transmitted to the bank for its files. Upon the receipt from the corporation of the same fees as are required for filing and recording other incorporation certificates or articles the ~~((county auditor and))~~ secretary of state shall file said certificates ~~((in their respective offices and the secretary of state shall))~~ and record the same; whereupon the conversion of such association shall be deemed complete, and the signers of said reincorporation certificate and their successors shall thereupon become and be a corporation having the powers and being subject to the duties and obligations prescribed by the laws of this state applicable to mutual savings banks, and the time of existence of such corporation shall continue for the period of fifty years from the date of the filing of such certificate, unless sooner terminated pursuant to law.

Sec. 35. Section 5, chapter 83, Laws of 1975 1st ex. sess. and RCW 33-.46.050 are each amended to read as follows:

If the application is granted by the supervisor of savings and loan associations, or by the court, the trustees of such bank shall, within thirty days thereafter, subscribe, acknowledge, and file with the supervisor of savings and loan associations, in ~~((quadruplicate))~~ triplicate, a certificate of reincorporation stating:

(1) The name by which the association is to be known, which name shall include the words "building and loan" or "savings and loan", and "association" or "society";

(2) The place where the association is to be located and its business transacted, naming the city or town and the county, which city or town shall be the same as that where the principal place of business of the bank has theretofore been located;

(3) The name, occupation, residence, and post office address of each signer of the certificate;

(4) The amount of the assets of the association, the amount of its liabilities, and the amount of its guaranty fund as of the first day of the calendar month during which the certificate is filed; and

(5) A declaration that each signer will accept the responsibilities and faithfully discharge the duties of a director of the association, and is free from all the disqualifications specified in the laws applicable to savings and loan associations.

Sec. 36. Section 6, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.060 are each amended to read as follows:

Upon filing the certificate in (~~quadruplicate~~) triplicate as provided in RCW 33.46.050, the supervisor of savings and loan associations shall, within thirty days thereafter, if satisfied that all the provisions of this chapter have been complied with, issue in (~~quadruplicate~~) triplicate an authorization certificate stating that the association has complied with all of the requirements of law, and that it has authority to transact, at the place or places designated in its certificate, the business of an association. The supervisor of savings and loan associations shall retain one set of the (~~quadruplicate~~) triplicate originals of the certificate of reincorporation and of the certificate of authorization and shall transmit the other (~~three~~) two sets to the association, which shall retain one set, and file one set with the secretary of state, (~~and file one set with the auditor of the county in which the home office of the association is located;~~) paying the required fees. Upon such filings being made, the conversion of such bank to such association shall be deemed complete and consummated, and the association shall thereupon be a corporation having the powers and being subject to the duties and obligations prescribed by the laws of this state applicable to state associations, and the time of existence of such association shall be perpetual, unless sooner terminated.

Sec. 37. Section .06.20, chapter 79, Laws of 1947 as last amended by section 1, chapter 60, Laws of 1963 and RCW 48.06.200 are each amended to read as follows:

(1) This section applies to insurers incorporated in this state, but no insurer heretofore lawfully incorporated in this state is required to reincorporate or change its articles of incorporation by reason of any provisions of this section.

(2) The incorporators shall be individuals who are United States citizens, of whom two-thirds shall be residents of this state. The number of incorporators shall be not less than five if a stock insurer, nor less than ten if a mutual insurer.

(3) The incorporators shall execute articles of incorporation in (~~quadruplicate~~) triplicate and acknowledge their signatures thereunto before an officer authorized to take acknowledgments of deeds.

(4) After approval of the articles by the commissioner, one copy shall be filed in the office of the secretary of state, another in the office of the commissioner, (~~((another in the office of the county auditor of the county in which the insurer's principal offices are to be located;))~~) and the ~~((fourth))~~ third copy shall be retained by the insurer.

(5) The articles of incorporation shall state:

First: The names and addresses of the incorporators.

Second: The name of the insurer. If a mutual insurer the name shall include the word "mutual."

Third: (a) The objects for which the insurer is formed;

(b) whether it is a stock or mutual insurer, and if a mutual property insurer only, whether it will insure on the cash premium or assessment plan;

(c) the kinds of insurance it will issue, according to the designations made in this code.

Fourth: If a stock insurer, the amount of its capital, the aggregate number of shares, and the par value of each share, which par value shall be not less than ten dollars, except that after the corporation has transacted business as an authorized insurer in the state for five years or more, its articles of incorporation may be amended, at the option of its stockholders, to provide for a par value of not less than one dollar per share. If a mutual insurer, the maximum contingent liability of its policyholders for the payment of its expenses and losses occurring under its policies.

Fifth: The duration of its existence, which may be perpetual.

Sixth: The names and addresses of the directors, not less than five in number, who shall constitute the board of directors of the insurer for the initial term, not less than two nor more than six months, as designated in the articles of incorporation.

Seventh: The name of the city or town of this state in which the insurer's principal place of business is to be located.

Eighth: Other provisions not inconsistent with law as may be deemed proper by the incorporators.

Sec. 38. Section .07.07, chapter 79, Laws of 1947 and RCW 48.07.070 are each amended to read as follows:

(1) Amendments to the articles of incorporation of a domestic insurer shall be made by a majority vote of its board of directors and the vote or written assent of two-thirds 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 ~~((quadruplicate))~~ triplicate, and file it in the offices of the secretary of state, the commissioner, ~~((the county auditor;))~~ 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.

Sec. 39. Section 93, chapter 35, Laws of 1945 as last amended by section 2, chapter 190, Laws of 1979 ex. sess. and RCW 50.24.050 are each amended to read as follows:

The claim of the employment security department for any contributions, interest, or penalties not paid when due, shall be a lien prior to all other liens or claims and on a parity with prior tax liens against all property and rights to property, whether real or personal, belonging to the employer. In order to avail itself of the lien hereby created, the department shall file with any county auditor where property of the employer is located a statement and claim of lien specifying the amount of delinquent contributions, interest, and penalties claimed by the department. From the time of filing for record, the amount required to be paid shall constitute a lien upon all property and rights to property, whether real or personal, in the county, owned by the employer or acquired by him. The lien shall not be valid against any purchaser, holder of a security interest, mechanic's lien, or judgment lien creditor until notice thereof has been filed with the county auditor. This lien shall be separate and apart from, and in addition to, any other lien or claim created by, or provided for in, this title. When any such notice of lien has been so filed, the commissioner may release the same by filing a certificate of release when it shall appear that the amount of delinquent contributions, interest, and penalties have been paid, or when such assurance of payment shall be made as the commissioner may deem to be adequate. ~~((Any lien filed as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state shall be of no effect, however, until the lien or copy thereof shall have been filed with the county auditor in the county where the property is located. When a lien is filed in compliance herewith and with the secretary of state, such filing shall have the same effect as if the lien had been duly filed for record in the office of the auditor in each county of this state.))~~ Fees for filing and releasing the lien provided herein may be charged to the employer and may be collected from the employer utilizing the remedies provided in this title for the collection of contributions.

NEW SECTION. Sec. 40. 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 30, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 303

[Engrossed Substitute Senate Bill No. 3231]
MARINE PILOTS—QUALIFICATIONS

AN ACT Relating to marine pilots; and amending section 8, chapter 18, Laws of 1935 as last amended by section 3, chapter 207, Laws of 1979 ex. sess. and RCW 88.16.090.

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

Section 1. Section 8, chapter 18, Laws of 1935 as last amended by section 3, chapter 207, Laws of 1979 ex. sess. and RCW 88.16.090 are each amended to read as follows:

(1) No person (~~shall~~) may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter unless such a person (~~be~~) is appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) No person (~~shall be~~) is eligible to be appointed a pilot unless such a person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years and a resident of the state of Washington at the time of appointment, nor unless the pilot applicant holds as a minimum, a United States government (~~masters~~) license as a master of freight and towing vessels not more than one thousand gross tons (inspected vessel), such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in (~~whichever~~) the pilotage districts for which the pilot applicant desires to be licensed, nor unless the pilot applicant meets such other qualifications as may be required by the board.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee established by the board of pilotage commissioners pursuant to chapter 34.04 RCW, but not to exceed one thousand dollars, to be placed in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications.

(5) On and after September 21, 1977, the board shall have developed five examinations and grading sheets for the Puget Sound pilotage district, and two for each other pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants on a

random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who wilfully gives advance knowledge of information contained on a pilot examination (~~shall be~~) is guilty of a gross misdemeanor.

(6) All pilots and applicants (~~shall be~~) are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties.

(7) The board shall prescribe, pursuant to chapter 34.04 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

Passed the Senate April 25, 1981.

Passed the House April 15, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 304

[Substitute House Bill No. 397]

MOBILE HOMES—LANDLORDS, TENANTS—WARRANTIES—
 CONDOMINIUMS, BOAT, PLANE STORAGE—MANUFACTURED HOUSING—
 APPROPRIATION

AN ACT Relating to property; amending section 2409, Code of 1881 as amended by section 3, chapter 108, Laws of 1972 ex. sess. and RCW 26.16.030; amending section 14, chapter 231, Laws of 1971 ex. sess. as amended by section 137, chapter 158, Laws of 1979 and RCW 46.12.290; amending section 2, chapter 22, Laws of 1977 ex. sess. as amended by

section 1, chapter 152, Laws of 1980 and RCW 46.44.170; amending section 3, chapter 279, Laws of 1977 ex. sess. as last amended by section 3, chapter 152, Laws of 1980 and RCW 59.20.030; amending section 4, chapter 279, Laws of 1977 ex. sess. as amended by section 2, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.040; amending section 5, chapter 64, Laws of 1895 as amended by section 1, chapter 44, Laws of 1909 and RCW 6.12.100; amending section 5, chapter 279, Laws of 1977 ex. sess. as last amended by section 4, chapter 152, Laws of 1980 and RCW 59.20.050; amending section 6, chapter 279, Laws of 1977 ex. sess. as amended by section 4, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.060; amending section 7, chapter 279, Laws of 1977 ex. sess. as last amended by section 5, chapter 152, Laws of 1980 and RCW 59.20.070; amending section 8, chapter 279, Laws of 1977 ex. sess. as amended by section 6, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.080; amending section 55, chapter 299, Laws of 1971 ex. sess. as last amended by section 1, chapter 123, Laws of 1979 and RCW 82.50.400; amending section 56, chapter 299, Laws of 1971 ex. sess. as last amended by section 2, chapter 123, Laws of 1979 and RCW 82.50.410; amending section 61, chapter 299, Laws of 1971 ex. sess. as last amended by section 3, chapter 123, Laws of 1979 and RCW 82.50.460; amending section 67, chapter 299, Laws of 1971 ex. sess. as amended by section 4, chapter 123, Laws of 1979 and RCW 82.50.520; amending section 68, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.530; amending section 1, chapter 156, Laws of 1963 as amended by section 1, chapter 11, Laws of 1965 ex. sess. and RCW 64.32.010; adding a new section to chapter 46.70 RCW; adding new sections to chapter 59.20 RCW; adding new sections to chapter 82.50 RCW; adding new sections to chapter 43.63A RCW; creating new sections; making an appropriation; providing expiration dates; prescribing penalties; and declaring an emergency.

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

Section 1. Section 2409, Code of 1881 as amended by section 3, chapter 108, Laws of 1972 ex. sess. and RCW 26.16.030 are each amended to read as follows:

Property not acquired or owned, as prescribed in RCW 26.16.010 and 26.16.020, acquired after marriage by either husband or wife or both, is community property. Either spouse, acting alone, may manage and control community property, with a like power of disposition as the acting spouse has over his or her separate property, except:

(1) Neither spouse shall devise or bequeath by will more than one-half of the community property.

(2) Neither spouse shall give community property without the express or implied consent of the other.

(3) Neither spouse shall sell, convey, or encumber the community real property without the other spouse joining in the execution of the deed or other instrument by which the real estate is sold, conveyed, or encumbered, and such deed or other instrument must be acknowledged by both spouses.

(4) Neither spouse shall purchase or contract to purchase community real property without the other spouse joining in the transaction of purchase or in the execution of the contract to purchase.

(5) Neither spouse shall create a security interest other than a purchase money security interest as defined in RCW 62A.9-107 in, or sell, community household goods, furnishings, or appliances, or a community mobile home unless the other spouse joins in executing the security agreement or bill of sale, if any.

(6) Neither spouse shall acquire, purchase, sell, convey, or encumber the assets, including real estate, or the good will of a business where both spouses participate in its management without the consent of the other: **PROVIDED**, That where only one spouse participates in such management the participating spouse may, in the ordinary course of such business, acquire, purchase, sell, convey or encumber the assets, including real estate, or the good will of the business without the consent of the nonparticipating spouse.

Sec. 2. Section 14, chapter 231, Laws of 1971 ex. sess. as amended by section 137, chapter 158, Laws of 1979 and RCW 46.12.290 are each amended to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of this 1971 amendatory act shall apply to mobile homes regulated by this 1971 amendatory act: **PROVIDED**, That RCW 46.12.080(~~(, 46.12.090,)~~) and 46.12.250 through 46.12.270 shall not apply to mobile homes: **PROVIDED FURTHER**, That in order to lawfully transfer ownership of a community mobile home, both spouses must sign the title certificate. In addition, the director of licensing shall have the power to adopt such rules and regulations as he deems necessary to implement the provisions of chapter 46.12 RCW as they relate to mobile homes.

***Sec. 3. 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 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, is being moved to safe storage under the provisions of section 7 of this 1981 act, 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 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. 3. was vetoed, see message at end of chapter.

Sec. 4. Section 3, chapter 279, Laws of 1977 ex. sess. as last amended by section 3, chapter 152, Laws of 1980 and RCW 59.20.030 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" as it relates to a mobile home owned by a tenant in a mobile home park, mobile home park cooperative, or mobile home park subdivision or tenancy in a mobile home lot means the tenant has defaulted in rent and by absence and by words or actions reasonably indicates the intention not to continue tenancy;

(2) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

~~((2))~~ (3) "Mobile home lot" means a portion of a mobile home park designated as the location of one mobile home and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home;

~~((3))~~ (4) "Mobile home park" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

(5) "Mobile home park cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members;

(6) "Mobile home park subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots;

~~((4))~~ (7) "Tenant" means any person, except a transient, who rents a mobile home lot; and

~~((5))~~ (8) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence.

Sec. 5. Section 4, chapter 279, Laws of 1977 ex. sess. as amended by section 2, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.040 are each amended to read as follows:

This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot and including specified amenities within

the mobile home park, mobile home park cooperative, or mobile home park subdivision, where the tenant has no ownership interest in the property or in the association which owns the property, whose uses are referred to as a part of the rent structure paid by the tenant. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: PROVIDED, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.370 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter, except when a mobile home or a tenancy in a mobile home lot is abandoned. Rentals of mobile homes themselves are governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

***NEW SECTION. Sec. 6.** *There is added to chapter 59.20 RCW a new section to read as follows:*

SAFE ASSUMPTION OF ABANDONMENT. *(1) If a tenant defaults in rent but the landlord is not certain whether the tenant intends to continue tenancy, the landlord may safely assume the tenancy is abandoned if both of the following are done subsequent to default:*

(a) The landlord gives written notice to a law enforcement officer that the landlord believes a mobile home is abandoned, stating the reasons for that belief. The law enforcement officer shall obtain the last known names and addresses of registered and legal owners of the mobile home as the names and addresses appear on the records of the department of licensing, and shall supply the information to the landlord without charge; and

(b) The landlord sends by first class and certified mail, return receipt requested, a notice of intent to declare the abandonment to the last known address of the tenant, and registered owner of the mobile home, if different, and no reply is received within four weeks of the mailing of the notice. This notice shall state that if no reply is received within four weeks that the landlord shall determine the tenancy, mobile home, or any other property of the tenant abandoned and subject to sale.

(2) Removal of the mobile home by the tenant, along with default in rent, shall be sufficient to indicate a tenant's intention not to continue tenancy, unless the landlord has actual knowledge of the tenant's contrary intention.

(3) This section is intended to provide landlords assurance that a determination of abandonment is proper in the circumstances, and is not intended to be exclusive or in any way limit the circumstances which may reasonably indicate a tenant's intention not to continue tenancy.

**Sec. 6. was vetoed, see message at end of chapter.*

***NEW SECTION. Sec. 7.** *There is added to chapter 59.20 RCW a new section to read as follows:*

TAKING POSSESSION. Upon abandonment, the landlord may immediately enter and take possession of any property of the tenant found on the premises and remove the same to and store the same in a reasonably secure place.

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

***NEW SECTION. Sec. 8.** There is added to chapter 59.20 RCW a new section to read as follows:

LABOR AND MATERIALMAN'S LIEN GRANTED. Every person performing labor, furnishing material, or renting, leasing, or otherwise supplying equipment to take possession of, move, store and safeguard property which has been abandoned by a tenant has a lien upon the same for the labor performed, material furnished, or equipment furnished. No notice of such lien is required. Foreclosure shall be by the sale provisions of sections 9 through 13 of this act.

*Sec. 8. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 9.** There is added to chapter 59.20 RCW a new section to read as follows:

NOTICE. (1) A notice must be mailed by the landlord by first class and certified mail, return receipt requested, within three days after taking possession of the tenant's property to the last known address of the tenant and to the last known addresses of the registered and legal owners supplied to the landlord by the law enforcement officer, if different.

(2) The notice shall state:

- (a) The tenant's name and owner's name if different;
- (b) That the landlord is holding in safe storage property of the tenant;
- (c) A description of the property;
- (d) The location of the property;
- (e) The name and address of the landlord;

(f) That, if the tenant does not reclaim the tenant's property within sixty days after the specified date of default in rent or thirty days after the date this notice is sent, whichever is later, the landlord intends to sell the property stored and apply the proceeds as specified in section 11 of this act; and

(g) The conditions on which the tenant or secured party could reclaim the property as specified in section 13 of this act, with the amounts set out as much as is reasonably practical.

*Sec. 9. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 10.** There is added to chapter 59.20 RCW a new section to read as follows:

SALE. (1) The landlord may sell or otherwise dispose of any or all of the property taken possession of and stored by the landlord after the latest of the following:

- (a) Sixty days from the default in rent;

(b) Thirty days after mailing of the notice prescribed in section 14 of this act;

(c) After reasonable efforts to locate the absent tenants; and

(d) Ten days' notice to any secured creditors of the tenant known to the landlord to have security interests in the tenant's property stored by the landlord or discoverable by an information request under RCW 62A.9-407 sent to the department of licensing.

(2) Reasonable efforts to locate the tenants may include, but are not required to include nor limited to including, requesting the whereabouts of the tenants from the tenant's neighbors, known friends, known relatives, and secured creditors known to the landlord or discoverable by an information request under RCW 62A.9-407 sent to the department of licensing.

(3) The property may be sold in its condition "as is" or following any commercially reasonable preparation for sale. Disposition of the property may be by public or private proceedings and may be as a unit or in parcels and at any time and place and on any terms, but every aspect of the disposition including the method, manner, time, place and terms must be commercially reasonable. Unless the property is a type customarily sold in a recognized market, reasonable notification of the time and place of any public sale or of the time after which any private sale or other intended disposition is to be made shall be sent by the landlord to the tenant if the tenant has replied to the notice sent required in section 6 of this act, and to any person who has a security interest in the property and who has duly filed a financial statement indexed in the name of the tenant in this state, or who is known by the landlord to have a security interest in the tenant's property stored by the landlord. The landlord may buy at any public sale and, if the property is of a type customarily sold in a recognized market or is of a type which is the subject of widely distributed standard price quotations, he may buy at private sale.

(4) The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the landlord is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the landlord either sells the property in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with reasonable commercial practices among dealers in the type of property sold, he has sold in a commercially reasonable manner. The principles stated in the two preceding sentences with respect to sales also apply as may be appropriate to other types of disposition.

**Sec. 10. was vetoed, see message at end of chapter.*

**NEW SECTION. Sec. 11. There is added to chapter 59.20 RCW a new section to read as follows:*

APPLICATION OF PROCEEDS. Any proceeds from the sale may be applied in the following order:

(1) To any reasonable costs of moving, storing, safeguarding, and selling the property;

(2) Any taxes due on the sale of the mobile home under chapter 28A.45 RCW, or the successor thereto, and any other taxes due under chapter 84.52 RCW;

(3) To any secured creditors of the tenant of which the landlord has notice or is discoverable by an information request under RCW 62A.9-407 sent to the department of licensing; and

(4) To any moneys due the landlord as specified in section 14 of this act.

Any excess proceeds from the sale of the property shall be paid to the county treasurer of the county in which the property was abandoned to be credited to the county current expense fund, subject to a claim by the tenant within one year of sale.

*Sec. 11. was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 12. There is added to chapter 59.20 RCW a new section to read as follows:

EFFECT OF SALE. When property is disposed of by a landlord under this chapter, the disposition transfers to a purchaser for value all of the tenant's rights therein and discharges any security interest in or lien upon the property. The purchaser takes free of any such rights and interests even if the landlord fails to comply with the requirements of this chapter or of any judicial proceedings (1) in the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the landlord, other bidders, or the person conducting the sale; or (2) in any other case, if the purchaser acts in good faith as defined in RCW 62A.1-201(19).

The director of licensing shall promulgate rules pursuant to chapter 34.04 RCW for the application for and the reissuance of the certificate of title showing ownership of any mobile home sold or otherwise disposed of under the provisions of this chapter.

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

***NEW SECTION.** Sec. 13. There is added to chapter 59.20 RCW a new section to read as follows:

REDEMPTION. (1) At any time before the landlord has disposed of property or entered into a contract for its disposition under this chapter, the tenant, unless otherwise agreed in writing, may redeem the property by tendering to the landlord fulfillment of all obligations owed by the tenant to the landlord as set out in section 14 of this act which have accrued up to the date of redemption.

(2) At any time before the landlord has disposed of property or entered into a contract for disposition under this chapter, any person who has a security interest in the property may, unless otherwise agreed in writing, redeem the property by tendering to the landlord:

(a) Any unpaid rent or charges specified in the rental agreement accrued up to the date of redemption, and

(b) The reasonable costs of taking possession, moving, storing, safeguarding, preparing the property for sale, the costs of arranging the sale and selling the tenant's property plus reasonable attorneys' fees and legal expenses incurred taking such actions.

*Sec. 13. was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 14. There is added to chapter 59.20 RCW a new section to read as follows:

TENANT'S LIABILITY TO LANDLORD UPON ABANDONMENT.

If a tenant abandons a tenancy, the landlord shall make a reasonable effort to mitigate the damages resulting from the abandonment and if such reasonable effort is made, is entitled to the following from the tenant:

(1) When the tenancy is month-to-month, the rent for the thirty days following the earlier of the date the landlord learns of the abandonment or the date the regular monthly rental payment was due, but was unpaid;

(2) When the tenancy is for a term longer than month-to-month, the rent for the remainder of the term, minus all rent received from the re-rental of the lot at a fair rental if there were no other comparable lots vacant elsewhere in the mobile home park, plus all actual costs reasonably incurred by the landlord in re-renting the premises;

(3) For any length term, the reasonable costs of taking possession, moving, storing, safeguarding, preparing the property for sale, the costs of arranging the sale, plus reasonable attorneys' fees and legal expenses incurred taking such actions if not otherwise reimbursed by the provisions of section 11 of this act;

(4) Any other unpaid rent or charges specified in the rental agreement; and

(5) Any damages to the landlord's property caused by the tenant.

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

***NEW SECTION.** Sec. 15. There is added to chapter 59.20 RCW a new section to read as follows:

REMEDIES NOT EXCLUSIVE. The remedies specified in sections 6 through 14 of this act are not exclusive and the parties retain the rights to all other actions or remedies otherwise specified in this chapter. If a mobile home park landlord sells a tenant's property as permitted by this chapter and the proceeds from the sale of those goods are insufficient to pay the landlord all that the tenant owes to the landlord, the tenant shall remain liable for the remainder owed.

*Sec. 15. was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 16. There is added to chapter 59.20 RCW a new section to read as follows:

REMEDIES FOR NONCOMPLIANCE. *If it is established that the landlord is not proceeding in accordance with the provisions of sections 7 through 13 of this act, disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred in violation of this chapter, the tenant or any person entitled to notice has a right to recover from the landlord any loss caused by a failure to comply with the provisions of this chapter.*

*Sec. 16. was vetoed, see message at end of chapter.

Sec. 17. Section 5, chapter 64, Laws of 1895 as amended by section 1, chapter 44, Laws of 1909 and RCW 6.12.100 are each amended to read as follows:

The homestead is subject to execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises((-));

(2) On debts secured by purchase money security agreements describing as collateral a mobile home located on the premises or mortgages on the premises, executed and acknowledged by the husband and wife or by any unmarried claimant.

Sec. 18. Section 6, chapter 279, Laws of 1977 ex. sess. as amended by section 4, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.060 are each amended to read as follows:

(1) Any mobile home lot tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state where the mobile home park is located there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

(f) A listing of those utilities and services which will be provided at the time the rental agreement is executed and will continue to be offered for the term of tenancy and the nature of the fees, if any, to be charged; and

(g) A description of the boundaries of a mobile home lot sufficient to inform the tenant of the exact location of his lot in relation to other tenants' lots.

(2) Any rental agreement executed between the landlord and tenant shall not contain:

(a) Any provision which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: **PROVIDED**, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Any provision which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(c) Any provision which allows the landlord to ~~((increase the rent or))~~ alter the due date for rent payment or increase the rent (i) during the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;

(d) Any provision by which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Any provision allowing the landlord to charge an "entrance fee" or an "exit fee"; ~~((or))~~

(f) Any provision which allows the landlord to charge a fee for guests: **PROVIDED**, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period; or

(g) Any provision by which the tenant agrees to waive or forego home-stead rights provided by chapter 6.12 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy.

Sec. 19. Section 7, chapter 279, Laws of 1977 ex. sess. as last amended by section 5, chapter 152, Laws of 1980 and RCW 59.20.070 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home within a park or require the removal of the mobile home from the park (~~solo~~) because of the sale thereof(~~(:PROVIDED, That:~~

~~(a) Any rental agreement shall be assignable by the tenant to any person to whom he sells or transfers title to the mobile home, subject to the approval of the landlord after fifteen days' written notice of such intended assignment;~~

~~(b) The assignee of the rental agreement shall assume all the duties and obligations of his assignor for the remainder of the term of the rental agreement unless, by mutual agreement, a new rental agreement is entered into with the landlord; and~~

~~(c) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant)). Requirements for the transfer of the rental agreement are in section 20 of this 1981 act;~~

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home lot: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement;

(3) Prohibit meetings by tenants of the mobile home park to discuss mobile home living and affairs, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(c) Filing suit against the landlord for any reason;

(d) Participation or membership in any homeowners association or group; or

(5) Charge to any tenant a utility fee in excess of actual utility costs.

NEW SECTION. Sec. 20. There is added to chapter 59.20 RCW a new section to read as follows:

TRANSFER OF RENTAL AGREEMENTS. (1) Any rental agreement shall be assignable by the tenant to any person to whom he sells or transfers title to the mobile home.

(2) A tenant who sells a mobile home within a park shall notify the landlord of the intended sale and transfer of the rental agreement at least fifteen days in advance of such intended transfer and shall notify the buyer of the provisions of this section.

(3) The landlord shall notify the selling tenant of a refusal to permit transfer of the rental agreement at least seven days in advance of such intended transfer.

(4) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant, and any disapproval shall be in writing. Consent to an assignment shall not be unreasonably withheld.

(5) Failure to notify the landlord of the intended sale and transfer of the rental agreement or failure of the new tenant to make a good faith attempt to arrange an interview with the landlord to discuss assignment of the rental agreement shall be grounds for disapproval of such transfer.

Sec. 21. Section 8, chapter 279, Laws of 1977 ex. sess. as amended by section 6, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.080 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the landlord shall not terminate a tenancy, of whatever duration, except for one or more of the following reasons:

(a) Substantial or repeated violation of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140 as now or hereafter amended. The tenant shall be given written notice of a fifteen day period in which to comply or vacate: PROVIDED, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice of a six month period in which to comply or vacate. In the case of periodic rather than continuous violation, said notice shall specify that the same violation repeated shall result in termination;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the proposed effective date of such change.

(2) A landlord may terminate any tenancy without cause. Such termination shall be effective six months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later: PROVIDED, That a landlord may not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070 (3) or (4), as now or hereafter amended, or is intended to circumvent the provisions of (1)(e) of this section.

NEW SECTION. Sec. 22. There is added to chapter 59.20 RCW a new section to read as follows:

HEALTH AND SANITATION STANDARDS. The state board of health shall adopt rules on or before January 1, 1982, setting health and sanitation standards for mobile home parks. Such rules shall be enforced by the city, county, city-county, or district health officer of the jurisdiction in which the mobile home park is located, upon notice of a violation to such health officer.

**Sec. 23. Section 55, chapter 299, Laws of 1971 ex. sess. as last amended by section 1, chapter 123, Laws of 1979 and RCW 82.50.400 are each amended to read as follows:*

An annual excise tax is imposed on the owner of ~~((any))~~ every travel trailer or camper for the privilege of using such travel trailer or camper in this state, unless the travel trailer or camper is exempt under this chapter. The excise tax hereby imposed shall be due and payable to the department of licensing or its agents ~~((at the time of registration of a travel trailer or camper))~~:

(1) On the first day of the registration year, for travel trailers or campers which have been previously licensed by this state, unless an exemption is claimed under RCW 82.50.520(5);

(2) On the first day the travel trailer or camper is used on the highways of this state, if an exemption has been claimed under RCW 82.50.520(5) for the registration year, or

(3) On the day the travel trailer or camper is first purchased or brought into the state.

Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040, and no dealer's license or license plates, and no license or license plates for a

travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs.

*Sec. 23. was vetoed, see message at end of chapter.

**Sec. 24. Section 56, chapter 299, Laws of 1971 ex. sess. as last amended by section 2, chapter 123, Laws of 1979 and RCW 82.50.410 are each amended to read as follows:*

The rate and measure of tax imposed by this chapter for each registration year shall be one percent of the fair market value of the travel trailer or camper, as determined in the manner provided in this chapter: PROVIDED, That ~~((the excise tax upon a travel trailer or camper licensed for the first time in this state after the last day of any registration month may only be levied for the remaining months of the registration year including the month in which the travel trailer or camper is first licensed: PROVIDED FURTHER, That))~~ the minimum amount of tax payable shall be two dollars: PROVIDED FURTHER, That every dealer in mobile homes or travel trailers, for the privilege of using any mobile home or travel trailer eligible to be used under a dealer's license plate, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original dealer's license plate, and also a similar tax shall be collected upon the issuance of each dealer's duplicate license plate, which taxes shall be in addition to any tax otherwise payable under this chapter.

~~((A travel trailer or camper shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year or any part thereof immediately preceding the registration year in which application for license is made or when it has been registered in another jurisdiction subsequent to any prior registration in this state.))~~

*Sec. 24. was vetoed, see message at end of chapter.

**Sec. 25. Section 61, chapter 299, Laws of 1971 ex. sess. as last amended by section 3, chapter 123, Laws of 1979 and RCW 82.50.460 are each amended to read as follows:*

Prior to the end of any registration year of a vehicle, the director shall cause to be mailed to the owners of travel trailers or campers, of record, notice of the amount of tax payable during the succeeding registration year. The notice shall contain a legal description of the travel trailer or camper, prominent notice of due dates, and such other information as may be required by the director. The notice shall include an affidavit of exemption to be signed by a person claiming exemption under RCW 82.50.520(5). If tax is due and payment is not made before the registration year, the director may forward a notification of delinquency to the county sheriff of the county in

which the travel trailer or camper is located, requesting distraint of the travel trailer or camper.

*Sec. 25. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 26. There is added to chapter 82.50 RCW a new section to read as follows:**

The director or his authorized representative may enter at reasonable times all mobile home parks and any other areas where travel trailers or campers are parked for the purpose of determining whether or not the tax prescribed in this chapter has been paid. The records required to be kept under RCW 19.48.020 shall be open to inspection by the director or his representatives.

*Sec. 26. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 27. There is added to chapter 82.50 RCW a new section to read as follows:**

If any excise tax due under this chapter is not paid when due and payable, the unpaid tax shall bear interest at the rate of twelve percent per annum from the time the tax is due and payable. The interest charge on the unpaid excise tax is waived when the interest is less than five dollars. The director may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of licensing determines that the cost of processing the collection of the interest exceeds the amount of interest due.

The tax and all charges authorized under this chapter are a specific lien on the travel trailer or camper from the date it first becomes due under this chapter and shall have priority to and be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the travel trailer or camper may become charged or liable after the effective date of this act. No sale or transfer of any travel trailer or camper in any way affects the lien upon the travel trailer or camper.

*Sec. 27. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 28. There is added to chapter 82.50 RCW a new section to read as follows:**

It is unlawful for any owner or other person to remove a travel trailer or camper from the real property on which it is situated after the tax under this chapter becomes due and payable without payment of the excise tax under this chapter or under RCW 82.44.020.

*Sec. 28. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 29. There is added to chapter 82.50 RCW a new section to read as follows:**

When notified by the director that the excise tax is delinquent on any travel trailer or camper, the sheriff shall personally serve the owner in the manner provided for service of summons in civil actions or post on the travel trailer or camper in a conspicuous place, a notice of delinquency, supplied by

the director, which shall contain a description of the travel trailer or camper, the amount of excise tax due, together with accrued interest, the penalty, and the sheriff shall add thereto his fee for service or posting of the notice, which shall be the same as for the service of summons in a civil action, with fees for mileage based on the number of miles from the county seat of the county to the location of the travel trailer or camper, and the name of the owner or reputed owner, if known. Thereafter, the sheriff may, without further demand or notice, distraint the travel trailer or camper for the payment of tax, together with the penalty and accrued interest, and the costs and fees.

If he determines that it is reasonably impracticable to take manual possession of the trailer or camper, it shall be deemed to have been distrained and taken into possession when the sheriff posts thereon in a conspicuous place, a notice in writing reciting that he has distrained the travel trailer or camper, describing it and giving the name of the owner or reputed owner, if known, the amount of the tax due, together with the penalty, accrued interest, costs and fees, and the time when and the place where the sale shall be made.

The director shall forward by registered or certified mail a copy of the notice of delinquency to the legal owner recorded with the director under chapter 46.12 RCW.

*Sec. 29. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 30.** *There is added to chapter 82.50 RCW a new section to read as follows:*

If the tax is not paid immediately after distraint, the sheriff shall advertise the sale of the travel trailer or camper by posting written notices in three public places in the county in which the travel trailer or camper is located, one of which shall be at the county court house of the county, and by posting a written notice on the travel trailer or camper in a conspicuous place, if he has not taken manual possession of it. The notices shall state the time when and the place where the travel trailer or camper will be sold. He shall tax the same fees for making the distraint and sale of the travel trailer or camper for the payment of taxes as are allowed him by law for making levy and sale of property on execution, traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which the travel trailer or camper is distrained, together with the penalty, accrued interest, and costs and fees accruing thereon, are not paid before the date appointed for the sale, which shall be not less than ten days after the distraint and taking of the travel trailer or camper and posting of the notices, the sheriff shall proceed to sell the travel trailer or camper at public auction. After deducting the costs and fees, he shall pay to the county auditor the amount to pay the taxes, the penalty, and accrued interest to the date of sale, if there is sufficient to do so, and, if there is any excess of money arising from the sale, he shall pay the excess to the owner of the travel trailer or camper so sold or

to his legal representative, who shall be deemed to be the county treasurer if the owner or other legal representative cannot be determined or found.

*Sec. 30. was vetoed, see message at end of chapter.

**Sec. 31. Section 67, chapter 299, Laws of 1971 ex. sess. as amended by section 4, chapter 123, Laws of 1979 and RCW 82.50.520 are each amended to read as follows:*

The following travel trailers or campers are specifically exempted from the operation of this chapter:

(1) Any unoccupied travel trailer or camper when it is part of an inventory of travel trailers or campers held for sale by a manufacturer or dealer in the course of his business.

(2) A travel trailer or camper owned by any government or political subdivision thereof.

(3) A travel trailer or camper owned by a nonresident and currently licensed in another state, unless such travel trailer or camper shall remain in this state for a period of six months or more during the calendar year.

For the purposes of this subsection only, a camper owned by a nonresident shall be considered licensed in another state if the vehicle to which such camper is attached is currently licensed in another state.

(4) Travel trailers eligible to be used under a dealer's license plate, and taxed under RCW 82.44.030 while so eligible.

(5) A travel trailer or camper that is not used on the highways of this state and is not used for residential purposes. If a travel trailer or camper has been previously licensed by this state and is used on the highways of this state or is used for residential purposes for any part of a registration year, then exemption under this subsection shall not be allowed for that registration year.

*Sec. 31. was vetoed, see message at end of chapter.

Sec. 32. Section 68, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.530 are each amended to read as follows:

No mobile home, travel trailer, or camper which is a part of the inventory of mobile homes, travel trailers, or campers held for sale by a dealer in the course of his business and no travel trailer or camper (~~((with respect to which the excise tax imposed by this chapter is payable))~~) as defined in RCW 82.50.010 shall be listed and assessed for ad valorem taxation.

NEW SECTION. Sec. 33. Section headings as used in this act do not constitute any part of the law.

Sec. 34. Section 1, chapter 156, Laws of 1963 as amended by section 1, chapter 11, Laws of 1965 ex. sess. and RCW 64.32.010 are each amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Apartment" means a part of the property intended for any type of independent use, including one or more rooms or (~~enclosed~~) spaces located

on one or more floors (or part or parts thereof) in a building, or if not in a building, a separately delineated place of storage or moorage of a boat or plane, regardless of whether it is destined for a residence, an office, storage or moorage of a boat or plane, the operation of any industry or business, or for any other use not prohibited by law, and which has a direct exit to a public street or highway, or to a common area leading to such street or highway. The boundaries of an apartment located in a building are the interior surfaces of the perimeter walls, floors, ceilings, windows and doors thereof, and the apartment includes both the portions of the building so described and the air space so encompassed. If the apartment is a separately delineated place of storage or moorage of a boat or plane, the boundaries are those specified in the declaration. In interpreting declarations, deeds, and plans, the existing physical boundaries of the apartment as originally constructed or as reconstructed in substantial accordance with the original plans thereof shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, deed or plan, regardless of settling or lateral movement of the building and regardless of minor variance between boundaries shown in the declaration, deed, or plan and those of apartments in the building.

(2) "Apartment owner" means the person or persons owning an apartment, as herein defined, in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, together with an undivided interest in a like estate of the common areas and facilities in the percentage specified and established in the declaration as duly recorded or as it may be lawfully amended.

(3) "Apartment number" means the number, letter, or combination thereof, designating the apartment in the declaration as duly recorded or as it may be lawfully amended.

(4) "Association of apartment owners" means all of the apartment owners acting as a group in accordance with the bylaws and with the declaration as it is duly recorded or as they may be lawfully amended.

(5) "Building" means a building, containing two or more apartments, or two or more buildings each containing one or more apartments, and comprising a part of the property.

(6) "Common areas and facilities", unless otherwise provided in the declaration as duly recorded or as it may be lawfully amended, includes: (a) The land on which the building is located;

(b) The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbys, stairs, stairways, fire escapes, and entrances and exits of the building;

(c) The basements, yards, gardens, parking areas and storage spaces;

(d) The premises for the lodging of janitors or persons in charge of the property;

(e) The installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;

(f) The elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

(g) Such community and commercial facilities as may be provided for in the declaration as duly recorded or as it may be lawfully amended;

(h) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

(7) "Common expenses" include: (a) All sums lawfully assessed against the apartment owners by the association of apartment owners;

(b) Expenses of administration, maintenance, repair, or replacement of the common areas and facilities;

(c) Expenses agreed upon as common expenses by the association of apartment owners;

(d) Expenses declared common expenses by the provisions of this chapter, or by the declaration as it is duly recorded, or by the bylaws, or as they may be lawfully amended.

(8) "Common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses.

(9) "Declaration" means the instrument by which the property is submitted to provisions of this chapter, as hereinafter provided, and as it may be, from time to time, lawfully amended.

(10) "Land" means the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock, or other substance, whether or not submerged, and includes free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the use of airspace imposed, and rights in the use of the airspace granted, by the laws of this state or of the United States.

(11) "Limited common areas and facilities" includes those common areas and facilities designated in the declaration, as it is duly recorded or as it may be lawfully amended, as reserved for use of certain apartment or apartments to the exclusion of the other apartments.

(12) "Majority" or "majority of apartment owners" means the apartment owners with fifty-one percent or more of the votes in accordance with the percentages assigned in the declaration, as duly recorded or as it may be lawfully amended, to the apartments for voting purposes.

(13) "Person" includes any individual, corporation, partnership, association, trustee, or other legal entity.

(14) "Property" means the land, the building, all improvements and structures thereon, all owned in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, and all easements, rights and appurtenances belonging thereto, none of which shall be

considered as a security or security interest, and all articles of personality intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this chapter.

NEW SECTION. Sec. 35. The provisions of section 34 (1) shall not apply to moorages for houseboats without the approval of the local municipality.

NEW SECTION. Sec. 36. There is added to chapter 46.70 RCW a new section to read as follows:

WARRANTIES AND INSPECTIONS. Mobile home manufacturers and mobile home dealers who sell mobile homes to be assembled on site and used as residences in this state shall conform to the following requirements:

(1) No new manufactured home may be sold unless the purchaser is provided with a manufacturer's written warranty for construction of the home in compliance with the Magnuson-Moss Warranty Act (88 Stat. 2183; 15 U.S.C. Sec. 47 et seq.; 15 U.S.C. Sec. 2301 et seq.).

(2) No new manufactured home may be sold unless the purchaser is provided with a dealer's written warranty for all installation services performed by the dealer.

(3) The warranties required by subsections (1) and (2) of this section shall be valid for a minimum of one year from the date of sale and shall not be invalidated by resale by the original purchaser to a subsequent purchaser. Copies of the warranties shall be given to the purchaser upon signing a purchase agreement and shall include an explanation of remedies available to the purchaser under state and federal law for breach of warranty, the name and address of the federal department of housing and urban development and the state departments of licensing and labor and industries, and a brief description of the duties of these agencies concerning mobile homes.

(4) Warranty service shall be completed within forty-five days after the owner gives written notice of the defect unless there is a bona fide dispute between the parties. Warranty service for a defect affecting health or safety shall be completed within seventy-two hours of receipt of written notice. Warranty service shall be performed on site and a written work order describing labor performed and parts used shall be completed and signed by the service agent and the owner. If the owner's signature cannot be obtained, the reasons shall be described on the work order. Work orders shall be retained by the dealer or manufacturer for a period of three years.

(5) Before delivery of possession of the home to the purchaser, an inspection shall be performed by the dealer or his agent and by the purchaser or his agent which shall include a test of all systems of the home to insure proper operation. At the time of the inspection, the purchaser shall be given copies of all documents required by state or federal agencies to be supplied by the manufacturer with the home which have not previously been provided as required under subsection (3) of this section, and the dealer shall

complete any required purchaser information card and forward the card to the manufacturer.

(6) Manufacturer and dealer advertising which states the dimensions of a home shall not include the length of the draw bar assembly in a listed dimension, and shall state the square footage of the actual floor area.

Sec. 37. Section 5, chapter 279, Laws of 1977 ex. sess. as last amended by section 4, chapter 152, Laws of 1980 and RCW 59.20.050 are each amended to read as follows:

(1) No landlord may offer a mobile home lot for rent to anyone without offering a written rental agreement for a term of one year or more. No landlord may offer to anyone any rental agreement for a term of one year or more for which the monthly rental is greater, or the terms of payment or other material conditions more burdensome to the tenant, than any month-to-month rental agreement also offered to such tenant or prospective tenant. Anyone who desires to occupy a mobile home lot for other than a term of one year or more may have the option to be on a month-to-month basis but must waive, in writing, the right to such one year or more term: PROVIDED, That ~~((no waiver shall be valid for a period of more than one year and upon the expiration of any waiver the landlord shall again offer the tenant a term of one year or more))~~ annually, at any anniversary date of the tenancy the tenant may require that the landlord provide a written rental agreement for a term of one year. No landlord shall allow a mobile home to be moved into a mobile home park in this state until a written rental agreement has been signed by and is in the possession of the parties: PROVIDED, That if the landlord allows the tenant to move a mobile home into a mobile home park without obtaining a written rental agreement for a term of one year or more, or a written waiver of the right to a one-year term or more, the term of the tenancy shall be deemed to be for one year from the date of occupancy of the mobile home lot;

(2) The requirements of subsection (1) of this section shall not apply if:

(a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or

(b) An employer-employee relationship exists between a landlord and tenant;

(3) The provisions of this section shall apply to any tenancy upon expiration of the term of any oral or written rental agreement governing such tenancy.

NEW SECTION. Sec. 38. (1) The legislature finds that:

(a) A serious and chronic shortage exists of decent, safe and sanitary housing which can be obtained within the financial means of most moderate and low income households in the state; and

(b) A shortage of land zoned for the location of manufactured housing exists which interferes with the residential choices available to purchasers and renters of housing.

(2) The legislature recognizes that:

(a) Manufactured housing represents an economical alternative which satisfies the residential needs of a growing number of households;

(b) Manufactured housing constructed, transported, and installed in compliance with applicable government statutes, regulations, standards, and procedures can qualify as decent, safe, and sanitary housing with residential characteristics comparable with other forms of housing;

(c) Differences in appearance, size, and other aspects nevertheless remain between manufactured and site built housing; and

(d) Cities and counties have a legal role in regulating the placement of manufactured and site built housing in a manner which is in accordance with community appearance, standards, and well-being.

(3) The legislature declares that:

(a) A need exists for adequate land which is zoned for the siting of manufactured housing on individual lots and in mobile home parks and which is consistent with prevailing local market demand and sensible community standards; and

(b) It shall be the policy of the state to encourage cities and counties to meet the need for adequate land zoned within their jurisdictions for the siting of manufactured housing.

NEW SECTION. Sec. 39. Nothing in this act may be construed to inhibit a city or county from: (1) Providing reasonable requirements for regulating the characteristics and siting of manufactured homes sited on real estate within such city or county, including size, site preparation, accessory structures, siding and roofing characteristics and materials, and foundation systems, provided that such requirements are not more stringent for manufactured homes than for other single family residences; or (2) requiring that a manufactured home be placed in an approved mobile home subdivision, mobile home park, or cooperative.

NEW SECTION. Sec. 40. The planning and community affairs agency shall immediately establish an advisory task force on manufactured housing. The task force shall consist of nine members. The director of the planning and community affairs agency or the director's designee shall be a member of the task force and serve as its chairperson. The director of the planning and community affairs agency shall appoint the other members of the task force with two members representing cities, two members representing counties, and four members representing manufactured housing interests and realtors. On or before December 1, 1981, the task force shall prepare a report containing model ordinances on the siting of manufactured housing, standards for manufactured housing zoning regulations and recommendations for the characteristics and siting of manufactured homes. The planning and community affairs agency shall publish the report and distribute it to the members of the local government committees of the senate and house of representatives of the state of Washington and all cities and counties.

The planning and community affairs agency shall, upon request, assist any city or county with the development of comprehensive plans, ordinances, and standards which relate to zoning sites for manufactured housing.

NEW SECTION. Sec. 41. Before January 1, 1983, the planning and community affairs agency shall determine the extent to which cities and counties have responded to the need to provide adequate land zoned for manufactured housing and report its findings to the members of the local government committees of the senate and the house of representatives of the state of Washington.

NEW SECTION. Sec. 42. The advisory task force on manufactured housing established in section 40 of this act shall cease to exist on January 1, 1982.

NEW SECTION. Sec. 43. There is appropriated from the general fund for the biennium ending June 30, 1983, to the planning and community affairs agency the sum of ten thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 44. Sections 38 through 42 of this act are added to chapter 43.63A RCW.

NEW SECTION. Sec. 45. Sections 38 through 41 of this act shall expire on January 1, 1983.

NEW SECTION. Sec. 46. 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. 47. 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 26, 1981.

Passed the Senate April 26, 1981.

Approved by the Governor May 19, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 19, 1981.

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

"I am returning herewith without my approval as to part of Substitute House Bill 397 entitled:

"AN ACT Relating to property."

This is a comprehensive and laudable effort to define the relationship between landlords and mobile home tenants. There are two topics, however, that cause me some concern.

Section 3 and Sections 6 through 16 establish new and significantly different procedures for declaring mobile homes abandoned and for disposing of them.

While we may need new abandonment procedures, I feel these provisions need more study; existing law is sufficient in the meantime.

Sections 23 through 31 would require the Department of Licensing to impose and collect an annual excise tax on certain travel trailers and/or campers. This includes the collection of back taxes even if a vehicle has not been in use on the highways of the state and ownership has changed. This imposes an unfair obligation on the purchaser of such vehicle in that he/she might not be aware of such obligation until after the change in ownership had taken place. Further, the manpower required to enforce these changes exceeds the revenue gained from enforcement.

With the exceptions of Sections 3, 6 through 16, and 23 through 31, House Bill 397 is approved."

CHAPTER 305

[House Bill No. 734]

REAL ESTATE BROKERS—MOBILE HOME SALES

AN ACT Relating to the purchase, sale, and exchange of mobile homes; amending section 2, chapter 252, Laws of 1941 as last amended by section 68, chapter 158, Laws of 1979 and RCW 18.85.010; and amending section 3, chapter 11, Laws of 1979 as amended by section 186, chapter 158, Laws of 1979 and RCW 46.70.011.

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

Section 1. Section 2, chapter 252, Laws of 1941 as last amended by section 68, chapter 158, Laws of 1979 and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a person, while acting for another for commissions or other compensation or the promise thereof, or a licensee under this chapter while acting in his own behalf, who:

(a) Sells or offers for sale, lists or offers to list, buys or offers to buy real estate or business opportunities, or any interest therein, for others;

(b) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, exchange, lease, or rental of real estate or business opportunities, or any interest therein, for others;

(c) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, or exchange of a used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located;

(d) Advertises or holds himself out to the public by any oral or printed solicitation or representation that he is so engaged; or

~~((d))~~ (e) Engages, directs, or assists in procuring prospects or in negotiating or closing any transaction which results or is calculated to result in any of these acts;

(2) "Real estate salesman" or "salesman" means any natural person employed, either directly or indirectly, by a real estate broker, or any person

who represents a real estate broker in the performance of any of the acts specified in subsection (1) of this section;

(3) An "associate real estate broker" is a person who has qualified as a "real estate broker" who works with a broker and whose license states that he is associated with a broker;

(4) The word "person" as used in this chapter shall be construed to mean and include a corporation or copartnership, except where otherwise restricted;

(5) "Business opportunity" shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

(6) "Commission" means the real estate commission of the state of Washington;

(7) "Director" means the director of licensing;

(8) "Real estate multiple listing association" means any association of real estate brokers:

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may be sold by any member for an agreed portion of the commission to be paid; and

(b) Which require in a real estate listing agreement between the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller;

(9) "Clock hours of instruction" means actual hours spent in classroom instruction in any tax supported, public vocational-technical institution, community college, or any other institution of higher learning or a correspondence course from any of the aforementioned institutions certified by such institution as the equivalent of the required number of clock hours, and the real estate commission may certify courses of instruction other than in the aforementioned institutions; and

(10) "Incapacitated" means the physical or mental inability to perform the duties of broker prescribed by this chapter.

Sec. 2. Section 3, chapter 11, Laws of 1979 as amended by section 186, chapter 158, Laws of 1979 and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead

trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers: PROVIDED, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

(4) The term "vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a used mobile home(~~(, assists with the sale of the mobile home in conjunction with the sale of the real estate))~~ negotiates the purchase, sale, or exchange of the used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located and the real estate broker is not acting as an agent, subagent, or representative of a vehicle dealer licensed under this chapter.

(5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) The term "department" means the department of licensing which shall administer and enforce the provisions of this chapter.

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

(8) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:

(a) "Distributor" which means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both.

Passed the House April 2, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 306

[House Bill No. 427]

SCHOOLS—SURPLUS MATERIALS AND PROPERTY—DISPOSAL

AN ACT Relating to education; amending section 1, chapter 303, Laws of 1977 ex. sess. and RCW 28A.02.110; amending section 2, chapter 115, Laws of 1980 and RCW 28A.58.033; amending section 28A.58.040, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 115, Laws of 1980 and RCW 28A.58.040; and amending section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 16, Laws of 1979 ex. sess. and RCW 28A.58.045.

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

Section 1. Section 1, chapter 303, Laws of 1977 ex. sess. and RCW 28A.02.110 are each amended to read as follows:

Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, ((instructional)) materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing to the office of the state superintendent of public instruction and to any public school district or private school in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public school districts or private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.58.103(2) shall have priority as to such texts. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any person, firm, organization, or nongovernmental agency for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

Sec. 2. Section 2, chapter 115, Laws of 1980 and RCW 28A.58.033 are each amended to read as follows:

(1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or nonprofit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose, is in the best interest of the district, and does not interfere with conduct of the district's educational program and related activities: PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future.

(2) Authorization to rent, lease or permit the occasional use of surplus school property under this section, RCW 28A.58.034 and 28A.58.040, each as now or hereafter amended, is conditioned on the establishment by each

school district board of directors of a policy governing the use of surplus school property.

(3) The board of directors of any school district desiring to rent or lease any surplus real property owned by the school district shall send written notice to the office of the state superintendent of public instruction. School districts shall not rent or lease the property for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the rental or lease of surplus real property and to have such bids considered along with all other bids: PROVIDED, That the school board may establish reasonable conditions for the use of such real property to assure the safe and proper operation of the property in a manner consistent with board policies.

Sec. 3. Section 28A.58.040, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 115, Laws of 1980 and RCW 28A.58.040 are each amended to read as follows:

The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW 28A.58.045, as now or hereafter amended, in the name of the district, to convey by deed all the interest of their district in or to any real property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW 28A.58.045, as now or hereafter amended, the board of directors of each school district may purchase, lease, receive and hold real and personal property in the name of the district, and rent, lease or sell the same, and all conveyances of real estate made to the district shall vest title in the district.

Sec. 4. Section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 16, Laws of 1979 ex. sess. and RCW 28A.58.045 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least

once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall send written notice of that intent to the office of the state superintendent of public instruction. School districts shall not sell the property for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by three licensed real estate brokers selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of (~~such appraised market value~~) the average of the three appraisals made by the brokers: PROVIDED, That if the property has been on the market for (~~three~~) one year(~~s~~) or more the property may be reappraised and sold for not less than seventy-five percent of the (~~appraised~~) average reappraised value with the unanimous consent of the board.

(~~(4)~~) (6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any licensed real estate broker selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(~~(5)~~) (7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer: PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales.

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 April 23, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 307

[Substitute House Bill No. 425]

SCHOOL TRANSPORTATION—PRIVATE SCHOOL STUDENTS

AN ACT Relating to school transportation; creating a new section; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW a new section to read as follows:

Every school district board of directors may authorize children attending a private school approved in accordance with RCW 28A.02.201 to ride a school bus or other student transportation vehicle to and from school so long as the following conditions are met:

(1) The board of directors shall not be required to alter those bus routes or stops established for transporting public school students;

(2) Private school students shall be allowed to ride on a seat-available basis only; and

(3) The board of directors shall charge an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation.

NEW SECTION. Sec. 2. 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, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 308

[Engrossed Senate Bill No. 3752]

PUBLIC AND PRIVATE SCHOOLS—JOINT PURCHASING SERVICES

AN ACT Relating to education; amending section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1979 ex. sess. and RCW 28A.58.107; amending section 4, chapter 239, Laws of 1967 as amended by section 1, chapter 81, Laws of 1972 ex. sess. and RCW 39.34.030; and creating a new section.

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

Section 1. Section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1979 ex. sess. and RCW 28A.58.107 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(2) In addition to providing free instruction in lip reading for children handicapped by defective hearing, make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts or an educational service district pursuant to RCW 28A.21.086(3), as now or hereafter amended, or both such school districts and educational service district in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants: PROVIDED FURTHER, That the joint purchasing agency ((may)) shall consider the request of any one or more private schools requesting the agency to jointly buy supplies, equipment, and services, and, after considering such request, may cooperate with and jointly make purchases with private schools of supplies, equipment, and services so long as such private schools pay in advance their proportionate share of the costs involved in such purchases; ((and))

(4) Consider the request of any one or more private schools requesting the board to jointly buy supplies, equipment and services, and, after considering such request, may provide such joint purchasing services: PROVIDED, That such private schools pay in advance their proportionate share of the costs involved in such purchases; and

(5) Prepare budgets as provided for in chapter 28A.65 RCW.

Sec. 2. Section 4, chapter 239, Laws of 1967 as amended by section 1, chapter 81, Laws of 1972 ex. sess. and RCW 39.34.030 are each amended to read as follows:

(1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter: PROVIDED, That any such joint or cooperative action by public agencies which are educational service districts and/or school districts shall comply with the provisions of RCW 28A.58.107, as now or hereafter amended. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

(a) Its duration;

(b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. Such entity may include a nonprofit corporation whose membership is limited solely to the participating public agencies and the funds of any such corporation shall be subject to audit in the manner provided by law for the auditing of public funds;

(c) Its purpose or purposes;

(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;

(e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;

(f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items (a), (c), (d), (e) and (f) enumerated in subdivision (3) hereof, contain the following:

(a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented;

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking. Any joint board is authorized to establish a special fund with a state, county, city, or district treasurer servicing an involved public agency designated "Operating fund of joint board".

(5) No agreement made pursuant to this chapter shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility.

(6) Financing of joint projects by agreement shall be as provided by law.

NEW SECTION. Sec. 3. If any provision of this amendatory 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 26, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 309

[House Bill No. 228]

MOTOR VEHICLES—FINANCIAL RESPONSIBILITY

AN ACT Relating to financial responsibility for motor vehicles; amending section 7, chapter 169, Laws of 1963 as amended by section 1, chapter 78, Laws of 1979 and RCW 46.29-.070; amending section 14, chapter 169, Laws of 1963 and RCW 46.29.140; amending section 17, chapter 169, Laws of 1963 and RCW 46.29.170; amending section 22, chapter 169, Laws of 1963 and RCW 46.29.220; amending section 23, chapter 169, Laws of 1963 and RCW 46.29.230; adding a new section to chapter 46.29 RCW; making an appropriation; and prescribing penalties.

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

Section 1. Section 7, chapter 169, Laws of 1963 as amended by section 1, chapter 78, Laws of 1979 and RCW 46.29.070 are each amended to read as follows:

(1) The department, not less than twenty days after receipt of a report of an accident as described in the preceding section, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this chapter from the requirements as to security and suspension.

(2) The department shall determine the amount of security deposit required of any person upon the basis of the reports or other information

submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within ~~((fifty))~~ one hundred eighty days after the accident and the department does not have sufficient information on which to base an evaluation of such injuries or damage, then the department after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.

(3) The department after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him and that an order of suspension will be made as hereinafter provided not less than twenty days and not more than sixty days after the sending of such notice unless within said time security be deposited as required by said notice.

Sec. 2. Section 14, chapter 169, Laws of 1963 and RCW 46.29.140 are each amended to read as follows:

(1) Any two or more of the persons involved in or affected by an accident as described in RCW 46.29.060 may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of such persons because of bodily injury to or death or property damage arising from such accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the department.

(2) The department, to the extent provided by any such written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, or, if security has previously been deposited, the department shall immediately return such security to the depositor or his personal representative.

(3) In the event of a default in any payment under such agreement and upon notice of such default the department shall take action suspending the license of such person in default as would be appropriate in the event of failure of such person to deposit security when required under this chapter.

(4) Such suspension shall remain in effect and such license shall not be restored unless and until:

(a) Security is deposited as required under this chapter in such amount as the department may then determine,

(b) When, following any such default and suspension, the person in default has paid the balance of the agreed amount, ~~((or))~~

(c) When, following any such default and suspension, the person in default has resumed installment payments under an agreement acceptable to the creditor, or

(d) ~~((One year has))~~ Three years have elapsed following the ~~((effective date of such suspension))~~ accident and evidence satisfactory to the department has been filed with it that during such period no action at law upon such agreement has been instituted and is pending.

Sec. 3. Section 17, chapter 169, Laws of 1963 and RCW 46.29.170 are each amended to read as follows:

Unless a suspension is terminated under other provisions of this chapter, any order of suspension by the department under this chapter shall remain in effect and no license shall be renewed for or issued to any person whose license is so suspended until:

(1) Such person shall deposit or there shall be deposited on his behalf the security required under this chapter, or

(2) ~~((One year shall))~~ Three years have elapsed following the date of the accident resulting in such suspension and evidence satisfactory to the department has been filed with it that during such period no action for damages arising out of the accident resulting in such suspension has been instituted.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or, if filed, that it is not still pending shall be prima facie evidence of that fact. The department may take whatever steps are necessary to verify the statement set forth in any said affidavit.

Sec. 4. Section 22, chapter 169, Laws of 1963 and RCW 46.29.220 are each amended to read as follows:

(1) Such security shall be applicable and available only:

(a) For the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit, or .

(b) For the payment of a judgment or judgments, rendered against the person required to make the deposit, for damages arising out of the accident in an action at law begun not later than ~~((one))~~ three years after the ~~((deposit of such security, or within one year after the date of deposit of any security following failure to make payments under an agreement to pay))~~ date of the accident.

(2) Every distribution of funds from the security deposits shall be subject to the limits of the department's evaluation on behalf of a claimant.

Sec. 5. Section 23, chapter 169, Laws of 1963 and RCW 46.29.230 are each amended to read as follows:

Upon the expiration of ~~((one))~~ three years from the date of ~~((any deposit of security))~~ the accident resulting in the security requirement, any security remaining on deposit shall be returned to the person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the department has been filed with it:

(1) That no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and

(2) That there does not exist any unpaid judgment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing such return.

NEW SECTION. Sec. 6. There is added to chapter 46.29 RCW a new section to read as follows:

(1) Whenever the involvement in a motor vehicle accident in this state results in the driving privilege of a person being suspended for failure to pay a judgment or deposit security, the department shall suspend the Washington registration of the motor vehicle if the person driving at the time of the accident was also the registered owner of the motor vehicle.

(2) A notice of suspension shall be mailed by first class mail to the owner's last known address of record in the department and shall be effective notwithstanding the owner's failure to receive the notice.

(3) Upon suspension of the registration of a motor vehicle, the registered owner shall surrender all vehicle license plates registered to the vehicle. The department shall destroy the license plates and, upon reinstatement of the registration, shall issue new vehicle license plates as provided in RCW 46.16.270.

(4) Failure to surrender license plates under subsection (3) of this section is a misdemeanor punishable by imprisonment for not less than one day nor more than five days and by a fine of not less than fifty dollars nor more than two hundred fifty dollars.

(5) No vehicle license plates or certificate of ownership or registration for a motor vehicle may be issued and no vehicle license may be renewed during the time the registration of the motor vehicle is suspended.

(6) Any person who operates a vehicle in this state while the registration of the vehicle is suspended is guilty of a gross misdemeanor and upon conviction thereof shall be imprisoned for not less than two days nor more than five days and fined not less than one hundred dollars nor more than five hundred dollars.

NEW SECTION. Sec. 7. There is appropriated from the highway safety fund to the department of licensing for the biennium ending June 30, 1983, the sum of one hundred four thousand dollars to carry out this act.

Passed the House April 23, 1981.

Passed the Senate April 22, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 310

[Substitute House Bill No. 116]

HUNTING AND FISHING LICENSES, PERMITS, STAMPS

AN ACT Relating to wildlife; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 30, chapter 78, Laws of 1980 and RCW 77.12.170; amending section 77.16.020, chapter 36, Laws of 1955 as last amended by section 70, chapter 78, Laws of 1980 and RCW 77.16.020; amending section 1, chapter 127, Laws of 1979 ex. sess. as amended by section 125, chapter 78, Laws of 1980 and RCW 77.16.310; amending section 1, chapter 44, Laws of 1980 and RCW 77.16.320; amending section 77.16.240, chapter 36, Laws of 1955 as amended by section 92, chapter 78, Laws of 1980 and RCW 77.21.010; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 103, chapter 78, Laws of 1980 and RCW 77.32.010; amending section 77.32.020, chapter 36, Laws of 1955 as last amended by section 105, chapter 78, Laws of 1980 and RCW 77.32.020; amending section 77.32.050, chapter 36, Laws of 1955 as last amended by section 106, chapter 78, Laws of 1980 and RCW 77.32.050; amending section 77.32-.060, chapter 36, Laws of 1955 as last amended by section 107, chapter 78, Laws of 1980 and RCW 77.32.060; amending section 77.32.070, chapter 36, Laws of 1955 as amended by section 108, chapter 78, Laws of 1980 and RCW 77.32.070; amending section 77.32-.090, chapter 36, Laws of 1955 as amended by section 109, chapter 78, Laws of 1980 and RCW 77.32.090; amending section 20, chapter 15, Laws of 1975 1st ex. sess. as amended by section 110, chapter 78, Laws of 1980 and RCW 77.32.101; amending section 1, chapter 17, Laws of 1957 as amended by section 104, chapter 78, Laws of 1980 and RCW 77.32.155; amending section 27, chapter 15, Laws of 1975 1st ex. sess. as amended by section 112, chapter 78, Laws of 1980 and RCW 77.32.161; amending and reenacting section 28, chapter 15, Laws of 1975 1st ex. sess. as amended by section 2, chapter 24, Laws of 1980 and by section 113, chapter 78, Laws of 1980 and RCW 77.32.191; amending section 1, chapter 43, Laws of 1977 as amended by section 114, chapter 78, Laws of 1980 and RCW 77.32.197; amending section 30, chapter 15, Laws of 1975 1st ex. sess. as amended by section 115, chapter 78, Laws of 1980 and RCW 77.32.211; amending section 77.32.220, chapter 36, Laws of 1955 as amended by section 116, chapter 78, Laws of 1980 and RCW 77.32.220; amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 117, chapter 78, Laws of 1980 and RCW 77.32.230; amending section 77.32.240, chapter 36, Laws of 1955 as amended by section 119, chapter 78, Laws of 1980 and RCW 77.32.240; amending section 77.32.250, chapter 36, Laws of 1955 as amended by section 120, chapter 78, Laws of 1980 and RCW 77.32.250; amending section 32, chapter 15, Laws of 1975 1st ex. sess. as amended by section 121, chapter 78, Laws of 1980 and RCW 77.32.256; adding new sections to chapter 78, Laws of 1980 and to chapter 77.32 RCW; creating new sections; prescribing penalties; providing expiration dates; providing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that abundant deer and elk populations are in the best interest of the state, and for many reasons the state's deer and elk populations have apparently declined. The legislature further finds that antlerless deer and elk seasons have been an issue of great controversy throughout the state, and that antlerless deer and elk seasons may contribute to a further decline in the state's deer and elk populations.

Sec. 2. Section 77.12.170, chapter 36, Laws of 1955 as last amended by section 30, chapter 78, Laws of 1980 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state game fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, ~~((and))~~ tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the commission under this title;
- (g) Penalty assessments collected under RCW 77.21.050;
- (h) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; and
- (i) Fines, forfeitures, and costs collected under this title for violations of law or rules of the commission.

(2) Courts shall collect fines and forfeitures and deposit them within fifteen days after the end of each quarter in the state treasury. Except as provided in RCW 77.12.201, the treasurer shall credit fifty percent of these fines and forfeitures to the state game fund and shall return the remainder to the county in which it was collected.

(3) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state game fund.

(4) The term "fines and forfeitures" includes amounts, by whatever name known, levied by courts for violations of this title or rules of the commission but does not include penalty assessments under RCW 77.21.050, or actual court costs.

Sec. 3. Section 77.16.020, chapter 36, Laws of 1955 as last amended by section 70, chapter 78, Laws of 1980 and RCW 77.16.020 are each amended to read as follows:

(1) It is unlawful to hunt, fish, possess, or control a species of game bird, game animal, or game fish during the closed season for that species except as provided in RCW 77.16.030.

(2) It is unlawful to kill, take, catch, possess, or control these species in excess of the number fixed as the bag limit for each species.

(3) It is unlawful to hunt within a game reserve or to fish for game fish within closed waters.

(4) It is unlawful to hunt wild birds or wild animals within a closed area except as authorized by rule of the commission.

(5) It is unlawful to hunt or fish for wildlife, practice taxidermy for profit, deal in raw furs for profit, act as a fishing guide, or operate a game farm, stock game fish, or collect wildlife for research or display, without

having in possession the license, permit, ~~((or)) tag, stamp, or punchcard~~ required by chapter 77.32 RCW or rule of the commission. The activities described in this subsection shall be conducted in accordance with rules of the commission.

Sec. 4. Section 1, chapter 127, Laws of 1979 ex. sess. as amended by section 125, chapter 78, Laws of 1980 and RCW 77.16.310 are each amended to read as follows:

It is unlawful to purchase, obtain, or possess or to attempt to purchase or obtain a license, permit, or tag required by this title:

- (1) By using false information; or
- (2) After notice of the revocation or forfeiture of an existing license, permit, or tag, except that a person may purchase a license that does not grant the privilege that was revoked; or
- (3) In excess of one license, permit, ~~((or)) tag, stamp, or punchcard~~ for a license year except as authorized by RCW 77.32.256 or other law or rule of the commission.

Sec. 5. Section 1, chapter 44, Laws of 1980 and RCW 77.16.320 are each amended to read as follows:

Except as authorized by ~~((permit or license issued by the director)) law or rule of the commission,~~ it is unlawful ~~((for a person)) to hunt, ((trap, or have in his possession for sale or with intent to sell, or to expose or)) offer for sale ((or to)), sell ((or to barter for, or to)) possess, exchange, ((or to)) buy, ((or to have in his possession with intent to)) transport, or ship~~((, or to ship, any)) an albino wild animal ((or any part thereof)).~~~~

~~((A person violating this section is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both such fine and imprisonment.))~~

Sec. 6. Section 77.16.240, chapter 36, Laws of 1955 as amended by section 92, chapter 78, Laws of 1980 and RCW 77.21.010 are each amended to read as follows:

(1) A person violating RCW 77.16.040, 77.16.050, 77.16.060, 77.16.080, 77.16.210, or 77.16.220 ~~77.16.320, 77.32.211,~~ or ~~((of)) committing~~ a violation of RCW 77.16.020, 77.16.120, or 77.16.310 involving big game or an endangered species is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both the fine and imprisonment.

(2) A person violating or failing to comply with this title or a rule of the commission for which no penalty is otherwise provided is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than

twenty-five dollars or by imprisonment for not more than ninety days in the county jail or by both the fine and imprisonment.

(3) Persons convicted of a violation shall pay the costs of prosecution and the penalty assessment in addition to the fine or imprisonment.

(4) The unlawful killing, taking, or possession of each wildlife member constitutes a separate offense.

(5) District courts have jurisdiction concurrent with the superior courts of misdemeanors and gross misdemeanors committed in violation of this title or rules of the commission and may impose the punishment provided for these offenses.

Sec. 7. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 103, chapter 78, Laws of 1980 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; ~~((or))~~

(e) Operate a game farm; or

(f) Use department-managed lands or facilities as provided by rule of the commission.

(2) A permit issued by the ~~((commission))~~ director is required to:

(a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife; ~~((or))~~

(b) Collect wild animals, wild birds, game fish, or protected wildlife for ~~((scientific or display purposes))~~ research or display; or

(c) Stock game fish.

NEW SECTION. Sec. 8. (1) A separate transport tag is required to hunt deer, elk, bear, cougar, sheep, mountain goat, or wild turkey.

(2) A transport tag may only be obtained subsequent to the purchase of a valid hunting license and must have permanently affixed to it the hunting license number and the supplemental stamp appropriate for the species being hunted.

(3) Persons who kill deer, elk, bear, cougar, mountain goat, sheep, moose, or wild turkey shall immediately validate and attach their own transport tag to the carcass as provided by rule of the commission.

(4) Transport tags required by this section expire on March 31st following the date of issuance.

Sec. 9. Section 77.32.020, chapter 36, Laws of 1955 as last amended by section 105, chapter 78, Laws of 1980 and RCW 77.32.020 are each amended to read as follows:

In addition to the license required by RCW 77.32.010:

(1) A deer tag is required to hunt deer. The fee for this tag is ~~((five))~~ ten dollars.

(2) An elk tag is required to hunt elk. The fee for this tag is ~~((eleven))~~ fifteen dollars for residents and ~~((forty-two))~~ seventy-five dollars for nonresidents.

(3) A goat tag is required to hunt mountain goat. The fee for this tag is ~~((eleven))~~ thirty-five dollars ~~((for residents and forty-two dollars for nonresidents))~~.

(4) A mountain sheep tag is required to hunt mountain sheep. The fee for this tag is ~~((eleven))~~ one hundred fifty dollars for residents and ~~((forty-two))~~ three hundred dollars for nonresidents, and shall be paid at the time of application. Applicants who are not granted a mountain sheep tag shall receive a refund of this fee, less five dollars. These tags are not transferable.

(5) A wild turkey tag is required to hunt wild turkey. The fee for this tag is ~~((three))~~ ten dollars.

(6) A bear tag is required to hunt bear. The fee for this tag is ~~((three))~~ ten dollars.

~~(7) ((A beaver tag is required to trap beaver. The fee for this tag is two dollars.~~

~~(8))~~ An upland bird permit is required to hunt pheasant, quail, or partridge. The fee for this permit is ~~((three))~~ six dollars.

~~((9))~~ (8) An archery and muzzleloading firearm permit is required to hunt wild animals or wild birds with a bow and arrow or muzzleloading firearm during seasons established exclusively for hunting in that manner. The fee for this permit is six dollars.

~~((10) A steelhead permit is required to fish for steelhead. The fee for this permit is three dollars.~~

~~((11))~~ (9) A special hunting season permit is required to participate in a special hunting season. A different permit is required for each special season.

Except for steelhead permits, tags and permits required by this section are void on April 1st following the date of issuance. Steelhead permits are void on May 1st. Persons who kill deer, elk, mountain goat, mountain sheep, wild turkey, or bear shall attach their own tag to the carcass immediately and validate the tag as provided by rule of the commission.

Moneys received from the sale of tags or permits shall be deposited in the state treasury to be credited to the state game fund.

This section shall expire on June 30, 1982.

NEW SECTION. Sec. 10. In addition to the license required by RCW 77.32.010, a steelhead permit is required to fish for steelhead. The fee for this permit is three dollars.

This section shall expire on April 30, 1982.

NEW SECTION. Sec. 11. A supplemental stamp is required to hunt deer, elk, bear, cougar, sheep, mountain goat, or wild turkey.

(1) The fee for a deer stamp is ten dollars.

(2) The fee for a resident elk stamp is fifteen dollars. The fee for a nonresident elk stamp is seventy-five dollars.

(3) The fee for a resident bear stamp is ten dollars. The fee for a nonresident bear stamp is seventy-five dollars.

(4) The fee for a resident cougar stamp is ten dollars. The fee for a nonresident cougar stamp is one hundred fifty dollars.

(5) The fee for a mountain goat stamp is thirty-five dollars.

(6) The fee for a sheep stamp is thirty-five dollars.

(7) The fee for a moose stamp is one hundred dollars.

(8) The fee for a wild turkey stamp is ten 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 legibly transferred to the hunting license.

(10) Supplemental stamps required under this section expire March 31st following the date of issuance.

NEW SECTION. Sec. 12. (1) A hound stamp is required to hunt wild animals with a dog. The fee for this stamp is six dollars.

(2) A warm water fish stamp is required to fish in waters and for species as designated by rule of the commission. The fee for this stamp is six dollars.

(3) 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 dollars.

(4) 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.

(5) 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.

(6) A falconry stamp is required to hunt with a falcon during seasons established exclusively for hunting in that manner. The fee for this stamp is fifteen dollars.

(7) To be valid, stamps required under this section shall be permanently affixed to the licensee's appropriate hunting or fishing license.

(8) Stamps required by this section expire on March 31st following the date of issuance except for the warm water fish and hound stamps, which expire December 31st following the date of issuance.

NEW SECTION. Sec. 13. (1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is five 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) 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 dollars and fifty cents.

(5) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

(6) Upland bird punchcards required under this section expire March 31st following the date of issuance.

NEW SECTION. Sec. 14. (1) A special hunting season permit is required to hunt in each special season established under RCW 77.12.150.

(2) Persons may apply for special hunting season permits as provided by rule of the commission.

(3) The application fee to participate in a special hunting season is two dollars.

NEW SECTION. Sec. 15. 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. The fee for this license is five 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.

Sec. 16. Section 77.32.050, chapter 36, Laws of 1955 as last amended by section 106, chapter 78, Laws of 1980 and RCW 77.32.050 are each amended to read as follows:

Licenses, permits, ~~((or))~~ tags, stamps, and punchcards required by this chapter shall be issued under the authority of the commission. The commission may authorize department personnel, county auditors, or other reputable citizens to issue licenses, permits, ~~((and))~~ tags, stamps, and punchcards and collect the appropriate fees. The authorized persons shall pay on demand or before ~~((December 31st of each year))~~ the tenth day of the following month the fees collected and shall make reports as required by the commission. The commission may adopt rules for issuing licenses, permits, ~~((and))~~ tags, stamps, and punchcards, collecting and paying fees, and making reports.

Sec. 17. Section 77.32.060, chapter 36, Laws of 1955 as last amended by section 107, chapter 78, Laws of 1980 and RCW 77.32.060 are each amended to read as follows:

Persons authorized to issue licenses, permits, ~~((and))~~ tags, stamps, and punchcards may charge and keep up to fifty cents for each license issued, and up to twenty-five cents for each tag ~~((or))~~, permit, stamp, or punchcard issued.

Sec. 18. Section 77.32.070, chapter 36, Laws of 1955 as amended by section 108, chapter 78, Laws of 1980 and RCW 77.32.070 are each amended to read as follows:

Applicants for a license, permit, tag, stamp, or punchcard shall furnish the information required by rule of the commission. The commission may adopt rules requiring licensees or permittees to keep records and make reports concerning the taking of wildlife.

Sec. 19. Section 77.32.090, chapter 36, Laws of 1955 as amended by section 109, chapter 78, Laws of 1980 and RCW 77.32.090 are each amended to read as follows:

The commission may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, ~~((and))~~, tags, stamps, and punchcards required by this chapter.

Sec. 20. Section 20, chapter 15, Laws of 1975 1st ex. sess. as amended by section 110, chapter 78, Laws of 1980 and RCW 77.32.101 are each amended to read as follows:

(1) A ~~((state))~~ hunting and fishing license allows a resident holder to hunt and fish throughout the state. The fee for this license is ~~((fourteen))~~ twenty dollars.

(2) A ~~((state))~~ hunting license allows the holder to hunt throughout the state. The fee for this license is ~~((seven))~~ ten dollars and fifty cents for residents and ~~((sixty))~~ one hundred dollars for nonresidents.

(3) A ~~((state))~~ fishing license allows the holder to fish throughout the state. The fee for this license is ~~((eight dollars and fifty cents))~~ twelve dollars for residents and ~~((twenty-four))~~ thirty dollars for nonresidents.

~~((4) A county hunting and fishing license allows a resident to hunt and fish in the county of the holder's residence and for which the license is issued. The fee for this license is nine dollars.~~

~~(5) A county fishing license allows a resident to fish in the county of the holder's residence and for which the license is issued. The fee for this license is seven dollars.)~~

Sec. 21. Section 1, chapter 17, Laws of 1957 as amended by section 104, chapter 78, Laws of 1980 and RCW 77.32.155 are each amended to read as follows:

When purchasing a hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least six hours in the safe handling of firearms, safety, conservation, and sportsmanship.

The commission may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations.

The commission shall prescribe the type of instruction and the qualifications of the instructors.

Upon successful completion of the course, a trainee shall receive a ~~((firearms safety))~~ hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

Sec. 22. Section 27, chapter 15, Laws of 1975 1st ex. sess. as amended by section 112, chapter 78, Laws of 1980 and RCW 77.32.161 are each amended to read as follows:

A nonresident may obtain a temporary ~~((state))~~ fishing license, which allows the holder to fish throughout the state for ~~((seven))~~ three consecutive days ((following its issuance)). The fee for this license is ~~((seven dollars and twenty-five cents. This license does not entitle the holder to fish for steel-head))~~ nine dollars and fifty cents.

Sec. 23. Section 28, chapter 15, Laws of 1975 1st ex. sess. as amended by section 2, chapter 24, Laws of 1980 and by section 113, chapter 78, Laws of 1980 and RCW 77.32.191 are each reenacted and 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 ~~((eleven))~~ twenty-five dollars for residents sixteen years of age or older, twelve dollars for residents under sixteen years of age, and ((fifty)) one hundred twenty-five dollars for nonresidents.

Sec. 24. Section 1, chapter 43, Laws of 1977 as amended by section 114, chapter 78, Laws of 1980 and RCW 77.32.197 are each amended to read as follows:

Persons purchasing a state trapping license for the first time shall present certification of completion of a course of instruction in safe, humane, and proper trapping techniques or pass an examination to establish that the applicant has the requisite knowledge.

The commission shall establish a program for training persons in trapping techniques and responsibilities, including the use of trapping devices designed to painlessly capture or instantly kill. The commission shall cooperate with national and state animal, humane, ~~((firearm safety))~~ hunter education, and trapping organizations in the development of a curriculum. Upon successful completion of the course, trainees shall receive a trapper's training certificate signed by an authorized instructor. This certificate is evidence of compliance with this section.

Sec. 25. Section 30, chapter 15, Laws of 1975 1st ex. sess. as amended by section 115, chapter 78, Laws of 1980 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 ~~((eleven))~~ one hundred 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 ~~((eleven))~~ one hundred 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 ~~((seventy-six))~~ one hundred dollars for a resident and ~~((one))~~ two hundred fifty 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 ~~((forty-one))~~ fifty dollars for the first year and ~~((twenty-one))~~ thirty 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 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 dollars.

Sec. 26. Section 77.32.220, chapter 36, Laws of 1955 as amended by section 116, chapter 78, Laws of 1980 and RCW 77.32.220 are each amended to read as follows:

Licensed taxidermists, fur dealers, fishing guides, ~~((and))~~ game farmers, and persons stocking game fish or conducting a hunting, fishing, or field trial contest shall make reports as required by rules of the commission.

Sec. 27. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 117, chapter 78, Laws of 1980 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) A person seventy years of age or older who has been a resident for ten years or a blind person may receive upon application a fishing license free of charge.

(3) A fishing license is not required for persons under the age of sixteen.

(4) Tags ~~((and))~~, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free license(~~;~~ except that a fee shall not be charged for a steelhead permit).

Sec. 28. Section 77.32.240, chapter 36, Laws of 1955 as amended by section 119, chapter 78, Laws of 1980 and RCW 77.32.240 are each amended to read as follows:

A ~~((collector's))~~ scientific permit allows the holder to collect for research or display wildlife or their nests and eggs as required in RCW 77.32.010 ~~((for scientific or display purposes))~~ under conditions prescribed by the director. Before a permit is issued, the applicant shall demonstrate ~~((the))~~ to the director their qualifications and establish the need for the permit. The director may require a bond of up to one thousand dollars to insure compliance with the permit. Permits are valid for the time specified, unless sooner revoked. ~~((Permits shall not be issued for longer than one year from March 1st of the year in which they are issued.~~

~~The))~~ Holders of ~~((a))~~ permits may exchange specimens ~~((with others))~~ with the approval of the director.

A permit holder who violates this section shall forfeit the permit and bond and shall not receive a similar permit for one year. The fee for a scientific permit is ten dollars.

Sec. 29. Section 77.32.250, chapter 36, Laws of 1955 as amended by section 120, chapter 78, Laws of 1980 and RCW 77.32.250 are each amended to read as follows:

Licenses, permits, (and) tags, stamps, and punchcards required by this chapter shall not be transferred and, unless otherwise provided in this chapter, are void on January 1st following the year in which the license, permit, ~~((or))~~ tag, stamp, or punchcard was issued.

Upon request of a wildlife agent or ex officio wildlife agent, persons ~~((hunting, fishing,))~~ licensed, operating under a permit, or possessing wildlife under the authority of this chapter shall produce required licenses, permits, ~~((or))~~ tags, stamps, or punchcards for inspection and write their signatures for comparison ~~((with the license))~~ and in addition display their wildlife. Failure to comply with the request is prima facie evidence that the person has no license or is not the person named.

Sec. 30. Section 32, chapter 15, Laws of 1975 1st ex. sess. as amended by section 121, chapter 78, Laws of 1980 and RCW 77.32.256 are each amended to read as follows:

~~((Upon proof of the loss, mutilation, or destruction of a license, permit, or tag required by this chapter, the director shall issue a duplicate for a fee of two dollars.))~~ 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 dollars.

NEW SECTION. Sec. 31. Sections 8 and 10 through 15 of this act are each added to chapter 78, Laws of 1980 and to chapter 77.32 RCW.

NEW SECTION. Sec. 32. (1) Sections 9 and 10 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 on July 1, 1981.

(2) Section 13 of this act shall take effect on May 1, 1982.

(3) Sections 8, 11, 12, and 14 of this act shall take effect on July 1, 1982.

(4) All other sections of this act shall take effect on January 1, 1982.

Passed the House April 25, 1981.

Passed the Senate April 24, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 311

[Substitute House Bill No. 302]

PERSONNEL APPEALS BOARD

AN ACT Relating to state government; amending section 2, chapter 6, Laws of 1977 and RCW 41.06.110; amending section 12, chapter 1, Laws of 1961 as amended by section 2, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.120; amending section 15, chapter 1, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1980 and RCW 41.06.150; amending section 17, chapter 1, Laws of 1961 as amended by section 3, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.170; amending section 73, chapter 151, Laws of 1979 as amended by section 3, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.240; creating new sections; creating a new chapter in Title 41 RCW; repealing section 4, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.125; repealing section 18, chapter 1, Laws of 1961 and RCW 41.06.180; repealing section 19, chapter 1, Laws of 1961 and RCW 41.06.190; repealing section 20, chapter 1, Laws of 1961, section 25, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.200; repealing section 21, chapter 1, Laws of 1961, section 101, chapter 81, Laws of 1971 and RCW 41.06.210; and declaring an emergency.

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

NEW SECTION. Section 1. (1) There is hereby created a "personnel appeals board," hereinafter in this chapter referred to as the "board," which shall consist of three members to be appointed by the governor, subject to confirmation by the senate. The first board shall be appointed within thirty days after the effective date of this act, for terms of two, four, and six years. Thereafter, appointments shall be made for six-year terms. A vacancy shall be filled by appointment by the governor for the unexpired term in which the vacancy exists. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Members may be reappointed to the board for successive terms. Persons appointed to the board shall be qualified by experience and training in the field of administrative procedures and merit principles. Such members:

(a) May not hold any other employment with the state;

(b) May not during the terms to which they are appointed be or become candidates for public office, hold any other public office or trust, engage in any occupation or business which interferes, or is inconsistent, with their duties as members of the board, serve on or under any committee of any political party, and may not have been officers of a political party for a period of one year immediately prior to their appointment; and

(c) May not for a period of one year after the termination of their membership on the board, act in a representative capacity before the board on any matter.

(2) Unless the context clearly indicates otherwise, the following definitions apply to this chapter:

(a) "Agency" means any agency as defined in RCW 41.06.020;

(b) For appeals filed on or after July 1, 1981, under section 10 of this act, "board" or "personnel appeals board" means the personnel appeals board created by subsection (1) of this section;

(c) For purposes of sections 9 through 15 of this act for appeals filed before July 1, 1981, under RCW 41.06.170, as it existed prior to or after the effective date of this act, "board" or "personnel appeals board" means the state personnel board created by RCW 41.06.110.

NEW SECTION. Sec. 2. (1) All classified civil service employees engaged in duties pertaining to the personnel appeals functions hereby transferred, shall be transferred from the department of personnel to the personnel appeals board. To avoid duplication of administrative services, such employees shall perform appeals staff functions for the personnel appeals board and for the remaining caseload of the state personnel board, as agreed to by the two boards.

(2) All books, documents, records, files, equipment, and other materials pertaining to the personnel appeals functions hereby transferred, shall be transferred to the personnel appeals board to the extent necessary and at appropriate times to carry out the purposes of this chapter.

NEW SECTION. Sec. 3. Any member of the board may be removed for incapacity, incompetence, neglect of duty, malfeasance, or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time and the procedure for the hearing, which shall be public. The decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the board by the tribunal disqualifies such member for reappointment.

NEW SECTION. Sec. 4. (1) The board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the board shall operate on a full-time basis, each member of the board shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040, as now existing or hereafter amended. If it is determined that the board shall operate on a part-time basis, each member of the board shall receive compensation of one hundred dollars for each day during which the member attends an official meeting of the board or performs statutorily prescribed duties approved by the chairperson. Such part-time

compensation may not, however, exceed twelve thousand dollars for any one member in a fiscal year. Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

(2) Members of the board shall report their financial affairs to the public disclosure commission pursuant to RCW 42.17.240, as now existing or hereafter amended.

NEW SECTION. Sec. 5. The board shall, as soon as practicable after the initial appointment of its members, meet and elect from among its members a chairperson, and shall at least biennially thereafter meet and elect such a chairperson.

NEW SECTION. Sec. 6. The board may appoint and discharge an executive secretary who shall be exempt from the provisions of chapter 41.06 RCW. The executive secretary may appoint and discharge such other clerical, professional, and technical assistants as may be necessary. The salary of the executive secretary shall be fixed by the governor pursuant to RCW 43.03.040, as now existing or hereafter amended.

NEW SECTION. Sec. 7. The principal office of the board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the board shall constitute a quorum for making orders or decisions, promulgating rules necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

NEW SECTION. Sec. 8. The board shall maintain at its principal office a journal which shall contain all official actions of the board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the board at all reasonable times.

NEW SECTION. Sec. 9. The board may appoint one or more hearings examiners to preside over, conduct, and make recommended decisions, including findings of fact and conclusions of law in all cases of employee appeals to the board. The hearings examiner shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board. The recommended decisions shall be forthwith served upon the parties and transmitted to the board together with the record of the evidence. Within thirty days of service of the recommended decision, any party adversely affected may file exceptions, and thereafter all parties may present written and oral argument to the board, which shall consider the whole record or such portions thereof as may be cited by the parties.

NEW SECTION. Sec. 10. The board shall have jurisdiction to decide appeals filed on or after July 1, 1981, of employees under the jurisdiction of the state personnel board pursuant to RCW 41.06.170, as now or hereafter amended.

NEW SECTION. Sec. 11. (1) In all appeals over which the board has jurisdiction involving reduction, dismissal, suspension, or demotion, the board shall set the case for hearing, and the final decision, including an appeal to the board from the hearing examiner, if any, shall be rendered within ninety days from the date the appeal was first received: PROVIDED, That an extension may be permitted if agreed to by the employee and the employing agency. The board shall furnish the agency with a copy of the appeal in advance of the hearing.

(2) In all appeals made pursuant to RCW 41.06.170(3), as now or hereafter amended, the decision of the board is final and not appealable to court.

NEW SECTION. Sec. 12. 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.

NEW SECTION. Sec. 13. (1) Within thirty days after the conclusion of the hearing, the board shall make and fully record in its permanent records the following: (a) Findings of fact; (b) conclusions of law when the construction of a rule, regulation, or statute is in question; (c) reasons for the action taken; and (d) the board's order based thereon. The order is final, subject to action by the court on appeal as provided in this chapter.

(2) The board shall simultaneously send a copy of the findings, conclusions, and order by certified mail to the employing agency and to the employee or the employee's designated representative.

NEW SECTION. Sec. 14. (1) Within thirty days after the recording of the order and the mailing thereof, the employee may appeal the decision and order of the board on appeals made pursuant to RCW 41.06.170(2), as now or hereafter amended, to the superior court of Thurston county on one or more of the grounds that the order was:

(a) Founded on or contained an error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;

(c) Materially affected by unlawful procedure;

(d) Based on violation of any constitutional provision; or

(e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on a member of the board or the executive secretary and on the employing agency, all within the time stated.

(3) Within thirty days after service of such notice, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

NEW SECTION. Sec. 15. (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the objection thereto is well taken on any of the grounds stated. Appeal shall be available to the employee to the supreme court or the court of appeals from the order of the superior court as in other civil cases.

Sec. 16. Section 2, chapter 6, Laws of 1977 and RCW 41.06.110 are each amended to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved

by the senate. The first such board shall be appointed within thirty days after December 8, 1960, for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board(;) actually attended(~~:- PROVIDED, That after July 1, 1962, no one board member shall receive more than one thousand five hundred dollars in any fiscal year for this purpose: PROVIDED, FURTHER, That such limitation shall not apply to daily payments for the hearing of employee appeals~~)). Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals until December 31, 1982. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

Sec. 17. Section 12, chapter 1, Laws of 1961 as amended by section 2, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.120 are each amended to read as follows:

(1) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action and may hold hearings, such hearings to be called by (a) the chairman of the board, or (b) a majority of the members of the board. An official notice of the calling of the hearing shall be filed with the secretary, and all members shall be notified of the hearing within a reasonable period of time prior to its convening. (~~Appeal hearings may be conducted by two members of the board: PROVIDED, That if said two members do not agree on the decision, a hearing shall be held in the presence of all three members of the board;~~)

(2) No release of material((;)) or statement of findings shall be made except with the approval of a majority of the board;

(3) In the conduct of hearings or investigations, a member of the board((;)) or the director of personnel, or the hearing officer, may administer oaths((;

~~(4) Hearings may be conducted by a hearing officer duly appointed by the board)).~~

Sec. 18. Section 15, chapter 1, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1980 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((; ~~and appeals therefrom~~));

(2) Certification of names for vacancies, including departmental promotions, with the number of names equal to two 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 months and rejections therein;

(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 said 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 shall constitute 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 shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement, or any other fees or fines and shall include 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 shall be 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 shall permit or grant 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, 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 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 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 shall be 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" shall 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.

Sec. 19. Section 17, chapter 1, Laws of 1961 as amended by section 3, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.170 are each amended to read as follows:

(1) The board, in the promulgation of rules and regulations governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The board shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof. The authority shall file a copy of the notice with the director of personnel.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his probationary period of service as provided by the rules and regulations of the board, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, as now or hereafter amended, or rules promulgated pursuant thereto, shall have the right to appeal to the personnel appeals board created by section 1 of this 1981 act not later than thirty days after the effective date of such action. The employee shall be furnished with specified charges in writing when a

reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing (~~(, and the board shall set the case for hearing and the final decision, including an appeal to the board from the hearing examiner, if any, shall be rendered within ninety days from the date the appeal was first received. PROVIDED, That an extension may be permitted if agreed to by the employee and the employing agency. The board shall furnish the agency concerned with a copy of the appeal in advance of the hearing)).~~

(3) An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the personnel appeals board created by section 1 of this 1981 act. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

Sec. 20. Section 73, chapter 151, Laws of 1979 as amended by section 3, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen), every chief executive state officer as specified in RCW 43.17.020, as now or hereafter amended, the director of financial management, the director of personnel, the director of the planning and community affairs agency, the director of the state system of community colleges, the executive director of the data processing authority, the executive secretary of the forest practice appeals board, the director of the gambling commission, the director of the higher education personnel board, the secretary of transportation, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the administrator of the interagency committee for outdoor recreation, the director of parks and recreation, the executive secretary of the board of prison terms and paroles, the administrator of the public disclosure commission, the director of retirement systems, the secretary of the utilities and transportation commission, the executive secretary of the board of tax appeals, the secretary of the state finance committee, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college, each professional staff member of the office of the governor, each professional staff member of the legislature, and each member of the state board for community college education, data processing authority, forest practices board, forest practices appeals board, gambling commission, game commission, higher education personnel board, transportation commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control board, interagency committee for outdoor recreation, parks and recreation commission, personnel board, personnel appeals board, board of prison terms and paroles, public disclosure commission, public employees' retirement system board, public pension commission, University of Washington board of regents, Washington State University board of regents, board of

tax appeals, teachers' retirement system board of trustees, Central Washington University board of trustees, Eastern Washington University board of trustees, The Evergreen State College board of trustees, Western Washington University board of trustees, board of trustees of each community college, and the utilities and transportation commission, shall after January 1st and before April 15th of each year for the preceding calendar year; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate or being appointed to such elective office, and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed, for the preceding twelve months; file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family: PROVIDED, That no individual shall be required to file more than once in any calendar year: PROVIDED HOWEVER, That a statement of a candidate or appointee filed during the period January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of such statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom any legislation, or any rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" shall not include payments made to the person reporting by the governmental entity for which such person serves as an elected or appointed public officer or professional staff member for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the

amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the official holds any office or position, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report; and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

NEW SECTION. Sec. 21. The following acts or parts thereof are hereby repealed:

(1) Section 4, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.125;

(2) Section 18, chapter 1, Laws of 1961 and RCW 41.06.180;

(3) Section 19, chapter 1, Laws of 1961 and RCW 41.06.190;

(4) Section 20, chapter 1, Laws of 1961, section 25, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.200; and

(5) Section 21, chapter 81, Laws of 1961, section 101, chapter 81, Laws of 1971 and RCW 41.06.210.

NEW SECTION. Sec. 22. 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. 23. Sections 1 through 15 of this act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 24. 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 20, 1981.
Passed the Senate April 15, 1981.
Approved by the Governor May 19, 1981.
Filed in Office of Secretary of State May 19, 1981.

CHAPTER 312

[Engrossed Senate Bill No. 3928]
INDUSTRIAL LOAN COMPANIES

AN ACT Relating to industrial loan companies; amending section 3, chapter 172, Laws of 1923 as amended by section 1, chapter 71, Laws of 1929 and RCW 31.04.040; amending section 8, chapter 172, Laws of 1923 as last amended by section 3, chapter 19, Laws of 1941 and RCW 31.04.090; amending section 9, chapter 172, Laws of 1923 as last amended by section 4, chapter 19, Laws of 1941 and RCW 31.04.100; amending section 14, chapter 172, Laws of 1923 and RCW 31.04.140; amending section 15, chapter 172, Laws of 1923 as amended by section 6, chapter 19, Laws of 1941 and RCW 31.04.150; and amending section 19, chapter 172, Laws of 1923 and RCW 31.04.220.

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

Section 1. Section 3, chapter 172, Laws of 1923 as amended by section 1, chapter 71, Laws of 1929 and RCW 31.04.040 are each amended to read as follows:

The supervisor of banking shall collect in advance the following fees:

For filing application for certificate of authority and attendant investigation as required by the law, the cost thereof, but not less than \$((+00-00))500.00
(If the cost of such attendant examination shall exceed \$((+00-00)) 500.00, the applicant shall pay such excess when ascertained by the supervisor of banking.)

| | |
|---|------------------------------------|
| <u>For filing application for branch certificate of authority or its relocation and attendant examination as required by law, the cost thereof, but not less than</u> | <u>100.00</u> |
| <u>(If the cost of such attendant investigation exceeds \$100.00, the applicant shall pay such excess when ascertained by the supervisor of banking.)</u> | |
| For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his office | ((+0.00)) <u>100.00</u> |
| For issuing a certificate of increase or decrease of capital stock | ((+0.00)) <u>100.00</u> |
| For issuing each certificate of authority | ((+0.00)) <u>100.00</u> |
| ((For furnishing copies of papers filed in his office, per folio | .20)) |

Every industrial loan company shall also pay to the secretary of state or county auditor for filing any instrument with him the same fees as are required of general corporations for filing corresponding instruments, and also the same license fees as are required of general corporations.

Sec. 2. Section 8, chapter 172, Laws of 1923 as last amended by section 3, chapter 19, Laws of 1941 and RCW 31.04.090 are each amended to read as follows:

Every corporation under the provisions of this chapter shall have power:

(1) To lend money and to deduct interest therefor in advance at the rate of ten percent per annum, or less; to agree with the borrower for the payment of an aggregate amount for expenses incurred and services rendered in connection with the investigation of the character and circumstances of the borrower and the security offered in connection with his loan, and for servicing and maintaining the said loan and security, which amount shall not in any event exceed an initial charge of two dollars on a loan under one hundred dollars or a maximum of two percent of any loan of one hundred dollars or more, and which initial charge may be deducted from said loan in advance, and a charge of fifty cents per month to be collected monthly during the actual period that said loan or any part thereof remain unpaid; to require the borrower to purchase simultaneously with the loan transaction, or otherwise, and pledge as security therefor, an investment certificate of the character described in subdivision (2) of this section, in an amount ~~((not exceeding one-fifth more than))~~ equal to the amount of the ~~((loan made))~~ note. Upon maturity of the note, the borrower may, at his option, surrender the investment certificate. No additional charge shall be made except to reimburse the corporation for money actually expended to any public officer

for filing and recording any instrument securing such loan or in connection therewith. No charge shall be collected unless a loan shall have been made.

(2) Subject to the limitations provided in this chapter, to sell or negotiate written evidences of debt, to be known as "investment certificates," for the payment of money by the corporation at any time, and bearing interest, as therein designated, and to receive payment therefor in full or in installments; to charge a penalty of five cents or less on each dollar of such installment payments delinquent one full week or more. No interest shall be collected on delinquent installments. No certificate or securities of any nature shall be sold at a price in excess of the actual book value of the certificate or securities sold. The issuance of written evidences of debt authorized by this subdivision shall be subject to the provisions of RCW 31.04.230.

(3) To borrow money (~~and to sell and negotiate for cash its promissory notes~~). Nothing contained in this subdivision or in subdivision (2) of this section shall be construed as authorizing the corporation to receive deposits or to issue certificates of deposit or to create any liability due on demand.

(4) To establish branches subject to the approval and authority of the supervisor of banking.

(5) Conferred upon corporations by RCW 31.04.120.

Sec. 3. Section 9, chapter 172, Laws of 1923 as last amended by section 4, chapter 19, Laws of 1941 and RCW 31.04.100 are each amended to read as follows:

No corporation under the provisions of this chapter shall:

(1) Make any loan, on the security of makers, comakers, endorsers, sureties or guarantors, for a longer period than two years from the date thereof.

(2) Hold at any one time the primary obligation, or obligations of any person, firm or corporation, for more than ~~((two))~~ fifteen percent of the amount of the paid-up capital and surplus of such industrial loan company.

(3) Hold at any one time the obligation or obligations of persons, firms, or corporations purchased from any person, firm or corporation in excess of twenty percent of the aggregate paid-up capital and surplus of such industrial loan company.

(4) Make any loans secured by chattel mortgage for a longer period than two years from the date thereof.

(5) Make any loan or discount on the security of its own capital stock, or be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within ninety days from the time of its purchase or acquisition.

(6) Invest any of its funds, otherwise than as herein authorized, except in such investments as are by law legal investments for commercial banks.

(7) Make any loan or discount, nor shall any officer or employee thereof on behalf of such corporation, make any loan or discount directly or indirectly to any director, officer or employee of such corporation.

(8) Have outstanding at any time its promissory notes or other evidences of debt in an aggregate sum in excess of three times the aggregate amount of its paid-up capital and surplus, exclusive of investment certificates hypothecated with the corporation issuing them.

(9) Exact a surrender charge on investment certificates issued by the corporation.

(10) Deposit any of its funds with any other moneyed corporation, unless such corporation has been designated as such depository by a vote of the majority of the directors or the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated.

(11) Make any loan or discount secured by real estate ~~((for))~~ with a total note, less interest and investigation fee in an amount in excess of ~~((seventy-five))~~ ninety percent of the value of such real estate and improvements, including all prior liens against the same: PROVIDED, That for any such loan with a term in excess of two years, the interest rate charged shall not exceed twenty-five percent per annum.

(12) Have outstanding at any time investment certificates issued in the name of any one person, firm or corporation for an amount in excess of ~~((two and one-half))~~ fifteen percent of its paid-up capital and surplus.

(13) Pledge or hypothecate any of its securities to any creditor except that it may borrow and rediscount an amount not to exceed in the aggregate three times the amount of the paid-up capital and surplus thereof, and may pledge as security for amounts borrowed assets of the corporation not exceeding one and one-half times the amount borrowed and may pledge as security for amounts rediscounted assets of the corporation not exceeding one-half the amount rediscounted.

Sec. 4. Section 14, chapter 172, Laws of 1923 and RCW 31.04.140 are each amended to read as follows:

Every corporation under the provisions of this chapter, shall make to and file with, the supervisor of banking a regular report on, or before, ~~((January 10th and July 10th))~~ March 1st of each year, showing the true condition of the corporation as of the preceding December 31st ~~((and June 30th))~~, according to form prescribed by said supervisor, verified by the president, manager or treasurer and attested by at least two directors. Every such corporation shall make and file special reports when and as called for by said supervisor.

Sec. 5. Section 15, chapter 172, Laws of 1923 as amended by section 6, chapter 19, Laws of 1941 and RCW 31.04.150 are each amended to read as follows:

(1) It shall be the duty of the supervisor of banking, his deputy, or examiner, without previous notice to visit each corporation under the provisions of this chapter, at least once in each year and oftener if necessary, for the purpose of making a full investigation into the ~~((condition))~~ compliance of such corporation~~((, and))~~ with the provisions of this chapter and rules adopted thereunder. For that purpose they are hereby empowered to administer oaths and to examine under oath any director, officer, employee or agent of such corporation. Said supervisor of banking may make such other full or partial examinations as he deems necessary; any wilful false swearing in any examination shall be perjury.

(2) The supervisor of banking is hereby authorized and empowered to make such general rules and regulations and such specific rulings, demands, and findings as may be necessary for the proper conduct of such business and the enforcement of this chapter, in addition hereto and not inconsistent herewith.

(3) The industrial loan company shall keep and use in its business such books, accounts, and records as will enable the supervisor of banking to determine whether such industrial loan company is complying with the provisions of this chapter and with the rules and regulations lawfully made by the supervisor of banking hereunder. Every industrial loan company shall preserve such books, accounts, and records for at least two years after making the final entry recorded therein.

(4) No industrial loan company shall advertise, print, display, publish, distribute, or broadcast or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner whatsoever, any statement or representation with regard to the rates, terms or conditions for the lending of money which is false, misleading, or deceptive. The supervisor of banking may order any industrial loan company to desist from any conduct which he shall find to be a violation of the foregoing provisions.

(5) Whenever the supervisor of banking shall make any findings or shall issue any specific order or demand, then such industrial loan company thereby affected may, within thirty days from date of service of notice, appeal to the superior court of the state of Washington for Thurston county. The appeal shall be perfected by filing it, together with proof of service, with the clerk of the superior court of Thurston county. The supervisor of banking shall, within fifteen days after the date of filing of such notice of appeal, make and certify a transcript of the evidence and all of the records and papers on file in his office relating to the order appealed from, and the supervisor of banking shall forthwith file the same in the office of the clerk of said superior court. The reasonable costs of preparing of such transcripts shall be assessed by the court as part of the costs. A trial shall be had in said superior court de novo. The industrial loan company shall be deemed the plaintiff and the state of Washington the defendant. Each party shall be entitled to subpoena witnesses and produce evidence to sustain the findings

and order or demand of the supervisor. Either party may appeal from the judgment of said superior court of the state of Washington as in other civil actions.

Sec. 6. Section 19, chapter 172, Laws of 1923 and RCW 31.04.220 are each amended to read as follows:

(1) Every officer, director, agent, stockholder, or employee of a corporation under the provisions of this chapter who shall fraudulently receive money or money's worth in exchange for the issuance of any choses in action of such corporation, when he knows or has good reason to believe that such corporation is insolvent shall be deemed guilty of a felony, and punished upon conviction, thereof, by a fine not exceeding one thousand dollars, or imprisoned in the state penitentiary not exceeding ten years, or both such fine and imprisonment, at the discretion of the court.

(2) Every officer, director, agent, stockholder, or employee of a corporation under the provisions of this chapter, who shall directly or indirectly, receive a bonus, commission, compensation, remuneration, gift, speculative interest or gratuity of any kind from any person, firm, or corporation for granting, procuring or endeavoring to procure, for any person, firm or corporation, any loan by or out of the funds of such corporation, or the purchase or sale of any securities or property for or on account of such corporation, shall be guilty of a felony.

(3) Every officer, director or employee of such corporation who shall borrow or shall knowingly permit any of its officers, directors or employees to borrow any of its funds in violation of the provisions of this chapter, shall be personally liable for any loss or damages which the corporation, its shareholders or any person may sustain in consequence thereof, and shall also be guilty of a felony.

(4) Every corporation under the provisions of this chapter, which fails to file any report, required to be filed by this chapter within the time herein specified shall be subject to a penalty of ~~((ten))~~ fifty dollars per day for each day's delay—a civil action for the recovery of any such penalty may be brought by the attorney general in the name of the state.

(5) Every person who shall violate, or knowingly aid or abet the violation of any provision of this chapter; for which no penalty has been prescribed, and every person who fails to perform any act which it is made his duty to perform herein and for which failure no penalty has been prescribed, shall be guilty of a misdemeanor. No person who has been convicted for the violation of the banking laws of this or any other state, or of the United States shall be permitted to engage in, or become an officer or official of any corporation organized under the provisions of this chapter.

Passed the Senate April 7, 1981.

Passed the House April 21, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 313

[Engrossed Senate Bill No. 3591]

COUNTIES—LOCAL, UTILITY, AND ROAD IMPROVEMENT DISTRICTS

AN ACT Relating to counties; amending section 35.43.110, chapter 7, Laws of 1965 and RCW 35.43.110; amending section 2, chapter 72, Laws of 1967 and RCW 36.94.020; amending section 20, chapter 72, Laws of 1967 and RCW 36.94.200; amending section 22, chapter 72, Laws of 1967 as last amended by section 5, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.94.220; amending section 23, chapter 72, Laws of 1967 as amended by section 10, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.230; amending section 24, chapter 72, Laws of 1967 as amended by section 11, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.240; amending section 27, chapter 72, Laws of 1967 and RCW 36.94.270; amending section 35.91.020, chapter 7, Laws of 1965 as amended by section 1, chapter 113, Laws of 1967 and RCW 35.91.020; amending section 2, chapter 142, Laws of 1965 as amended by section 2, chapter 8, Laws of 1969 ex. sess. and RCW 36.67.520; amending section 3, chapter 142, Laws of 1965 as last amended by section 50, chapter 56, Laws of 1970 ex. sess. and RCW 36.67.530; amending section 1, chapter 72, Laws of 1967 as last amended by section 6, chapter 30, Laws of 1979 ex. sess. and RCW 36.94.010; amending section 3, chapter 72, Laws of 1967 and RCW 36.94.030; amending section 5, chapter 72, Laws of 1967 as amended by section 2, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.050; amending section 25, chapter 72, Laws of 1967 and RCW 36.94.250; amending section 26, chapter 72, Laws of 1967 and RCW 36.94.260; amending section 9, chapter 30, Laws of 1970 ex. sess. and RCW 36.89.100; adding new sections to chapter 36.94 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.89 RCW; and declaring an emergency.

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

Section 1. Section 2, chapter 72, Laws of 1967 and RCW 36.94.020 are each amended to read as follows:

The construction, operation, and maintenance of a system of sewerage and/or water is a county purpose. Subject to the provisions of this chapter, every county has the power, individually or in conjunction with another county or counties to adopt, provide for, accept, establish, condemn, purchase, construct, add to, and maintain a system or systems of sanitary and storm sewers, including outfalls, interceptors, plans, and facilities necessary for sewerage treatment and disposal, and/or system or systems of water supply within all or a portion of the county: PROVIDED, That counties shall not have power to condemn sewerage and/or water systems of any municipal corporation or private utility.

Such county or counties shall have the authority to control, regulate, and manage such system or systems and to provide funds therefor by general obligation bonds, revenue bonds, local improvement district bonds, utility local improvement district or local improvement district assessments, and in any other lawful fiscal manner.

Sec. 2. Section 20, chapter 72, Laws of 1967 and RCW 36.94.200 are each amended to read as follows:

The (~~board of county commissioners~~) legislative authority of any county is hereby authorized for the purpose of carrying out the lawful powers granted by this chapter to contract indebtedness and to issue general

obligation bonds pursuant to and in the manner provided for general county bonds in chapter 36.67 RCW and other applicable statutes; and to issue revenue bonds pursuant to and in the manner provided for revenue bonds in chapter 36.67 RCW and other applicable statutes. The county legislative authority may also issue local improvement district bonds in the manner provided for cities and towns.

Sec. 3. Section 22, chapter 72, Laws of 1967 as last amended by section 5, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.94.220 are each amended to read as follows:

(1) A county shall have the power to establish utility local improvement districts and local improvement districts within the area of a sewerage and/or water general plan and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement on the basis of the special benefits to pay in whole or in part the damages or costs of any improvements ordered in such county.

(2) Utility local improvement districts and local improvement districts may include territory within a city or town only with the written consent of the city or town, but if the local district is formed before such area is included within the city or town, no such consent shall be necessary. Utility local improvement districts and local improvement districts used to provide sewerage disposal systems may include territory within a sewer district or within a water district providing sewerage disposal systems only with the written consent of the sewer district or such a water district, but if the local district is formed before such area is included within the sewer district or such a water district, no consent is necessary. Utility local improvement districts and local improvement districts used to provide water systems may include territory within a water district or within a sewer district providing water systems only with the written consent of the water district or such a sewer district, but if the local district is formed before such area is included within the water district or such a sewer district, no consent is necessary.

(3) The levying, collection, and enforcement of all public assessments hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection, and enforcement of local improvement assessments by cities (~~(of the first class)~~) and towns, insofar as the same shall not be inconsistent with the provisions of this chapter. In addition, the county shall file the preliminary assessment roll at the time and in the manner prescribed in RCW 35.50.005. The duties devolving upon the city treasurer under such laws are imposed upon the county treasurer for the purposes of this chapter. The mode of assessment shall be in the manner to be determined by the (~~(board of)~~) county (~~(commissioners)~~) legislative authority by ordinance or resolution. As an alternative to equal annual assessment installments of principal provided for cities and towns, a county legislative authority may provide for the payment of such assessments in

equal annual installments of principal and interest. Assessments in any ((utility)) local ((improvement)) district may be made on the basis of special benefits up to but not in excess of the total cost of any sewerage and/or water improvement made with respect to that local district and the share of any general sewerage and/or water facilities allocable to that district. In utility local improvement districts, assessments shall be deposited into the revenue bond fund or general obligation bond fund established for the payment of bonds issued to pay such costs which bond payments are secured in part by the pledge of assessments, except pending the issuance and sale of such bonds, assessments may be deposited in a fund for the payment of such costs. In local improvement districts, assessments shall be deposited into a fund for the payment of such costs and local improvement bonds issued to finance the same or into the local improvement guaranty fund as provided by applicable statute.

Sec. 4. Section 23, chapter 72, Laws of 1967 as amended by section 10, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.230 are each amended to read as follows:

Utility local improvement districts and local improvement districts to carry out all or any portion of the general plan, or additions and betterments thereof, may be initiated either by resolution of the ((~~board of~~)) county ((~~commissioners~~)) legislative authority or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of land within the limits of the ((utility)) local ((improvement)) district to be created.

In case the ((~~board shall~~)) county legislative authority desires to initiate the formation of a ((utility)) local ((improvement)) district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed ((utility)) local ((improvement)) district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time, and place for a public hearing on the formation of the proposed local district.

In case any such ((utility)) local ((improvement)) district ((~~shall be~~)) is initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the ((utility)) local ((improvement)) district to be created. Upon the filing of such petition with the clerk of the ((~~board of~~)) county ((~~commissioners~~)) legislative authority, the ((~~board~~)) authority shall determine whether the same ((~~shall be~~)) is sufficient, and the ((~~board's~~)) authority's determination thereof shall be conclusive upon all persons. No person ((~~shall~~)) may withdraw his name

from said petition after the filing thereof with the clerk of the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority. If the ~~((board-staff))~~ county legislative authority finds the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time, and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed ~~((improvement))~~ local district by mailing said 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 treasurer at the address shown thereon. The notice shall refer to the resolution of intention and designate the proposed ~~((improvement))~~ local district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, or parcel, the date, time, and place of the hearing before the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority; and in the case of improvements initiated by resolution, said notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the clerk of the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority before the time fixed for said public hearing.

Sec. 5. Section 24, chapter 72, Laws of 1967 as amended by section 11, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.240 are each amended to read as follows:

Whether the improvement is initiated by petition or resolution, the ~~((board))~~ county legislative authority shall conduct a public hearing at the time and place designated in the notice to the property owners. At this hearing the ~~((board))~~ authority shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as ~~((shall-be))~~ are deemed necessary: PROVIDED, That the ~~((board))~~ authority may not change the boundaries of the district to include

property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the ~~((commissioners shall have))~~ county legislative authority has jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: PROVIDED, That the jurisdiction of the ((commissioners)) authority to proceed with any improvement initiated by resolution shall be divested by protests filed with the clerk of the ((board)) authority prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district. No action whatsoever may be maintained challenging the jurisdiction or authority of the county to proceed with the improvement and creating the ((utility)) local ((improvement)) district or in any way challenging the validity thereof or any proceedings relating thereto unless that action is served and filed no later than thirty days after the date of passage of the resolution ordering the improvement and creating the local district.

If the ~~((commissioners))~~ county legislative authority finds that the district should be formed, ~~((they))~~ it shall by resolution order the improvement, adopt detailed plans of the ~~((utility))~~ local ~~((improvement))~~ district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the county such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the county to proceed with the work. ~~The ((board-of))~~ county ~~((commissioners))~~ legislative authority shall proceed with the work 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 the local ~~((utility improvement))~~ district in proportion to the special benefits to be derived by the property therein from the improvement.

Sec. 6. Section 27, chapter 72, Laws of 1967 and RCW 36.94.270 are each amended to read as follows:

~~((In the event that))~~ If any portion of the system after its installation in such ~~((utility))~~ local ~~((improvement))~~ district is not adequate for the purpose for which it was intended, or that for any reason changes, alterations, or betterments are necessary in any portion of the system after its installation, then such district, with boundaries which may include one or more existing ~~((utility))~~ local ~~((improvement))~~ districts, may be created in the same manner as is provided herein for the creation of ~~((utility))~~ local ~~((improvement))~~ districts. Upon the organization of such ~~((utility))~~ local ~~((improvement))~~ district as provided for in this section the plan of the improvement and the payment of the cost of the improvement shall be carried out in the same manner as is provided herein for the carrying out of and the paying

for the improvement in the utility local improvement districts or local improvement districts previously provided for in this chapter.

NEW SECTION. Sec. 7. There is added to chapter 36.94 RCW a new section to read as follows:

Every county adopting a water and/or sewerage general plan is hereby authorized to create a fund for the purpose of guaranteeing, to the extent of such fund, and in the manner hereinafter provided, the payment of all of its local improvement bonds issued, subsequent to the effective date of this act, to pay for any water or sewerage local improvement within its confines. Such fund shall be designated "..... County Local Improvement Guaranty Fund" and shall be established by resolution of the county legislative authority. For the purpose of maintaining such fund, every county, after the establishment thereof, shall at all times set aside and pay into such a fund such proportion of the monthly gross revenues of the water and/or sewerage system of such county as the legislative authority thereof may direct by resolution. This proportion may be varied from time to time as the county legislative authority deems expedient or necessary, except that under the existence of the conditions set forth in subsections (1) and (2) of this section, the proportion must be as therein specified.

(1) Whenever any bonds of any local improvement district have been guaranteed under sections 7 through 9 of this act and the guaranty fund does not have a cash balance equal to five percent of all bonds originally guaranteed under this chapter (excluding issues which have been retired in full), then five percent of the gross monthly revenues derived from all water and sewer users in the territory included in that local improvement district (but not necessarily from users in other parts of the county as a whole) may be set aside and paid into the guaranty fund. Whenever, under the requirements of this subsection, the cash balance accumulates so that it is equal to five percent of all bonds guaranteed, or to the full amount of all bonds guaranteed, outstanding and unpaid (which amount might be less than five percent of the original total guaranteed), then no further moneys need be set aside and paid into the guaranty fund so long as that condition continues.

(2) Whenever any warrants issued against the guaranty fund, as provided in this section, remain outstanding and uncalled for lack of funds for six months from the date of issuance thereof; or whenever any coupons or bonds guaranteed under this chapter have been matured for six months and have not been redeemed either in cash or by issuance and delivery of warrants upon the guaranty fund, then five percent of the gross monthly revenues (or such portion thereof as the county legislative authority determines will be sufficient to retire those warrants or redeem those coupons or bonds in the ensuing six months) derived from all water and/or sewer users in the county shall be set aside and paid into the guaranty fund. Whenever under the requirements of this subsection all such warrants, coupons, or bonds

have been redeemed, no further income need be set aside and paid into the guaranty fund under the requirements of this subsection until and unless other warrants remain outstanding and unpaid for six months or other coupons or bonds default.

(3) For the purpose of complying with the requirements of setting aside and paying into the local improvement guaranty fund a proportion of the monthly gross revenues of the water supply and/or sewerage system of any county, that county shall bind and obligate itself to maintain and operate such system and further bind and obligate itself to establish, maintain, and collect such rates for water as will provide gross revenues sufficient to maintain and operate such systems and to make necessary provision for the local improvement guaranty fund as specified by this section, and the county shall alter its rates for water or sewer service from time to time and shall vary the same in different portions of its territory to comply with those requirements.

(4) Whenever any coupon or bond guaranteed by sections 7 through 9 of this act matures and there is not sufficient funds in the appropriate local improvement district bond redemption fund to pay the coupon or bond, then the county treasurer shall pay the coupon or bond from the local improvement guaranty fund of the county; if there is not sufficient funds in the guaranty fund to pay the coupon or bond, then it may be paid by issuance and delivery of a warrant upon the local improvement guaranty fund.

(5) Whenever the cash balance in the local improvement guaranty fund is insufficient for the required purposes, warrants drawing interest of a rate fixed by the county legislative authority may be issued by the county auditor against the fund to meet any liability accrued against it and must be issued upon demand of the holders of any maturing coupons and/or bonds guaranteed by sections 7 through 9 of this act, or to pay for any certificates of delinquency for delinquent installments of assessments as provided in subsection (6) of this section. Guaranty fund warrants shall be a first lien in their order of issuance upon the gross revenues set aside and paid into the guaranty fund.

(6) Within twenty days after the date of delinquency of any annual installment of assessments levied for the purpose of paying the local improvement bonds of any county guaranteed under the provisions of this chapter, the county treasurer shall compile a statement of all installments delinquent, together with the amount of accrued interest and penalty appurtenant to each of those installments. Thereupon the county treasurer shall forthwith purchase certificates of delinquency for all such delinquent installments. Payment for all such certificates of delinquency shall be made from the local improvement guaranty fund, and if there is not sufficient moneys in the fund to pay for such certificates of delinquency, the county treasurer shall accept the local improvement guaranty fund warrants in payment therefor. All such certificates of delinquency shall be issued in the

name of the local improvement guaranty fund, and all guaranty fund warrants issued in payment therefor shall be issued in the name of the appropriate local improvement district fund. Whenever any market is available and the county legislative authority so directs, the county treasurer shall sell any certificates of delinquency belonging to the local improvement guaranty fund, but any such sale may not be for less than face value thereof plus accrued interest from the date of issuance to date of sale.

Such certificates of delinquency, as above provided, shall be issued by the county treasurer, shall bear interest at the rate of eight percent per annum, shall be in each instance for the face value of the delinquent installment, plus accrued interest to date of issuance of certificate of delinquency, plus a penalty of five percent of such face value, and shall set forth the:

- (a) Description of the property assessed;
- (b) Date the installment of the assessment became delinquent; and
- (c) Name of the owner or reputed owner, if known.

Such certificates of delinquency may be redeemed by the owners of the property assessed at any time up to two years from the date of foreclosure of such certificate of delinquency.

If any certificate of delinquency is not redeemed by the second occurring first day of January subsequent to its issuance, the county treasurer shall then proceed to foreclose such certificate of delinquency in the manner specified for the foreclosure of the lien of local improvement assessments, pursuant to the laws applicable to cities or towns; and if no redemption is made within the succeeding two years the treasurer shall execute and deliver a deed conveying fee simple title to the property described in the foreclosed certificate of delinquency.

NEW SECTION. Sec. 8. There is added to chapter 36.94 RCW a new section to read as follows:

Whenever there is paid out of a guaranty fund any sum on account of principal or interest upon the local improvement bond, or on account of purchase of certificates of delinquency, the county, as trustee for the fund, shall be subrogated to all rights of the holder of the bonds, or interest coupons, or delinquent assessment installments, so paid; and the proceeds thereof, or of the assessment or assessments underlying the same, shall become a part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from the bank deposits of the fund, as well as any surplus remaining in the local improvement funds guaranteed under this chapter, after the payment of all outstanding bonds payable primarily out of such local improvement funds. As among the several issues of bonds guaranteed by the fund, no preference exists, but defaulted interest coupons and/or bonds shall be purchased out of the fund in the order of their presentation.

The legislative authority of every county operating under the provisions of sections 7 through 9 of this act shall by resolution prescribe appropriate

rules for the guaranty fund, not inconsistent with this chapter. So much of the money of a guaranty fund as is necessary and is not required for other purposes under the terms of sections 7 through 9 of this act may, at the discretion of the county legislative authority, be used to purchase property at county tax foreclosure sales or from the county after foreclosure in cases where such property is subject to unpaid local improvement assessments securing bonds guaranteed under this chapter and such purchase is deemed necessary for the purpose of protecting the guaranty fund. In such cases the fund shall be subrogated to all rights of the county. After so acquiring title to real property, the county may lease or resell and convey the property in the manner that county property is authorized to be leased or resold and for such prices and on such terms as may be determined by resolution of the county legislative authority. Any provision of law to the contrary notwithstanding, all proceeds resulting from such resales belong to and shall be paid into the guaranty fund.

NEW SECTION. Sec. 9. There is added to chapter 36.94 RCW a new section to read as follows:

Neither the holder nor the owner of any local improvement bonds guaranteed under the provisions of sections 7 through 9 of this act has any claim therefor against the county by which the bonds are issued, except for payment from the special assessments made for the improvement for which the local improvement bonds were issued, and except as against the local improvement guaranty fund of the county; and the county is not liable to any holder or owner of such local improvement bond for any loss to the guaranty fund occurring in the lawful operation thereof by the county. The remedy of the holder or owner of a local improvement bond, in the case of nonpayment, is confined to the enforcement of the assessment and to the guaranty fund. A copy of the foregoing part of this section shall be plainly written, printed, or engraved on each local improvement bond guaranteed by sections 7 through 9 of this act. The establishment of a local improvement guaranty fund by any county shall not be deemed at variance from any water and/or sewerage general plan or amendment thereto heretofore adopted by such county.

If any local improvement guaranty fund authorized under sections 7 through 9 of this act at any time has a cash balance, and the obligations guaranteed thereby have all been paid off, then such balance shall be transferred to the water and/or sewer maintenance fund of the county.

Sec. 10. Section 35.43.110, chapter 7, Laws of 1965 and RCW 35.43-.110 are each amended to read as follows:

Proceedings to establish local improvement districts must be initiated by petition in the following cases:

(1) Any local improvement payable in whole or in part by special assessments which includes a charge (~~for the cost and expense of furnishing~~

~~electrical energy to any system of street lighting or~~) for the cost and expense of operation and maintenance of escalators or moving sidewalks shall be initiated only upon a petition signed by the owners of two-thirds of the lineal frontage upon the improvement to be made and two-thirds of the area within the limits of the proposed improvement district;

(2) If the management of park drives, parkways, and boulevards of a city has been vested in a board of park commissioners or similar authority: PROVIDED, That the proceedings may be initiated by a resolution, if the ordinance is passed at the request of the park board or similar authority therefor specifying the particular drives, parkways, or boulevards, or portions thereof to be improved and the nature of the improvement.

Sec. 11. Section 35.91.020, chapter 7, Laws of 1965 as amended by section 1, chapter 113, Laws of 1967 and RCW 35.91.020 are each amended to read as follows:

The governing body of any city, town, county, sewer district, water district, or drainage district, hereinafter referred to as a "municipality" may contract with owners of real estate for the construction of storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances, hereinafter called "water or sewer facilities(~~([#],)~~)" within their boundaries or (except for counties) within ten miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed fifteen years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law. To the extent it may require in the performance of such contract, such municipality (~~(shall have the right to)~~) may install said water or sewer facilities in and along the county streets in the area to be served as hereinabove provided, subject to such reasonable requirements as to the manner of occupancy of such streets as the county may by resolution provide. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract (~~(shall have)~~) has been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities. The power of the governing body of such municipality to so contract (~~(shall)~~) also (~~(apply)~~) applies to water or sewer facilities in process of construction on June 10, 1959, or which (~~(shall not)~~) have not been

finally approved or accepted for full maintenance and operation by such municipality upon June 10, 1959.

Sec. 12. Section 2, chapter 142, Laws of 1965 as amended by section 2, chapter 8, Laws of 1969 ex. sess. and RCW 36.67.520 are each amended to read as follows:

All such revenue bonds authorized under the terms of this chapter may be issued and sold by the counties from time to time and in such amounts as is deemed necessary by the ~~((board of county commissioners))~~ legislative authority of each county to provide sufficient funds for the carrying out of all county powers, without limiting the generality thereof, including the following: Acquisition; construction; reconstruction; maintenance; repair; additions; operations of parks and recreations; flood control facilities; pollution facilities; parking facilities as a part of a courthouse or combined county-city building facility; and any other county purpose from which revenues can be derived. Included in the costs thereof shall be any necessary engineering, inspection, accounting, fiscal, and legal expenses, the cost of issuance of bonds, including printing, engraving, and advertising and other similar expenses, payment of interest on such bonds during the construction of such facilities and a period no greater than one year after such construction is completed, and the proceeds of such bond issue are hereby made available for all such purposes. Revenue bonds may also be issued to refund revenue bonds or general obligation bonds which are issued for any of the purposes specified in this section.

Sec. 13. Section 3, chapter 142, Laws of 1965 as last amended by section 50, chapter 56, Laws of 1970 ex. sess. and RCW 36.67.530 are each amended to read as follows:

When revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or as to principal and interest, or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and payable at the office of the county treasurer, and such other places as determined by the county commissioners of the county; shall bear interest payable ~~((semiannually))~~ and evidenced to maturity on bonds not registered as to interest by coupons attached to said bonds bearing a coupon interest rate or rates as authorized by the board of county commissioners; shall be executed by the chairman of the board of county commissioners, and attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon; and may have facsimile signatures of the chairman and the clerk imprinted on each bond and the interest coupons in lieu of original signatures and the facsimile seal imprinted on each bond.

Sec. 14. Section 1, chapter 72, Laws of 1967 as last amended by section 6, chapter 30, Laws of 1979 ex. sess. and RCW 36.94.010 are each amended to read as follows:

As used in this chapter:

(1) A "system of sewerage" means and includes:

(a) Sanitary sewage disposal sewers and facilities, including without limitation on-site or off-site sanitary sewerage facilities consisting of an approved septic tank or septic tank systems, or any other means of sewage treatment and disposal approved by the county;

(b) Combined sanitary sewage disposal and storm or surface water ((sewers)) drains and facilities;

(c) Storm or surface water ((sewers)) drains, channels, and facilities;

(d) Outfalls for storm drainage or sanitary sewage and works, plants, and facilities for storm drainage or sanitary sewage treatment and disposal, and rights and interests in property relating to the system;

(e) Combined water and sewerage systems;

(f) Any combination of or part of any or all of such facilities.

(2) A "system of water" means and includes:

(a) A water distribution system, including dams, reservoirs, aqueducts, plants, pumping stations, transmission and lateral distribution lines and other facilities for distribution of water;

(b) A combined water and sewerage system;

(c) Any combination of or any part of any or all of such facilities.

(3) A "sewerage and/or water general plan" means a general plan for a system of sewerage and/or water for the county which shall be an element of the comprehensive plan established by the county pursuant to RCW ((36.70.350(5))) 36.70.350(6) and/or chapter 35.63 RCW, if there is such a comprehensive plan.

(a) A sewerage general plan shall include the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, channels, local service areas and a general description of the collection system to serve those areas, and other facilities as may be required to provide a functional and implementable plan, including preliminary engineering to assure feasibility. The plan may also include a description of the regulations deemed appropriate to carrying out surface drainage plans.

(b) A water general plan shall include the general location and description of water resources to be utilized, wells, treatment facilities, transmission lines, storage reservoirs, pumping stations, and monitoring and control facilities as may be required to provide a functional and implementable plan.

(c) Water and/or sewerage general plans shall include preliminary engineering in adequate detail to assure technical feasibility and, to the extent then known, shall further ((provide for)) discuss the methods of distributing

the cost and expense of the system and shall indicate the economic (~~and financing~~) feasibility of plan implementation. The plans may also specify local or lateral facilities. The sewerage and/or water general plan (~~shall~~) does not mean the final engineering construction or financing plans for the system.

(4) "Municipal corporation" means and includes any city, town, metropolitan municipal corporation, any public utility district which operates and maintains a sewer or water system, any sewer, water, diking₂ or drainage district, any diking, drainage₂ and sewerage improvement district, and any irrigation district.

(5) A "private utility" means and includes all utilities, both public and private, which provide sewerage and/or water service and which are not municipal corporations within the definition of this chapter. The ownership of a private utility may be in a corporation, nonprofit or for profit, in a cooperative association, in a mutual organization, or in individuals.

(6) "Board" means one or more boards of county commissioners and/or the legislative authority of a home rule charter county.

Sec. 15. Section 3, chapter 72, Laws of 1967 and RCW 36.94.030 are each amended to read as follows:

Whenever the (~~board of county commissioners of a~~) county legislative authority deems it advisable and necessary for the public health and welfare of the inhabitants of the county to establish, purchase, acquire₂ and construct a system of sewerage and/or water, or make any additions and betterments thereto, or extensions thereof, the board shall adopt (~~as an element of the comprehensive plan for the physical development of the county pursuant to the provisions of RCW 36.70.350(5) and/or chapter 35.63 RCW,~~) a sewerage and/or water general plan for a system of sewerage and/or water for all or a portion of the county as deemed necessary by the board. If the county has adopted a comprehensive plan for a physical development of the county pursuant to chapter 36.70 RCW and/or chapter 35.63 RCW, then the sewerage and/or water general plan shall be adopted as an element of that comprehensive plan pursuant to the applicable statute.

Sec. 16. Section 5, chapter 72, Laws of 1967 as amended by section 2, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.050 are each amended to read as follows:

Prior to the adoption of or amendment of the sewerage and/or water general plan, the (~~board or boards of~~) county (~~commissioners~~) legislative authority (or authorities) shall submit the plan or amendment to a review committee. The review committee shall consist of:

(1) A representative of each first and second class city within or adjoining the area selected by the mayor thereof (if there are no first or second class cities within the plan area, then one representative chosen by the mayor of the city with the largest population within the plan area);

(2) One representative chosen at large by a majority vote of the executive officers of the other cities or towns within or adjoining the area;

(3) A representative chosen by the executive officer or the chairman of the board, as the case may be, of each of the other municipal corporations and private utilities serving one thousand or more sewer and/or water customers located within the area;

(4) One representative chosen at large by a majority vote of the executive officers and chairmen of the boards, as the case may be, of the other remaining municipal corporations within the area;

(5) ~~((The chairman or chairmen of the board or boards of))~~ A representative of each county ((commissioners)) legislative authority within the planned area, selected by the chairman of each board or county executive, as the case may be; and

(6) In counties where there is a metropolitan municipal corporation operating a sewerage and/or water system in the area, the chairman of its council or such person as he designates.

If the ~~((board staff))~~ legislative authority rejects the plan pursuant to RCW 36.94.090, the review committee shall be deemed to be dissolved; otherwise the review committee shall continue in existence to review amendments to the plan. Vacancies on the committee shall be filled in the same manner as the original appointment to that position.

Instead of a review committee for each plan area, the county legislative authority or authorities may create a review committee for the entire county or counties, and the review committee shall continue in existence until dissolved by the county legislative authority or authorities.

Sec. 17. Section 25, chapter 72, Laws of 1967 and RCW 36.94.250 are each amended to read as follows:

Before the approval of the roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the local district, stating that the roll is on file and open to inspection in the office of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, and fixing the time, not less than fifteen or more than ~~((thirty))~~ forty-five days from the date of the first publication of the notice, within which protests must be filed with the clerk against any assessments shown thereon, and fixing a time when a hearing will be held ~~((by the board))~~ on the protests. The hearing shall be held before the county legislative authority, or the county legislative authority may direct that the hearing shall be held before either a committee of the legislative authority or a designated officer. The notice shall also be given by mailing at least fifteen days before the hearing, a similar notice to the owners or reputed owners of the land in the local district as they appear on the books of the treasurer of the county.

Sec. 18. Section 26, chapter 72, Laws of 1967 and RCW 36.94.260 are each amended to read as follows:

(1) At such hearing on a protest to an assessment, or any adjournment thereof, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority or committee or officer shall ~~((have))~~ sit as a board of equalization. If the protest is heard by the county legislative authority, it shall have power to correct, revise, raise, lower, change, or modify such roll, or any part thereof, and to set aside such roll, and order that such assessment be made de novo, as ((to such body)) shall appear equitable and just ((and may then)). If the protest is heard by a committee or officer, the committee or officer shall make recommendations to the county legislative authority which shall either adopt or reject the recommendations of the committee or officer. If a hearing is held before such a committee or officer, it shall not be necessary to hold a hearing on the assessment roll before such legislative authority: PROVIDED, That any county providing for an officer to hear such protests shall adopt an ordinance providing for an appeal from a decision made by the officer that any person protesting his or her assessment may make to the legislative authority. The county legislative authority shall, in all instances, approve the assessment roll by ordinance or resolution ((approve the same)).

(2) In the event of any assessment being raised a new notice similar to such first notice shall be given, after which final approval of such roll may be made by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority or committee or officer. Whenever any property ~~((shall have))~~ has been entered originally upon such roll and the assessment upon any such property shall not be raised, no objection thereto ~~((shall))~~ may be considered by the ~~((commissioners))~~ county legislative authority or committee or officer or by any court on appeal unless such objection be made in writing at, or prior, to the date fixed for the original hearing upon such roll.

NEW SECTION. Sec. 19. There is added to chapter 36.89 RCW a new section to read as follows:

For the purpose of issuing bonds only, the governing body of any county may authorize the establishment of consolidated road improvement districts. The road improvements within such consolidated districts need not be adjoining, vicinal, or neighboring. If the governing body orders the creation of such consolidated road improvement districts, the money received from the installment payments of the principal of and interest on assessments levied within original road improvement districts shall be deposited in a consolidated road improvement district bond redemption fund to be used to redeem outstanding consolidated road improvement district bonds. The issuance of bonds of a consolidated road improvement district shall not change the number of assessment installments in the original road improvement districts, but such bonds shall run two years longer than the longest assessment installment of such original districts.

Sec. 20. Section 9, chapter 30, Laws of 1970 ex. sess. and RCW 36.89-.100 are each amended to read as follows:

Any (~~board of~~) county (~~commissioners~~) legislative authority may authorize the issuance of revenue bonds to finance any storm water control facility. Such bonds may be issued by the board in the same manner as prescribed in RCW 36.67.510 through 36.67.570.

Each revenue bond shall state on its face that it is payable from a special fund, naming such fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund or funds. Revenue bonds shall be payable from the revenues of the storm water control facility being financed by the bonds, a system of these facilities and, if so provided, from special assessments, installments thereof, and interest and penalties thereon, levied in one or more utility local improvement districts authorized by this 1981 act.

NEW SECTION. Sec. 21. There is added to chapter 36.89 RCW a new section to read as follows:

A county may create utility local improvement districts for the purpose of levying and collecting special assessments on property specially benefited by one or more storm water control facilities. The provisions of RCW 36.94.220 through 36.94.300 concerning the formation of utility local improvement districts and the fixing, levying, collecting and enforcing of special assessments apply to utility local improvement districts authorized by this section.

NEW SECTION. Sec. 22. 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. 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 Senate April 25, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 314

[Senate Bill No. 3196]

NOTARIES PUBLIC—BOND—FEE

AN ACT Relating to notaries public; and amending section 3, page 473, Laws of 1890 as amended by section 1, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.030.

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

Section 1. Section 3, page 473, Laws of 1890 as amended by section 1, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.030 are each amended to read as follows:

Before a commission shall issue to the person appointed he shall—(1) execute a bond, payable to the state of Washington, in the sum of ~~((one))~~ ten thousand dollars, with sureties to be approved by the county clerk of the county in which the applicant resides, conditioned for the faithful discharge of the duties of his office; (2) pay into the state treasury the sum of ten dollars for ~~((special state library fund [state general fund]))~~ the state general fund, taking the treasurer's receipt therefor; (3) procure a seal or stamp, on which shall be engraved or impressed the words "Notary Public" and "State of Washington", and date of expiration of his commission, with surname in full, and at least the initials of his Christian name; (4) to take and subscribe the oath of office required of state officers; (5) file the said oath of office, bond and treasurer's receipt in the office of the secretary of state, and before performing any official acts, shall file in the office of the secretary of state a clear impression of his official seal or stamp, which seal or stamp shall be approved by the governor: PROVIDED, That if a stamp is used the following requirements shall apply:

- (1) The type shall be a minimum of 8 point type.
- (2) The stamp shall be two inches minimal in diameter.
- (3) The imprint shall be affixed with indelible ink only.
- (4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted.

Passed the Senate February 25, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 315

[Engrossed Substitute Senate Bill No. 3669]

URBAN ARTERIAL BOARD—MEMBERS—FUND APPORTIONMENT— BOND RETIREMENT—APPROPRIATION

AN ACT Relating to urban arterials; amending section 12, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.060; amending section 14, chapter 83, Laws of 1967 ex. sess. as last amended by section 1, chapter 5, Laws of 1979 and RCW 47.26.080; amending section 18, chapter 83, Laws of 1967 ex. sess. as last amended by section 8, chapter 85, Laws of 1971 ex. sess. and RCW 47.26.120; amending section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 162, chapter 151, Laws of 1979 and RCW 47.26.190; amending section 3, chapter 5, Laws of 1979 and RCW 47.26.420; amending section 46, chapter 83, Laws of 1967 ex. sess. as last amended by section 4, chapter 5, Laws of 1979 and RCW 47.26.421; amending section 47, chapter 83, Laws of 1967 ex. sess. as amended by section 5, chapter 5, Laws of 1979 and RCW 47.26.422; amending section 48, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 5, Laws of 1979 and RCW 47.26.423; amending section 49, chapter 83, Laws of 1967 ex. sess. as last amended by section 7, chapter 5, Laws of 1979 and RCW 47.26.424; amending section 51, chapter 83,

Laws of 1967 ex. sess. as amended by section 10, chapter 5, Laws of 1979 and RCW 47-26.426; amending section 53, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.430; adding a new section to chapter 47.26 RCW to be codified as RCW 47.26.4254; making an appropriation; providing an effective date; and declaring an emergency.

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

Section 1. Section 12, chapter 83, Laws of 1967 ex. sess. and RCW 47-26.060 are each amended to read as follows:

Funds available for expenditure by the ~~((state highway commission))~~ department of transportation pursuant to RCW 46.68.150 shall be apportioned to the five regions for expenditure upon state highways in urban areas in the following manner:

(1) One-third in the ratio which the population of the urban areas of each region bears to the total population of all of the urban areas of the state as last determined by the ~~((state census board))~~ office of financial management;

(2) One-third in the ratio which the vehicle-miles traveled on state highways (other than interstate highways) within the urban areas of each region bears to the total vehicle-miles traveled on all state highways (other than interstate highways) within all urban areas of the state as last determined by the department of ~~((highways))~~ transportation; and

(3) One-third in the ratio which the state highway category A needs on state highways (other than interstate highways) within the urban areas of each region bears to the total category A needs on state highways (other than interstate highways) within all urban areas of the state as last revised by the ~~((state highway commission))~~ department of transportation.

The ~~((state highway commission))~~ department of transportation shall adjust the schedule for apportionment of such funds to the five regions in the manner provided herein prior to the commencement of each biennium.

Sec. 2. Section 14, chapter 83, Laws of 1967 ex. sess. as last amended by section 1, chapter 5, Laws of 1979 and RCW 47.26.080 are each amended to read as follows:

There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for expenses of the urban arterial board, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with RCW 47.26.4252 and section 10 of this 1981 act, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

Sec. 3. Section 18, chapter 83, Laws of 1967 ex. sess. as last amended by section 8, chapter 85, Laws of 1971 ex. sess. and RCW 47.26.120 are each amended to read as follows:

(1) There is hereby created an urban arterial board of thirteen members, six of whom shall be county members, six of whom shall be city members. The chairman shall be the ~~((assistant director of highways for))~~ state aid engineer for the department of transportation.

(2) Of the county members of the board, one member shall be a county engineer from a county of the first class or larger; one member shall be a county engineer from a county of the second class or smaller; one member shall be an engineer occupying the position of county road administration engineer, created by RCW 36.78.060; one member shall be the chairman of the county road administration board created by RCW 36.78.030; one member shall be a county commissioner from a county of the first class or larger; one member shall be a county commissioner from a county of the second class or smaller. All county members of the board, except the county road administration engineer and the chairman of the county road administration board, shall be appointed. Not more than one county member of the board shall be from one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers of cities over twenty thousand population; one shall be a chief city engineer of a city of less than twenty thousand population; two shall be mayors of cities of more than twenty thousand population; and one shall be a mayor of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from one city. For the purposes of this subsection the term chief city engineer shall mean the director of public works in any city in which such a position exists.

(4) Prior to July 1, 1967, the ~~((state highway))~~ transportation commission shall appoint the first appointive county members of the board: Two members to serve two years and two members to serve four years from July 1, 1967.

(5) Prior to July 1, 1967, the ~~((state highway))~~ transportation commission shall appoint the first city members of the board: Three members to serve two years and three members to serve four years from July 1, 1967.

(6) Upon expiration of the original terms subsequent appointments shall be made by the same appointing authority for four year terms except in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes his term of office or is removed therefrom

for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(7) Before appointing any member to the urban arterial board, the ~~((state highway))~~ transportation commission shall request from the executive committee of the Washington state association of counties, in the case of a county member appointment, and from the executive committee of the association of Washington cities, in the case of a city member appointment, recommendations of at least two eligible persons for each appointment to be made. The commission shall give due consideration to the recommendations submitted to it.

(8) Any member of the board, including the chairman, may designate an official representative to serve on the board in his place with the same authority as the member, subject to the conditions and under the circumstances set forth in rules adopted by the board.

Sec. 4. Section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 162, chapter 151, Laws of 1979 and RCW 47.26.190 are each amended to read as follows:

(1) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 for that biennium, except calculations of needs shall be based upon a projection of category A needs for the ensuing six year period as determined by the department of transportation. Except as otherwise provided in subsection (3) of this section, such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects: PROVIDED, That any funds apportioned to a region and expended for a project which was initially authorized by the urban arterial board in a biennium prior to the 1981-1983 biennium will be apportioned in accordance with apportionment percentages for the five regions which were established in the prior biennium. ~~((The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules and regulations of the urban arterial board.))~~

(2) All amounts credited to the urban arterial trust account, except those provided for in subsection (3) of this section and except proceeds from the sale of first authorization bonds and any ~~((funds))~~ excise tax revenues that may be required to repay ~~((such))~~ the three series of urban arterial bonds or the interest thereon when due, after apportionment to each region, shall be divided on the basis of relative population established at the beginning of each biennium by the office of financial management between (a) the group of cities and that portion of those counties within federally approved urban areas and (b) the group of incorporated cities outside the boundaries of federally approved urban areas. Within each region, funds divided between the groups identified under (a) and (b) above shall then be

allocated by the urban arterial board to incorporated cities and counties, as the case may be, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.

(3) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for each of the five regions for the apportionment of the proceeds from the sale of fifteen million dollars of series II bonds and sixteen million dollars of series III bonds authorized by RCW 47.26.420, as now or hereafter amended, in the ratio which the population of the incorporated cities and towns lying outside the boundaries of federally approved urban areas of each region bears to the total population of all incorporated cities and towns of the state lying outside the boundaries of federally approved urban areas, as such populations are determined at the beginning of each biennium by the office of financial management. Such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects under this subsection: PROVIDED, That any funds apportioned to a region and expended for a project which was initially authorized by the urban arterial board in a biennium prior to the 1981-1983 biennium will be apportioned in accordance with apportionment percentages for the five regions which were established in the prior biennium. (~~The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules and regulations of the urban arterial board.~~) Funds apportioned to each region shall be allocated by the urban arterial board to incorporated cities lying outside the boundaries of federally approved urban areas, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.

Sec. 5. Section 3, chapter 5, Laws of 1979 and RCW 47.26.420 are each amended to read as follows:

In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there are hereby authorized for issuance general obligation bonds of the state of Washington, the first authorization of which shall be in the sum of two hundred million dollars, and the second authorization of which, to be known as series II bonds, shall be in the sum of sixty million dollars, and the third authorization of which, to be known as series III bonds, shall be in the sum of one hundred million dollars which shall be issued and sold in such amounts and at such times as determined to be necessary by the state transportation commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made

by the state transportation commission, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state transportation commission.

Sec. 6. Section 46, chapter 83, Laws of 1967 ex. sess. as last amended by section 4, chapter 5, Laws of 1979 and RCW 47.26.421 are each amended to read as follows:

Each of such first authorization bonds (~~(and)~~), series II bonds, and series III bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in Seattle or New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

Sec. 7. Section 47, chapter 83, Laws of 1967 ex. sess. as amended by section 5, chapter 5, Laws of 1979 and RCW 47.26.422 are each amended to read as follows:

The first authorization bonds (~~(and the)~~), series II bonds, and series III bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 and 47.26.425 shall be legal investment for any of the funds of the state, except the permanent school fund.

Sec. 8. Section 48, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 5, Laws of 1979 and RCW 47.26.423 are each amended to read as follows:

The money arising from the sale of the first authorization bonds (~~(and the)~~), series II bonds, and series III bonds shall be deposited in the state treasury to the credit of the urban arterial trust account in the motor vehicle fund, and such money shall be available only for the construction and

improvement of county and city urban arterials, and for payment of the expense incurred in the printing, issuance, and sale of any such bonds.

Sec. 9. Section 49, chapter 83, Laws of 1967 ex. sess. as last amended by section 7, chapter 5, Laws of 1979 and RCW 47.26.424 are each amended to read as follows:

The first authorization ((and)) bonds, series II bonds, and series III bonds shall distinctly 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 such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427 ((and)), 47.26.425, and section 10 of this 1981 act from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any such bonds and the interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all such bonds.

NEW SECTION. Sec. 10. There is added to chapter 47.26 RCW a new section to be codified as RCW 47.26.4254 to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund, subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the urban arterial board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.100 as now existing or hereafter amended, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund

which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the cities and towns pursuant to RCW 46.68.100(1) and to the counties pursuant to RCW 46.68.100(2). Of any additional amounts required in the fiscal year ending June 30, 1982, fifteen percent shall be taken from the counties' distributive share and eighty-five percent from the cities' and towns' distributive share. Of any additional amounts required in each fiscal year thereafter, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period after June 30, 1981, and through the first eleven months of the prior fiscal year as determined by the chairman of the urban arterial board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

Sec. 11. Section 51, chapter 83, Laws of 1967 ex. sess. as amended by section 10, chapter 5, Laws of 1979 and RCW 47.26.426 are each amended to read as follows:

At least one year prior to the date any interest is due and payable on such first authorization bonds (~~and~~), series II bonds, and series III bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.425 (~~and~~), 47.26.4252, and section 10 of this 1981 act the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer, subject to RCW 47.26.425, 47.26.4252, and section 10 of this 1981 act, shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the highway bond retirement fund, maintained in the office of the state treasurer, which fund shall be available for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee

forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

Sec. 12. Section 53, chapter 83, Laws of 1967 ex. sess. and RCW 47-.26.430 are each amended to read as follows:

Notwithstanding the provisions of RCW 47.26.190 and 47.26.240, the urban arterial board may, in any biennium, subject to proper appropriations, approve expenditures from the urban arterial trust account for construction of projects on urban arterials within a region, the total amount of which including bond proceeds, exceeds the amount apportionable during the biennium to the region. The total amounts apportioned to each region through ((1985)) 1990 shall meet the apportionment requirements of RCW 47.26.190 and 47.26.240 for such period.

NEW SECTION. Sec. 13. There is appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1983, the sum of thirty-five million dollars, or so much thereof as may be necessary, to carry out section 5 of this act: PROVIDED, That the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of bonds authorized by section 5 of this act and deposited to the credit of the urban arterial trust account in the motor vehicle fund.

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, 1981.

Passed the Senate April 24, 1981.

Passed the House April 26, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 316

[Engrossed Substitute Senate Bill No. 3699]

STATE HIGHWAY BONDS

AN ACT Relating to state highway bonds; amending section 1, chapter 180, Laws of 1979 ex. sess. and RCW 47.10.790; adding new sections to chapter 47.10 RCW; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. (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 (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.

NEW SECTION. Sec. 2. Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by section 1 of this act in accordance with chapter 39.42 RCW. The amount of such bonds issued and sold under sections 1 through 9 of this act in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in section 1 of this act. The amount of bonds issued and sold under section 1(1)(a) of this act in any biennium shall not exceed the amount required to match federal-aid interstate funds apportioned to the state of Washington under 23 U.S.C. Sec. 104 and available for obligation. The transportation commission shall give notice of its intent to sell bonds to the legislative transportation committee at least forty-five days before requesting the state finance committee to issue and sell bonds authorized by section 1(1)(a) of this act.

NEW SECTION. Sec. 3. The proceeds from the sale of the bonds authorized by section 1 of this act shall be deposited in the motor vehicle fund, and such proceeds shall be available only for the purposes enumerated in section 1 of this act, 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. 4. Bonds issued under section 1 of this act shall distinctly 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 such principal and interest as the same shall

become due. The principal of and interest on such bonds shall be first payable in the manner provided in sections 1 through 9 of this act from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under sections 1 through 9 of this act, and the legislature hereby agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under sections 1 through 9 of this act.

NEW SECTION. Sec. 5. Any funds required to repay the bonds authorized by section 1 of this act or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state for expenditure pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

NEW SECTION. Sec. 6. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of such bonds, the state finance committee shall estimate, subject to section 5 of this act, the percentage of the receipts in money of the motor vehicle fund resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments when due and shall notify the treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the highway bond retirement fund heretofore created in the state treasury, which funds shall be available solely for payment of the principal of and interest on the bonds when due. If in any month it shall appear that the estimated percentage of moneys so made is insufficient to meet the requirements for payment of the principal thereof or interest thereon, the treasurer shall notify the state finance committee forthwith, and the committee shall adjust its estimates so that all requirements for the interest on and principal of all bonds issued shall be fully met at all times.

NEW SECTION. Sec. 7. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the highway bond retirement fund shall prove more than is required for the payment of interest on bonds when due, or current retirement bonds,

any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

NEW SECTION. Sec. 8. The bonds authorized in sections 1 through 9 of this act constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 9. Bonds issued under authority of sections 1 through 9 of this act and any subsequent general obligation bonds of the state of Washington which may be authorized and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

Sec. 10. Section 1, chapter 180, Laws of 1979 ex. sess. 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.

(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.

NEW SECTION. Sec. 11. (1) There is appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1983, the sum of seventy million dollars, or so much thereof as may be necessary, to carry out section 1(1)(a) of this act: PROVIDED, That the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of bonds authorized by section 1(1)(a) of this act and deposited to the credit of the motor vehicle fund.

(2) There is appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1983, the sum of fifty million dollars, or so much thereof as may be necessary, to carry out section 1(1)(b) of this act: **PROVIDED**, That the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of bonds authorized by section 1(1)(b) of this act and deposited to the credit of the motor vehicle fund.

NEW SECTION. Sec. 12. Sections 1 through 9 of this act shall be added to chapter 47.10 RCW.

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.

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 immediately.

Passed the Senate April 26, 1981.

Passed the House April 26, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 317

[Engrossed Substitute Senate Bill No. 3104]

TRANSPORTATION BUDGET

AN ACT Relating to transportation; making appropriations and authorizing expenditures for the operations and capital improvements of the state department of transportation, the urban arterial board, the board of pilotage commissioners, the Washington state patrol, the vehicle equipment safety commission, the traffic safety commission, and the county road administration board for the period ending June 30, 1983; and declaring an emergency.

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

NEW SECTION. Section 1. (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, 1983.

NEW SECTION. Sec. 2. **FOR THE TRAFFIC SAFETY COMMISSION**

| | | |
|---|----|-----------|
| Highway Safety Fund Appropriation—State | \$ | 197,920 |
| Highway Safety Fund Appropriation—Federal | \$ | 8,600,012 |
| Total Appropriation | \$ | 8,797,932 |

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

| | | |
|---|----|--------|
| General Fund—Pilotage Account Appropriation—State | \$ | 55,000 |
|---|----|--------|

The appropriation contained in this section is appropriated to carry out chapter 88.16 RCW.

NEW SECTION. Sec. 4. FOR THE URBAN ARTERIAL BOARD

| | | |
|---|----|------------|
| Motor Vehicle Fund—Urban Arterial Trust Account Appropriation—State | \$ | 33,960,800 |
|---|----|------------|

The appropriation contained in this section is provided for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads, and streets and is subject to the following conditions and limitations:

(1) The appropriation includes \$10,000,000 from the proceeds of the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427.

(2) During the 1981–83 biennium, the urban arterial board shall not authorize any additional projects which in the board's judgment cannot be placed under contract for construction within eighteen months of authorization.

(3) If House Bill No. 452 is enacted and if a Series III urban arterial bond program is not authorized in the 1981 regular session of the legislature, the \$33,960,800 appropriation in this section shall be reduced to \$33,560,800 and such appropriation shall be made to the department of transportation.

NEW SECTION. Sec. 5. FOR THE COUNTY ROAD ADMINISTRATION BOARD

| | | |
|--|----|---------|
| Motor Vehicle Fund Appropriation | \$ | 254,208 |
|--|----|---------|

NEW SECTION. Sec. 6. FOR THE STATE PATROL

| | | |
|---|----|-------------|
| General Fund Appropriation—State | \$ | 13,433,985 |
| Motor Vehicle Fund Appropriation—State | \$ | 90,391,815 |
| Highway Safety Fund Appropriation—State | \$ | 9,000 |
| Total Appropriation | \$ | 103,834,800 |

The appropriations contained in this section are subject to the following conditions and limitations:

(1) The highway safety fund appropriation in this section is provided for the vehicle equipment safety commission.

(2) If either Substitute Senate Bill No. 3357 or Substitute Senate Bill No. 4283 is enacted during the 1981 regular session of the legislature, the motor vehicle fund appropriation shall be made from the state patrol highway account in the motor vehicle fund.

(3) If House Bill No. 603 is enacted during the 1981 session of the legislature, the general fund...state appropriation contained in this section shall be reduced by \$1,064,000.

NEW SECTION. Sec. 7. FOR THE TRANSPORTATION COMMISSION

| | | |
|--|----|---------|
| General Fund—Aeronautics Account Approp- riation—State | \$ | 390 |
| General Fund Appropriation—State | \$ | 3,150 |
| Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation— State | \$ | 22,380 |
| Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation— State | \$ | 49,710 |
| Motor Vehicle Fund Appropriation—State | \$ | 324,370 |
| Total Appropriation | \$ | 400,000 |

The appropriations contained in this section are contingent on the enactment of House Bill No. 75 during the 1981 regular session of the legislature. If House Bill No. 75 is enacted, the transportation commission shall submit to the legislative transportation committee prior to December 15, 1981, a detailed six-year plan for implementing House Bill No. 75. Upon legislative transportation committee approval of the plan, the department of transportation may transfer from any motor vehicle fund appropriation contained in sections 9 through 19 of this act sufficient amounts to implement the plan. If House Bill No. 75 is not enacted during the 1981 regular session of the legislature, \$300,000 of this appropriation may be expended for executive management under Programs S and Z, and \$100,000 of this appropriation may be expended for highway construction under Program B.

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT—PROGRAM Z—MANAGEMENT SERVICES—PROGRAM S

| | | |
|--|----|---------|
| General Fund—Aeronautics Account Approp- riation—State | \$ | 8,722 |
| General Fund Appropriation—State | \$ | 74,000 |
| Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation— State | \$ | 525,462 |
| Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation— | | |

| | | |
|--|----|------------|
| State | \$ | 441,773 |
| Motor Vehicle Fund Appropriation—State | \$ | 15,417,283 |
| Total Appropriation | \$ | 16,467,240 |

The appropriations contained in this section are provided for executive management, management services, and support costs of the department of transportation. The department of transportation may transfer any portion of the motor vehicle fund appropriations in this section between Programs S and Z.

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND SUPPORT—PROGRAM P

| | | |
|--|----|-----------|
| Motor Vehicle Fund Appropriation—State | \$ | 9,383,000 |
|--|----|-----------|

The appropriation contained 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. 10. FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D

| | | |
|--|----|------------|
| Motor Vehicle Fund Appropriation—State | \$ | 14,908,000 |
|--|----|------------|

The appropriation contained in this section is provided for the improvement and construction of buildings and other highway plant construction, for management and support to the highway construction programs, and for administrative support necessary to support cities and counties in obtaining federal aid.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T

(1) For public transportation and rail programs:

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 815,570 |
| General Fund Appropriation—Federal | \$ | 9,839,000 |
| General Fund Appropriation—Local | \$ | 185,000 |

(2) For planning and research:

| | | |
|--|----|------------|
| Motor Vehicle Fund Appropriation—State | \$ | 5,192,909 |
| Motor Vehicle Fund Appropriation—Federal | \$ | 6,320,000 |
| Total Public Transportation and Planning Appropriation | \$ | 22,352,479 |

The appropriations contained 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 state loans for formation of public transportation districts, for studies which

support local public transportation programs, for maintenance of the state transportation plan, for highway planning and research by the department of transportation, and for research and studies approved by the department of transportation and the legislative transportation committee.

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W

| | |
|--|----------------|
| Motor Vehicle Fund—Puget Sound Reserve | |
| Account Appropriation—State | \$ 4,050,900 |
| Motor Vehicle Fund—Puget Sound Ferry | |
| Operations Account Appropriation— | |
| State | \$ 67,300,000 |
| Motor Vehicle Fund—Puget Sound Capital | |
| Construction Account—State | \$ 67,420,000 |
| Motor Vehicle Fund—Puget Sound Capital | |
| Construction Account Appropriation— | |
| Federal | \$ 10,080,000 |
| Total Appropriation | \$ 148,850,900 |

The appropriations contained 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 \$39,400,000 transferred from the Puget Sound capital construction account in accordance with RCW 47.60.505.
- (3) The Puget Sound ferry operations account appropriation includes \$5,400,000 to offset the loss of tolls on the Hood Canal bridge until the bridge is open to traffic, and for maintenance and operation of the existing portion of the Hood Canal bridge.
- (4) The Puget Sound capital construction account appropriations are 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 \$55,000,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560. In the event anticipated federal funds contained in this section do not become available, the state funds appropriation in this section from the Puget Sound capital construction account shall be increased by

\$10,000,000 from the proceeds of a corresponding increase in the sale of bonds authorized by RCW 47.60.560.

(5) The department of transportation may direct the state treasurer to transfer an amount less than \$39,400,000 from the Puget Sound capital construction account to the Puget Sound ferry operations account if the department of transportation, in consultation with the legislative transportation committee, determines that less subsidy for maintenance and operations of the ferries is required.

(6) The department of transportation may transfer any appropriation contained in this section, subject to the prior approval of the transportation commission.

(7) The ferry operations account appropriation provided by this section is contingent upon providing discounted fares at the rates and on the terms and conditions in effect for ferry system patrons on December 31, 1980. In restoring the rates and policies regarding discounted fares in effect on that date, the commission may provide for such additional discounts as it deems warranted, but in no case shall any of the discounts which were provided on December 31, 1980, be reduced or eliminated during the remainder of this biennium.

NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF TRANSPORTATION—HOOD CANAL BRIDGE

| | | |
|----------------------------------|----|-------------|
| Motor Vehicle Fund—State | \$ | 8,300,000 |
| Motor Vehicle Fund—Federal | \$ | 134,700,000 |
| Total Appropriation | \$ | 143,000,000 |

The appropriations contained in this section are provided for reconstruction of the Hood Canal bridge on state route 104 and for maintaining transportation services associated with the bridge failure. The appropriations are subject to the following conditions and limitations:

(1) The motor vehicle fund—state appropriation is provided for maintenance and operation of alternate transportation services across Hood Canal and for location, design, right of way, and construction of the Hood Canal bridge, and for capital projects necessary to maintain transportation service across Hood Canal and Puget Sound and on the Olympic and Kitsap peninsulas until the Hood Canal bridge is open to traffic. The motor vehicle fund—state appropriation includes \$8,000,000 of earnings from the investment of Hood Canal bridge insurance proceeds, or so much thereof as may be required to match federal bridge replacement funds: PROVIDED, That if the Hood Canal bridge insurance proceeds together with earnings of the proceeds are placed in the Hood Canal bridge account in the motor vehicle fund pursuant to the enactment of either Substitute House Bill No. 106 or Substitute Senate Bill No. 3063, then the \$8,000,000 of investment earnings referred to in this subsection, or so much thereof as may be required to reimburse the motor vehicle fund for expenditures used to match

federal bridge replacement funds expended for reconstruction of the Hood Canal bridge, shall be transferred from the Hood Canal bridge account to the motor vehicle fund: PROVIDED FURTHER, That \$300,000 of state funds, or so much thereof as may be necessary, shall be transferred from the Puget Sound capital construction account to the motor vehicle fund to reimburse the motor vehicle fund for capital costs associated with the Hood Canal bridge failure which are not eligible for federal participation.

(2) The motor vehicle fund appropriation of federal funds shall include \$2,500,000 for maintenance and operations of alternate transportation services across Hood Canal and Puget Sound and on the Olympic and Kitsap peninsulas while traffic flow is not permitted across the Hood Canal bridge.

(3) The department of transportation may reduce the state funds and increase by a like amount the federal funds contained in the appropriations described in subsections (1) and (2) of this section or may increase the state funds and decrease by a like amount the federal funds contained in the appropriations described in subsections (1) and (2) of this section to properly reflect the total amount of federal funds available to the state for assistance in restoring transportation services disrupted by the loss of the Hood Canal bridge. The department of transportation shall obtain the approval of the office of financial management and the legislative transportation committee prior to reducing or increasing either the state funds or the federal funds contained in these appropriations. The department of transportation may transfer any portion of the motor vehicle fund appropriations for construction, subsection (1) of this section, and for maintenance and operations, subsection (2) of this section, for the Hood Canal bridge between subsections (1) and (2).

NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

| | | |
|--|----|-----------|
| General Fund—Aeronautics Account Appropriation—State | \$ | 3,235,000 |
| General Fund—Aeronautics Account Appropriation—Federal | \$ | 25,000 |
| Total Appropriation | \$ | 3,260,000 |

The appropriations contained 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, and the search and rescue program. \$2,100,000 of the aeronautics account—state appropriation is contingent on the enactment of Senate Bill No. 3946 during the 1981 regular session of the legislature.

NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F

General Fund—Search and Rescue Account

Appropriation—State \$ 105,000

The appropriation contained 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. 16. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation—State \$ 141,060,000
 Motor Vehicle Fund Appropriation—Local \$ 2,407,000
 Total Appropriation \$ 143,467,000

The appropriations contained in this section are for the maintenance and operations of state highways, maintenance and operations of highway plants, and associated management and support.

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A

Motor Vehicle Fund Appropriation—State \$ 139,060,000
 Motor Vehicle Fund Appropriation—Federal
 and Local \$ 153,720,000
 Total Appropriation \$ 292,780,000

The appropriations contained 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.

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM B

Motor Vehicle Fund Appropriation—State \$ 2,000,000
 Motor Vehicle Fund Appropriation—Federal
 and Local \$ 368,760,000
 Total Appropriation \$ 370,760,000

The appropriations contained 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. Estimated expenditures of \$17,300,000 (consisting of \$2,000,000 of state funds consisting of the proceeds from the sale of bonds authorized by RCW 47.10.790, and \$15,300,000 of federal and local funds) are included in this appropriation for SR 90 from SR 5 to SR 405. Such estimated expenditures are subject to revision pursuant to section 24 of this act. If sufficient federal funds become available for construction of SR 90 from SR 5 to SR 405, and/or SR 5 (Olympia Freeway), and/or SR 705 (Tacoma Spur) in the 1981–1983 biennium, the appropriation in this section shall be increased by

\$20,000,000 in state funds from the motor vehicle fund, or as much thereof as may be necessary, from the sale of bonds authorized by RCW 47.10.790 for state matching funds for construction of SR 90 from SR 5 to SR 405. It is the understanding of the legislature that the department of transportation would obtain the additional expenditure authorization for federal funds through the unanticipated receipts procedure as outlined in RCW 43.79.020.

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

| | | |
|--|----|------------|
| Motor Vehicle Fund Appropriation—State | \$ | 10,937,000 |
| Motor Vehicle Fund Appropriation—Local | \$ | 3,000 |
| Total Appropriation | \$ | 10,940,000 |

The appropriations contained 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.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF TRANSPORTATION—COUNTY-CITY PROGRAM—PROGRAM R

| | | |
|---|----|-------------|
| Motor Vehicle Fund Appropriation—State | \$ | 1,638,578 |
| Motor Vehicle Fund Appropriation—Federal and Local | \$ | 175,363,422 |
| Total Appropriation | \$ | 177,002,000 |

The appropriations contained 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 \$497,578 of state funds and \$168,402,422 of federal and local funds for reimbursable expenditures for the location, design, right of way, and construction on city streets and county roads and other nonstate highways, including the reconstruction of the West Seattle bridge and 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 and \$886,000 of local funds for reimbursable expenditures for maintenance on city streets, county roads, and other nonstate highways and for expenditures in accordance with RCW 47.56.720.

(3) The appropriations contain \$900,000 of state funds 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 \$6,075,000 of local funds for miscellaneous sales and services to others.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION

General Fund Appropriation—Federal \$ 1,200,000

The appropriation contained in this section is provided for supportive services to off-the-job training programs for minority construction workers and for minority contractors' training programs: PROVIDED, That this appropriation or so much thereof as may be necessary shall be expended on or before June 30, 1983, and shall be fully reimbursable from federal funds.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund—RV Account Appropriation Transfer—State: For transfer to the Motor Vehicle Fund \$ 657,000

The appropriation transfer contained in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on federal-aid highways. This appropriation is part of the motor vehicle fund construction and maintenance appropriations.

NEW SECTION. Sec. 23. FOR THE STATE PATROL

If Substitute Senate Bill No. 3357 or Substitute Senate Bill No. 4283 is enacted during the 1981 regular session of the legislature, the motor vehicle fund appropriations in this section shall be made from the state patrol highway account in the motor vehicle fund.

(1) To construct and equip a port-of-entry weigh station, Plymouth.

| | Reappropriation | Appropriation |
|----------------------------|-----------------|---------------|
| Motor Vehicle Fund—State | 125,000 | |
| Motor Vehicle Fund—Federal | | 402,600 |
| Project | Estimated | Estimated |
| Costs | Costs | Total |
| Through | 7/1/83 and | Costs |
| 6/30/81 | Thereafter | |
| 60,000 | | 587,600 |

(2) To provide for emergency repairs at various radio communication relay sites.

| | Reappropriation | Appropriation |
|--------------------------|-----------------|---------------|
| Motor Vehicle Fund—State | | 44,800 |
| Project | Estimated | Estimated |

| | | |
|-----------------------------|-----------------------------------|----------------|
| Costs Through 6/30/81 | Costs 7/1/83 and Thereafter | Total Costs |
| | | 44,800 |

(3) To renovate and remodel existing facilities at various locations.

| | | |
|--|--|-----------------------------|
| | Reappropriation | Appropriation |
| Motor Vehicle Fund—State | | 120,000 |
| Project Costs Through 6/30/81 | Estimated Costs 7/1/83 and Thereafter | Estimated Total Costs |
| | | 120,000 |

(4) To construct high- and low-speed pursuit and basic skill development course, Shelton Training Academy: PROVIDED, The state patrol shall submit to the legislative transportation committee prior to December 15, 1981, a detailed analysis of future requirements for an expanded driving course at the Shelton Training Academy.

| | | |
|--|--|-----------------------------|
| | Reappropriation | Appropriation |
| Motor Vehicle Fund—State | | 600,000 |
| Project Costs Through 6/30/81 | Estimated Costs 7/1/83 and Thereafter | Estimated Total Costs |
| | | 600,000 |

(5) To renovate existing space and install equipment for vehicle mechanical service and repair shop, Bellevue.

| | | |
|--|--|-----------------------------|
| | Reappropriation | Appropriation |
| Motor Vehicle Fund—State | | 59,100 |
| Project Costs Through 6/30/81 | Estimated Costs 7/1/83 and Thereafter | Estimated Total Costs |
| | | 59,100 |

NEW SECTION. Sec. 24. (1) The department of transportation may transfer any motor vehicle fund appropriations contained in sections 8 through 11 of this act into sections 16 through 19, and motor vehicle fund

appropriations contained in sections 16 through 19 may be transferred between programs for expenditure.

(2) The department of transportation shall submit amended allotment forms which reflect the operating budget adopted by the transportation commission to the office of financial management in accordance with the budget and accounting act, chapter 43.88 RCW.

NEW SECTION. Sec. 25. The legislature recognizes the economic importance to the state of attracting new environmentally suitable high-technology industrial development, and that the availability of transportation services is a significant factor in locating such industries. In furtherance of the provisions and objectives of House Concurrent Resolution No. 17, passed by the 1981 regular session of the legislature, the transportation commission and department of transportation shall, therefore, lend their cooperation and allocate so much of the funds provided by sections 17 through 19 of this act as are reasonably necessary to fund the state's fair share of the improvements contemplated by House Concurrent Resolution No. 17.

NEW SECTION. Sec. 26. Whenever allocations are made from the governor's emergency 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. 27. (1) Funds appropriated under this act for both years of the fiscal biennium shall be initially allotted so that the total allotments for the first fiscal year do not exceed fifty percent of the total appropriation, unless the director of financial management determines that greater allotments for the first fiscal year are required by special circumstances. Allotments may be revised as provided in RCW 43.88.110, but the portion of an appropriation which has been initially allotted for the first fiscal year shall lapse at the end of the first fiscal year.

This section does not apply to allotments for agencies headed by elective officials.

NEW SECTION. Sec. 28. Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(1) "Provided solely" means that the specified amount may be spent only for the specified purpose. Unless otherwise stated in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(2) "Lapse" means the termination of authority to spend an appropriation or portion of an appropriation.

(3) "FTE" means full time equivalent. FTE staff years specified in this act shall not be exceeded except with the written authorization of the director of financial management. The director of financial management shall grant authority to exceed specified FTE staff years only in cases of severe unanticipated need and shall report each authorization to the legislative budget committee, the legislative evaluation and accountability program committee, and the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 29. Any rate increases proposed for the legal services revolving fund or the general administration facilities and services revolving fund, or any change in the method of calculating changes from those funds, shall be subject to approval by the director of financial management prior to implementation.

NEW SECTION. Sec. 30. The motor vehicle fund revenues, including revenues from staggered licensing, 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. 31. 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. 32. 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 26, 1981.

Passed the House April 26, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 318

[Senate Bill No. 3776]

VEHICLE TRIP PERMITS

AN ACT Relating to vehicle trip permits; amending section 46.16.160, chapter 12, Laws of 1961 as last amended by section 5, chapter 22, Laws of 1977 ex. sess. and RCW 46.16.160; amending section 2, chapter 136, Laws of 1979 ex. sess. as amended by section 7, chapter 148, Laws of 1980 and RCW 46.63.020; adding a new section to chapter 46.16 RCW; defining crimes; and providing penalties.

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

Section 1. Section 46.16.160, chapter 12, Laws of 1961 as last amended by section 5, chapter 22, Laws of 1977 ex. sess. and RCW 46.16.160 are each amended to read as follows:

~~((Any commercial vehicle bearing valid license plates and a registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a full or proportional motor vehicle license in this state may, in lieu of a certificate of ownership and license registration, be issued a permit. Such permit shall be valid for the conduct of interstate operations only and shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director or his designated agent on forms provided by the director. On receiving such application, together with fees as provided herein, a permit may be issued for a period of not to exceed two hundred forty consecutive hours. PROVIDED, HOWEVER, That no permit shall be issued for any period less than twenty-four consecutive hours.~~

The director, or his designated agent, shall be authorized to issue a further permit on the same vehicle or combination of vehicles upon the expiration of any permit issued for a period less than two hundred forty consecutive hours. PROVIDED, Such further permit does not extend the duration thereof to exceed two hundred forty consecutive hours on any series of consecutive permits issued for such vehicle or combination of vehicles. PROVIDED, FURTHER, That no permit, or series of permits, shall be issued for any period exceeding two hundred forty consecutive hours within any period of thirty days.

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the department may issue a special permit therefor upon an application presented in such form as shall be approved by the department. Such permit shall be for one transit only as set forth in the application. PROVIDED, That a special permit or one transit permit shall be issued for movement of a mobile home as defined in RCW 46.04.302 as now or hereafter amended, pursuant to RCW 46.44.170.

For each permit issued to a vehicle or a combination of vehicles the director, or his designated agent, shall assess an administrative charge of five dollars per permit plus the following fees for each period of twenty-four consecutive hours covered by such permit:

Vehicles or combinations of vehicles with gross weights as declared by applicant of:

| | | |
|--------------|------------------|--------|
| 0 | 9,999 lbs. | \$0.50 |
| 10,000 | 19,999 lbs. | \$1.00 |
| 20,000 | 29,999 lbs. | \$1.50 |
| 30,000 | 35,999 lbs. | \$2.00 |
| 36,000 | 45,999 lbs. | \$2.50 |

| | | |
|-------------------|------------------------|-------------------|
| 46,000 | 59,999 lbs. | \$3.00 |
| 60,000 | 71,999 lbs. | \$4.00 |
| 72,000 | 75,999 lbs. | \$6.00 |
| 76,000 | 80,000 lbs. | \$8.00 |

~~These fees shall not be subject to quarterly reduction as provided in RCW 46.16.130. Such vehicles will be subject to all of the laws, rules, and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if the vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession.~~

~~The director shall have the authority to adopt rules and regulations whereby such permits can be issued to qualifying operators in advance of use and paid for as used.~~

~~All fees collected under the provisions of this chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit of the motor vehicle fund.))~~

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of ownership, license registration, and gross weight or load license if applicable. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the gross weight or load license currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) Blank trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) All administrative fees and excise taxes collected under the provisions of this chapter shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

Sec. 2. Section 2, chapter 136, Laws of 1979 ex. sess. as amended by section 7, chapter 148, Laws of 1980 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;
- ~~((7))~~ (8) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- ~~((8))~~ (9) RCW 46.20.342 relating to driving with a suspended or revoked license;
- ~~((9))~~ (10) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- ~~((10))~~ (11) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- ~~((11))~~ (12) Chapter 46.29 RCW relating to financial responsibility;
- ~~((12))~~ (13) RCW 46.48.175 relating to the transportation of dangerous articles;
- ~~((13))~~ (14) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- ~~((14))~~ (15) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- ~~((15))~~ (16) RCW 46.52.090 relating to reports by repairmen, storage-men, and appraisers;
- ~~((16))~~ (17) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- ~~((17))~~ (18) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- ~~((18))~~ (19) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- ~~((19))~~ (20) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- ~~((20))~~ (21) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- ~~((21))~~ (22) RCW 46.61.500 relating to reckless driving;
- ~~((22))~~ (23) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- ~~((23))~~ (24) RCW 46.61.520 relating to negligent homicide by motor vehicle;
- ~~((24))~~ (25) RCW 46.61.525 relating to negligent driving;
- ~~((25))~~ (26) RCW 46.61.530 relating to racing of vehicles on highways;
- ~~((26))~~ (27) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- ~~((27))~~ (28) RCW 46.64.020 relating to nonappearance after a written promise;

~~((28))~~ (29) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((29))~~ (30) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((30))~~ (31) 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;

~~((31))~~ (32) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((32))~~ (33) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((33))~~ (34) Chapter ~~((46.83))~~ 46.82 RCW relating to driver's training schools.

Passed the Senate April 2, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 319

[Engrossed Substitute Senate Bill No. 3388]

PUBLIC TRANSPORTATION—COUNTY AMBULANCE SERVICE—COUNTY FARE ADJUSTMENTS—MUNICIPAL TAX PROCEEDS

AN ACT Relating to county transportation authorities; amending section 1, chapter 167, Laws of 1974 ex. sess. as amended by section 39, chapter 151, Laws of 1979 and RCW 36.57-.010; amending section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.040; and amending section 14, chapter 255, Laws of 1969 ex. sess. as amended by section 3, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.279.

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

Section 1. Section 1, chapter 167, Laws of 1974 ex. sess. as amended by section 39, chapter 151, Laws of 1979 and RCW 36.57.010 are each amended to read as follows:

For the purposes of this chapter (~~and RCW 82.14.047~~) the following definitions shall apply:

(1) "Authority" means the county transportation authority created pursuant to this chapter (~~and RCW 82.14.047~~).

(2) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of financial management.

(3) "Public transportation function" means the transportation of passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems, and may include contracting for the provision of ambulance services for the transportation of the sick and injured: PROVIDED, That such contracting for ambulance services

shall not include the exercise of eminent domain powers: PROVIDED, FURTHER, That nothing shall prohibit an authority from leasing its buses to private certified carriers or prohibit the county from providing school bus service.

Sec. 2. Section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57-.040 are each amended to read as follows:

Every county transportation authority created to perform the function of public transportation pursuant to RCW 36.57.020 shall have the following powers:

(1) To prepare, adopt, carry out, and amend a general comprehensive plan for public transportation service.

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of any transportation facilities and properties, including terminal and parking facilities, together with all lands, rights of way, property, equipment, and accessories necessary for such systems and facilities.

(3) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service. Fares or charges may be adjusted or eliminated for any distinguishable class of users including, but not limited to senior citizens, handicapped persons, and students.

(4) (~~in the event~~) If a county transit authority (~~shall~~) extends its transportation function to any area in which service is already offered by any company holding a certificate of public convenience and necessity from the Washington utilities and transportation commission under RCW 81.68-.040, (~~it may~~) to acquire by purchase or condemnation at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation, or (~~it may~~) to contract with such person or corporation to continue to operate such service or any part thereof for time and upon such terms and conditions as provided by contract.

(5) (a) To contract with the United States or any agency thereof, any state or agency thereof, any metropolitan municipal corporation, any other county, city, special district, or governmental agency and any private person, firm, or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction, operation, or maintenance of transportation facilities and ambulance services: PROVIDED, That before the authority enters into any such contract for the provision of ambulance service, it shall submit to the voters a proposition authorizing such contracting authority, and a majority of those voting thereon shall have approved the proposition; and

(b) To contract with any governmental agency or with any private person, firm, or corporation for the use by either contracting party of all or any

part of the facilities, structures, lands, interests in lands, air rights over lands, and rights of way of all kinds which are owned, leased, or held by the other party and for the purpose of planning, constructing, or operating any facility or performing any service related to transportation which the county is authorized to operate or perform, on such terms as may be agreed upon by the contracting parties: PROVIDED, That before any contract for the lease or operation of any transportation facilities shall be let to any private person, firm, or corporation, competitive bids shall first be called for and contracts awarded in accord with the procedures established in accord with RCW 36.32.240, 36.32.250, and 36.32.270.

(6) In addition to all other powers and duties, an authority shall have the power to own, construct, purchase, lease, add to, and maintain any real and personal property or property rights necessary for the conduct of the affairs of the authority. An authority may sell, lease, convey, or otherwise dispose of any authority real or personal property no longer necessary for the conduct of the affairs of the authority. An authority may enter into contracts to carry out the provisions of this section.

Sec. 3. Section 14, chapter 255, Laws of 1969 ex. sess. as amended by section 3, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.279 are each amended to read as follows:

All taxes levied and collected under RCW 35.58.273 shall be credited to a special fund in the treasury of the municipality imposing such tax. Such taxes shall be levied and used solely for the purpose of paying all or any part of the cost of acquiring, constructing, equipping or operating a publicly owned mass transportation system, or contracting for the services thereof, or to pay or secure the payment of all or part of the principal of or interest on any general obligation bonds or revenue bonds issued for public transportation capital purposes and until withdrawn for use, the moneys accumulated in such fund or funds may be invested by the treasurer of such municipality in the manner authorized by the legislative body of the municipality.

No municipality may use any of the proceeds of the taxes levied and collected under RCW 35.58.273 for the purpose of financing ambulance services nor shall the expenditure of sales and use tax authorized pursuant to RCW 82.14.045 for ambulance services be counted as locally generated tax revenues for apportionment and distribution of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, in the manner prescribed by chapter 82.44 RCW as now or hereafter amended.

If any of the revenue from any such special excise tax shall have been pledged by any municipality to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw from the municipality the authority to levy and collect the tax. After August 11, 1969, any municipality is authorized to pledge that the tax authorized by RCW 35.58.273 shall be levied, collected and applied as provided by law to pay or secure the payment of any bonds issued by

such municipality after such date but before May 14, 1979, for authorized public transportation purposes.

Passed the Senate April 25, 1981.

Passed the House April 15, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 320

[Substitute Senate Bill No. 3309]

CIVIL IMMUNITY—BUILDING WARDENS—INSURERS, ARSON FIRE—CLAIMS

AN ACT Relating to special immunities; adding a new section to chapter 4.24 RCW; and adding a new section to chapter 48.50 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

No building warden, who acts in good faith, with or without compensation, shall be personally liable for civil damages arising from his or her negligent acts or omissions during the course of assigned duties in assisting others to evacuate industrial, commercial, governmental or multi-unit residential buildings or in attempting to control or alleviate a hazard to the building or its occupants caused by fire, earthquake or other threat to life or limb. The term "building warden" means an individual who is assigned to take charge of the occupants on a floor or in an area of a building during an emergency in accordance with a predetermined fire safety or evacuation plan; and/or an individual selected by a municipal fire chief or the state fire marshal after an emergency is in progress to assist in evacuating the occupants of such a building or providing for their safety. This section shall not apply to any acts or omissions constituting gross negligence or wilful or wanton misconduct.

NEW SECTION. Sec. 2. There is added to chapter 48.50 RCW a new section to read as follows:

In denying a claim resulting from a fire, an insurer who relies upon a written opinion from an authorized agency specifically enumerated in (a) through (e) of RCW 48.50.020(1) that the fire was caused by arson, and that the insured was responsible for the fire, shall not be liable for bad faith or other noncontractual theory of damages as a result of this reliance.

Immunity under this section shall exist only so long as the incident for which the insured may be responsible is under active investigation or prosecution, or the authorized agency states its position that the claim is a result of arson for which the insured was responsible.

Passed the Senate April 25, 1981.

Passed the House April 25, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 321

[Substitute Senate Bill No. 3214]

EARLY MILK (COLOSTRUM)—USE

AN ACT Relating to early milk; and amending section 15.32.160, chapter 11, Laws of 1961 and RCW 15.32.160.

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

Section 1. Section 15.32.160, chapter 11, Laws of 1961 and RCW 15.32.160 are each amended to read as follows:

It is unlawful to sell, offer for sale, or deliver:

(1) Milk or products produced from milk from cows or goats affected with disease or of which the owner thereof has refused official examination and tests for disease; or

(2) Colostrum milk, meaning that produced within ten days before or seven days after parturition, except that colostrum milk from cows that have been tested for brucellosis within sixty days of parturition may be made available to persons having multiple sclerosis, or other persons acting on their behalf, who, at the time of the initial sale, present a form, signed by a licensed physician, certifying that the intended user has multiple sclerosis and that the user releases the provider of the milk from liability resulting from the consumption of the milk. Colostrum milk provided under this section is exempt from meeting the standards for grade A raw milk required by chapter 15.36 RCW.

(3) The department of agriculture shall adopt rules to carry out this section. The rules shall include but not be limited to establishing standards requiring hyper-immunization.

Passed the Senate April 24, 1981.

Passed the House April 15, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 322

[Substitute Senate Bill No. 3726]
PROPERTY TAX DELINQUENCIES

AN ACT Relating to property tax delinquencies; amending section 35, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.100; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; amending section 84.64.030, chapter 15, Laws of 1961 as amended by section 1, chapter 84, Laws of 1972 ex. sess. and RCW 84.64.030; amending section 84.64.050, chapter 15, Laws of 1961 as amended by section 2, chapter 84, Laws of 1972 ex. sess. and RCW 84.64.050; amending section 84.64.080, chapter 15, Laws of 1961 as last amended by section 4, chapter 23, Laws of 1965 ex. sess. and RCW 84.64.080; amending section 84.64.200, chapter 15, Laws of 1961 and RCW 84.64.200; amending section 84.64.270, chapter 15, Laws of 1961 as amended by section 5, chapter 23, Laws of 1965 ex. sess. and RCW 84.64.270; and adding a new section to chapter 19.52 RCW.

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

Section 1. Section 35, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.100 are each amended to read as follows:

Whenever a person's special assessment and/or real property tax obligation is deferred under the provisions of this chapter, it shall become a lien in favor of the state upon his or her property and shall have priority as provided in chapters 35.50 and 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase contract holder who is required to cosign a declaration of deferral under RCW 84.38.090, shall have priority to said deferred lien. This lien may accumulate up to eighty percent of the amount of the claimant's equity value in said property and shall bear interest each year at the ~~((rates prescribed for delinquent taxes in RCW 84.56.020 as now or hereafter amended per year))~~ rate of eight percent until said obligation becomes due and payable under RCW 84.38.130.

Sec. 2. Section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April ~~((in each year, after which date they shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon such unpaid taxes and upon unpaid personal property taxes from the date of delinquency until paid))~~ and shall be delinquent after that date: PROVIDED, That when the total amount of tax on personal property or on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the

said thirtieth day of April, ((then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon said remainder from the date of delinquency until paid: PROVIDED, FURTHER, That when the total amount of personal property taxes falling due in any year, payable by one person, is ten dollars or more, and if one-half of such taxes be paid on or before said thirtieth day of April then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon said remainder from the date of delinquency until paid)) the remainder shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(1) A penalty of three percent shall be assessed on the amount of tax delinquent on May 31st of the year in which the tax is due.

(2) An additional penalty of eight percent shall be assessed on the total amount of tax delinquent on November 30th of the year in which the tax is due.

(3) Penalties under this section shall not be assessed on taxes that were first delinquent prior to 1982.

For purposes of this chapter, "interest" means both interest and penalties.

All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

Sec. 3. Section 84.64.030, chapter 15, Laws of 1961 as amended by section 1, chapter 84, Laws of 1972 ex. sess. and RCW 84.64.030 are each amended to read as follows:

Any time after the expiration of three years from the original date of delinquency of any tax included in a certificate of delinquency, the holder of

any certificate of delinquency may give notice and summons to the owner of the property described in such certificate that he or she will apply to the superior court of the county in which such property is situated for a judgment foreclosing the lien against the property mentioned therein. Such notice and summons shall contain:

(1) The title of the court, the description of the property and the name of the owner thereof, if known, the name of the holder of the certificate, the date thereof, and the amount for which it was issued, the year or years for the delinquent taxes for which it was issued, the amount of all taxes paid for prior or subsequent years, and the rate of interest on said amount.

(2) A direction to the owner summoning him or her to appear within sixty days after service of the notice and summons, exclusive of the day of service, and defend the action or pay the amount due, and when service is made by publication a direction to the owner, summoning him or her to appear within sixty days after the date of the first publication of the notice and summons, exclusive of the day of said first publication, and defend the action or pay the amount due.

(3) A notice that, in case of failure so to do, judgment will be rendered foreclosing the lien of such taxes and costs against the land and premises named.

The notice and summons shall be subscribed by the holder of the certificate of delinquency, or by someone in his or her behalf, and residing within the state of Washington, and upon whom all process may be served.

A copy of said notice and summons shall be delivered to the county treasurer. Thereafter when any owner of real property or person interested therein seeks to redeem as provided in RCW 84.64.070, the treasurer shall ascertain the amount of costs accrued in foreclosing said certificate and include said costs as a part of the redemption required to be paid. Cost incurred for a title search required by RCW 84.64.050 shall be included.

The notice and summons shall be served in the same manner as a summons in a civil action is served in the superior court.

The county treasurer shall not issue certificates of delinquency upon property owned and occupied as a principal place of residence by a person sixty-two years of age or older.

Sec. 4. Section 84.64.050, chapter 15, Laws of 1961 as amended by section 2, chapter 84, Laws of 1972 ex. sess. and RCW 84.64.050 are each amended to read as follows:

After the expiration of (~~five~~) three years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county(~~;~~ and) for all years' taxes, interest, and costs: PROVIDED, That the county treasurer, with the consent of the county legislative authority, may elect to issue a certificate

for fewer than all years' taxes, interest, and costs to a minimum of the taxes, interest, and costs for the earliest year.

The change to a three-year grace period shall first be effective on May 1, 1983. Prior to that date, the county treasurer shall send a notice to all taxpayers with taxes delinquent for two years or more, notifying them of the change in the grace period. The treasurer shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county ((commissioners)) legislative authority shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: PROVIDED, That notice and summons must be served or notice given in a manner reasonably calculated to inform the owner or owners of the foreclosure action. Either (1) personal service upon the owner or owners or (2) publication once in a newspaper of general circulation, which is circulated in the area of the property and mailing of notice by certified mail to the owner or owners or, if a mailing address is unavailable, personal service upon the occupant of the property, if any, is sufficient. In addition to describing the property as the same is described on the tax rolls, the notice must include the local street address, if any. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen days after the first publication thereof, to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made codefendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein, except as provided above. The person or persons whose name or names appear on the treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder: PROVIDED, That, at least thirty days prior to the sale of the property, if such property is shown on the tax rolls under unknown owners or as having an

assessed value of three thousand dollars or more, the treasurer shall order or conduct a title search of the property to be sold to determine the legal description of the property to be sold and the record title holder, and if the record title holder or holders differ from the person or persons whose name or names appear on the treasurer's rolls as the owner or owners, the record title holder or holders shall be considered and treated as the owner or owners of said property for the purpose of this section, and shall be entitled to the notice provided for in this section.

The county treasurer shall not issue certificates of delinquency upon property owned and occupied as a principal place of residence by a person sixty-two years of age or older.

Sec. 5. Section 84.64.080, chapter 15, Laws of 1961 as last amended by section 4, chapter 23, Laws of 1965 ex. sess. and RCW 84.64.080 are each amended to read as follows:

The court shall examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, and interest((s)) and costs thereon, all amendments which by law can be made in any personal action pending in such court shall be allowed, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax list or assessment rolls or on account of the assessment rolls or tax list not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax lists without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to the law by the court. The court shall give judgment for such taxes, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application for judgment or complaint, and such judgment shall be a several judgment

against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court shall order and direct the clerk to make and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. Said order shall be signed by the judge of the superior court and attested by the clerk thereof, and a certified copy of said order, together with the list of the property therein ordered sold, shall be delivered to the county treasurer, and shall be full and sufficient authority for him or her to proceed to sell said property for said sum as set forth in said order and to take such further steps in the matter as are provided by law. The county treasurer shall immediately after receiving the order and judgment of the court proceed to sell the property as provided in this chapter to the highest and best bidder for cash. All sales shall be made at such place on county property as the ~~((board of county commissioners))~~ county legislative authority may direct on Friday between the hours of 9 o'clock in the morning and ~~((4)) 9~~ 9 o'clock in the ~~((afternoon))~~ evening, as the county legislative authority may direct, and shall continue from day to day (Saturdays and Sundays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time, and place where such sale is to take place for ten days successively by posting notice thereof in three public places in the county, one of which shall be in the office of said treasurer. The notice shall be substantially in the following form:

TAX JUDGMENT SALE

Public notice is hereby given that pursuant to real property tax judgment of the superior court of the county of in the state of Washington, and an order of sale duly issued by said court, entered the day of,, in proceedings for foreclosure of tax liens upon real property, as per provisions of law, I shall on the day of,, at o'clock a.m., at in the city of, and county of, state of Washington, sell the following described lands or lots, to the highest and best bidder for cash, to satisfy the full amount of taxes, interest and costs adjudged to be due thereon as follows, to wit: (Description of property.)

In witness whereof, I have hereunto affixed my hand and seal this day of,

.....
Treasurer of county.

No county officer or employee shall directly or indirectly be a purchaser of such property at such sale.

The treasurer may include in one notice any number of separate tracts or lots.

If any buildings or improvements are upon an area encompassing more than one tract or lot, the same must be advertised and sold as a single unit.

If the highest amount bid for any such separate unit tract or lot is in excess of the entire amount of the taxes and interest due upon the whole property included in the certificate of delinquency, the excess shall be refunded, on application therefor, to the record owner of the property. In the event no claim for the said excess is received by the county treasurer within three years after the date of the sale he or she shall at expiration of the three year period deposit such excess in the current expense fund of the county. The county treasurer shall execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the county treasurer, under the official seal of his or her office, shall be recorded in the same manner as other conveyances of real property, and shall vest in the grantee, his or her heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

State of Washington }
County of } ss.

This indenture, made this day of, between, as treasurer of county, state of Washington, party of the first part, and, party of the second part:

Witnesseth, that, whereas, at a public sale of real property held on the day of, pursuant to a real property tax judgment entered in the superior court in the county of on the day of, in proceedings to foreclose tax liens upon real property and an order of sale duly issued by said court, duly purchased in compliance with the laws of the state of Washington, the following described real property, to wit: (Here place description of real property conveyed) and that said has complied with the laws of the state of Washington necessary to entitle (him, or her or them) to a deed for said real property.

Now, therefore, know ye, that, I, county treasurer of said county of, state of Washington, in consideration of the premises and by virtue of the statutes of the state of Washington, in such cases provided, do hereby grant and convey unto, his or her heirs and assigns, forever, the said real property hereinbefore described.

Given under my hand and seal of office this day of A.D.

.....
County Treasurer.

Sec. 6. Section 84.64.200, chapter 15, Laws of 1961 and RCW 84.64-200 are each amended to read as follows:

All lots, tracts and parcels of land upon which taxes levied prior to January 9, 1926 remain due and unpaid at the date when such taxes would have become delinquent as provided in the act under which they were levied shall be deemed to be delinquent under the provisions of this title, and the same proceedings may be had to enforce the payment of such unpaid taxes, with interest and costs, and payment enforced and liens foreclosed under and by virtue of the provisions of this chapter. For the purposes of foreclosure under this chapter, the date of delinquency shall be construed to mean the date when the taxes first became delinquent. At all sales of property for which certificates of delinquency are held by the county, if no other bids are received, the county shall be considered a bidder for the full area of each tract or lot to the amount of all taxes, interest and costs due thereon, and where no bidder appears, acquire title thereto as absolutely as if purchased by an individual under the provisions of this chapter; all bidders except the county at sales of property for which certificates of delinquency are held by the county shall pay the full amount of taxes, interest((s)) and costs for which judgment is rendered, together with all taxes, interest((s)) and costs ((for all subsequent years due on said property at the date of sale)) which are delinquent at the time of sale, regardless of whether the taxes, interest, or costs are included in the judgment.

Sec. 7. Section 84.64.270, chapter 15, Laws of 1961 as amended by section 5, chapter 23, Laws of 1965 ex. sess. and RCW 84.64.270 are each amended to read as follows:

Real property heretofore or hereafter acquired by any county of this state by foreclosure of delinquent taxes may be sold by order of the ~~((board of county commissioners))~~ county legislative authority of the county when in the judgment of the members of the ~~((board))~~ legislative authority they deem it for the best interests of the county to sell the same. When the ~~((board))~~ legislative authority desires to sell any such property it may, if deemed advantageous to the county, combine any or all of the several lots and tracts of such property in one or more units, and may reserve from sale coal, oil, gas, gravel, minerals, ores, fossils, timber, or other resources on or in said lands, and the right to mine for and remove the same, and it shall then enter an order on its records fixing the unit or units in which the property shall be sold and the minimum price for each of such units, and whether the sale will be for cash or whether a contract will be offered, and reserving from sale such of said resources as it may determine and from which units such reservations shall apply, and directing the county treasurer to sell such property in the unit or units and at not less than the price or prices and subject to such reservations so fixed by ~~((said board))~~ the county legislative authority: PROVIDED, That the said order shall be subject to the approval of the county treasurer if several lots or tracts of land are combined in one unit. It shall be the duty of the county treasurer upon receipt of such order to publish once a week for three consecutive weeks a

notice of the sale of such property in a newspaper printed and published in the county where the land is situated: PROVIDED, That in counties where there is no newspaper published, the treasurer of such county shall cause such notice to be published in some newspaper in the state of general circulation in such county having no resident newspaper, said notice shall describe the property to be sold, the unit or units, the reservations, and the minimum price fixed in said order, together with the time and place and terms of sale, which said sale shall be made at such place on county property as the (~~(board of county commissioners)~~) county legislative authority may direct in the county in which the land is situated and at such time between the hours of 9 o'clock a.m. and (~~(4)~~) 9 o'clock p.m. as the county legislative authority may direct, and all sales so made shall be to the highest and best bidder at such sale, and sales to be made under the provisions of this chapter may be adjourned from day to day by the county treasurer by public announcement made by the treasurer at the time and place designated in the notice of such sale, or at the time and place to which said sale may be adjourned. The person making the bid shall state whether he or she will pay cash for the amount of his bid or accept a real estate contract of purchase in accordance with the provisions hereinafter contained. The person making the highest bid shall become the purchaser of said property. If the highest bidder is a contract bidder the purchaser shall be required to pay (~~(twenty)~~) thirty percent of the total purchase price at the time of said sale and shall enter into a contract with the county as vendor and the purchaser as vendee which shall obligate and require the purchaser to pay the balance of said purchase price in ten equal annual installments commencing November 1st and each year following the date of said sale, and shall require said purchaser to pay (~~(six)~~) twelve percent interest on all deferred payments, interest to be paid at the time the annual installment is due; and may contain a provision authorizing the purchaser to make payment in full at any time of any balance due on the total purchase price plus accrued interest on such balance. Said contract shall contain a provision requiring the purchaser to pay before delinquency all subsequent taxes and assessments that may be levied or assessed against said property subsequent to the date of said contract, and shall contain a provision that time is of the essence of the contract and that in event of a failure of the vendee to make payments at the time and in the manner required and to keep and perform the covenants and conditions therein required of him that the said contract may be forfeited and terminated at the election of the vendor, and that in event of said election all sums theretofore paid by the vendee shall be forfeited as liquidated damages for failure to comply with the provisions of said contract; and shall require the vendor to execute and deliver to the vendee a deed of conveyance covering said property upon the payment in full of the purchase price, plus accrued interest: PROVIDED FURTHER, That (~~(said board)~~) the county legislative authority may, by order entered in its records,

direct said coal, oil, gas, gravel, minerals, ores, timber, or other resources sold apart from the land, such sale to be conducted in the manner hereinabove prescribed for the sale of the land: PROVIDED FURTHER, That any such reserved minerals or resources not exceeding two hundred dollars in value may be sold, when (~~the said board~~) the county legislative authority deems it advisable, either with or without such publication of the notice of sale, and in such manner as the (~~board~~) county legislative authority may determine will be most beneficial to the county.

NEW SECTION. Sec. 8. There is added to chapter 19.52 RCW a new section to read as follows:

This chapter does not apply in respect to interest, penalties, or costs imposed on delinquent property taxes under chapter 84.64 RCW.

Passed the Senate April 26, 1981.

Passed the House April 25, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 323

[Substitute Senate Bill No. 4209]

LOCAL IMPROVEMENT DISTRICTS—INITIATION—FINANCING

AN ACT Relating to local improvement districts; amending section 35.43.120, chapter 7, Laws of 1965 as amended by section 5, chapter 258, Laws of 1969 ex. sess. and RCW 35.43.120; amending section 35.45.040, chapter 7, Laws of 1965 and RCW 35.45.040; amending section 35.45.130, chapter 7, Laws of 1965 as amended by section 36, chapter 56, Laws of 1970 ex. sess. and RCW 35.45.130; reenacting and amending section 35.45.150, chapter 7, Laws of 1965 as amended by section 37, chapter 56, Laws of 1970 ex. sess. and by section 2, chapter 93, Laws of 1970 ex. sess. and RCW 35.45.150; amending section 35.49.020, chapter 7, Laws of 1965 as amended by section 14, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.020; amending section 35.50.030, chapter 7, Laws of 1965 and RCW 35.50.030; amending section 35.54.060, chapter 7, Laws of 1965 and RCW 35.54.060; and amending section 35.54.090, chapter 7, Laws of 1965 and RCW 35.54.090.

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

Section 1. Section 35.43.120, chapter 7, Laws of 1965 as amended by section 5, chapter 258, Laws of 1969 ex. sess. and RCW 35.43.120 are each amended to read as follows:

Any local improvement may be initiated upon a petition signed by the owners of property aggregating a majority (~~((1) of the lineal frontage upon the improvement and (2))~~) of the area within the proposed district. The petition must (~~set forth~~) briefly describe: (1) The nature (~~and~~) of the proposed improvement, (2) the territorial extent of the proposed improvement, (~~the mode of payment;~~) and (3) what proportion of the (~~lineal frontage upon the improvement and of the~~) area within the proposed district is owned by the petitioners as shown by the records in the office of the county auditor.

If any of the property within the area of the proposed district stands in the name of a deceased person, or of any person for whom a guardian has been appointed and not discharged, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property on the petition. The petition must be filed with the clerk or with such other officer as the city or town by charter or ordinance may require.

Sec. 2. Section 35.45.040, chapter 7, Laws of 1965 and RCW 35.45.040 are each amended to read as follows:

Local improvement bonds may be issued to the contractor or sold by the officers authorized by the ordinance directing their issue to do so, in the manner prescribed therein (~~and at not less than par and accrued interest~~) at the price established by the legislative authority of the city or town. Any portion of the bonds of any issue remaining unsold may be issued to the contractor constructing the improvement in payment thereof.

The proceeds of all sales of bonds shall be applied in payment of the cost and expense of the improvement.

Sec. 3. Section 35.45.130, chapter 7, Laws of 1965 as amended by section 36, chapter 56, Laws of 1970 ex. sess. and RCW 35.45.130 are each amended to read as follows:

Every city and town may provide by ordinance for the issuance of warrants in payment of the cost and expense of any local improvement, payable out of the local improvement district fund. The warrants shall bear interest at a rate or rates (~~as authorized by ordinance~~) established by the issuing officer under the direction of the legislative authority of the city or town and shall be redeemed either in cash or by local improvement bonds for the same improvement authorized by ordinance.

All warrants against any local improvement fund sold by the city or town or issued to a contractor and by him sold or hypothecated for a valuable consideration shall be claims and liens against the improvement fund against which they are drawn prior and superior to any right, lien, or claim of any surety upon the bond or bonds given to the city or town by or for the contractor to secure the performance of his 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. 4. Section 35.45.150, chapter 7, Laws of 1965 as amended by section 37, chapter 56, Laws of 1970 ex. sess. and by section 2, chapter 93, Laws of 1970 ex. sess. and RCW 35.45.150 are each reenacted and amended to read as follows:

In addition to the issuance of bonds and warrants in payment of the cost and expense of any local improvement, any city or town may also issue and sell installment notes payable out of the local improvement district fund. Such installment notes may be issued any time after the thirty day period

allowed by law for the payment of assessments of any district without penalty or interest, and may bear any denomination or denominations, the aggregate of which shall represent the balance of the cost and expense of the local improvement district which is to be borne by the property owners therein.

Application of local improvement district funds for the reduction of the principal and interest amounts due on any notes herein provided to finance said improvement shall be made not less than once each year beginning with the issue date thereof. Appropriate notification of such application of funds shall be made by the city treasurer to the registered payees of said notes, except those notes owned by funds of the issuing municipality. If more than one local improvement installment note is issued for a single district, said notes shall be numbered consecutively. All notes issued shall bear on the face thereof: (1) The name of the payee; (2) the number of the local improvement district from whose funds the notes are payable; (3) the date of issue of each note; (4) the date on which the note, or the final installment thereon shall become due; (5) the rate of interest, not to exceed twelve percent, to be paid on the unpaid balance thereof, and; (6) such manual or facsimile signatures and attestations as are required by state statute or city charter to appear on the warrants of each issuing municipality.

The reverse side of each installment note issued pursuant to this section shall bear a tabular payment record which shall indicate at prescribed installment dates, the receipt of any local improvement district funds for the purpose of servicing the debt evidenced by said notes. Such receipts shall first be applied toward the interest due on the unpaid balance of the note, and any additional moneys shall thereafter apply as a reduction of the principal amount thereof. The tabular payment record shall, in addition to the above, show the unpaid principal balance due on each installment note, together with sufficient space opposite each transaction affecting said note for the manual signature of the city's clerk, treasurer or other properly designated receiving officer of the municipality, or of any other registered payee presenting said note for such installment payments.

Whenever there are insufficient funds in a local improvement district to meet any payment of installment interest due on any note herein authorized, a noninterest-bearing defaulted installment interest certificate shall be issued by the city treasurer which shall consist of a written statement certifying the amount of such defaulted interest installment; the name of the payee of the note to whom the interest is due and the number of the local improvement district from whose funds the note and interest thereon is payable. The certificate herein provided shall bear the manual signature of the city treasurer or his authorized agent. The defaulted installment interest certificate so issued shall be redeemed for the face amount thereof with any available funds in the local improvement guaranty fund.

Whenever at the date of maturity of any installment note issued pursuant to this section, there are insufficient funds in a local improvement district, due to delinquencies in the collection of assessments, to pay the final installment of the principal due thereon, the note shall be redeemed with any available funds in the local improvement guaranty fund for the amount of said final installment.

All certificates and notes issued pursuant to this section are to become subject to the same redemption privileges as apply to any local improvement district bonds and warrants now accorded the protection of the local improvement guaranty fund as provided in chapter 35.54 RCW, and whenever the certificates or notes issued as herein provided are redeemed by said local improvement guaranty fund, they shall be held therein as investments thereof in the same manner as prescribed for other defaulted local improvement district obligations.

Notwithstanding any other statutory provisions, local improvement installment notes authorized by this section which are within the protection of the local improvement guaranty fund law shall be considered legal investments for any available surplus funds of the issuing municipality which now or hereafter may be authorized to be invested in the city's local improvement districts' bonds or warrants and shall be considered legal investments for all national and state banks, savings and loan institutions, and any and all other commercial banking or financial institutions to the same extent that the local improvement district bonds and coupons issued pursuant to the provisions of this chapter have been and are legal investments for such institutions. Any such local improvement installment notes may be transferred or sold by said city or town upon such terms or conditions and in such manner as the local governing body of said city or town may determine, ~~((pursuant to a call for public bid))~~ or may be issued to another fund of the city or town: PROVIDED, HOWEVER, That the same shall not be sold at less than par plus accrued interest.

Sec. 5. Section 35.49.020, chapter 7, Laws of 1965 as amended by section 14, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.020 are each amended to read as follows:

In all cases where bonds are issued to pay the cost and expense of a local improvement, the ordinance levying the assessments shall provide that the sum charged against any lot, tract, and parcel of land or other property, or any portion thereof, may be paid during the thirty day period allowed for the payment of assessments without penalty or interest and that thereafter the sum remaining unpaid may be paid in equal annual installments. The number of installments shall be less by two than the number of years which the bonds issued to pay for the improvement are to run. The estimated interest rate may be stated in the ordinance confirming the assessment roll. Interest on the whole amount unpaid at the rate fixed by the ordinance authorizing the issuance and sale of the bonds shall be due on the due date of

the first installment of principal and each year thereafter on the due date of each installment of principal: PROVIDED, That the legislative authority of any city or town having made a bond issue payable on or before twenty-two years after the date of issue may provide by ordinance that all assessments and portions of assessments unpaid after the thirty day period allowed for payment of assessments without penalty or interest may be paid in ten equal installments beginning with the eleventh year and ending with the twentieth year from the expiration of said thirty day period, together with interest on the unpaid installments at the rate fixed by such ordinance, and that in each year after the said thirty day period, to and including the tenth year thereafter, one installment of interest on the principal sum of the assessment at the rate so fixed shall be paid and collected, and that beginning with the eleventh year after the thirty day period one installment of the principal, together with the interest due thereon, and on all installments thereafter to become due shall be paid and collected.

Sec. 6. Section 35.50.030, chapter 7, Laws of 1965 and RCW 35.50.030 are each amended to read as follows:

If on the first day of January in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city or town shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in its own name in the superior court of the county in which the city or town is situate.

The proceedings shall be commenced on or before March 1st of that year or on or before such other date in such year as may be fixed by general ordinance, but not before the city or town treasurer has (~~mailed to~~) notified by registered mail the persons whose names appear on the assessment roll as owners of the property charged with the assessments or installments which are delinquent, at the address last known to the treasurer, a notice thirty days before the commencement of the proceedings.

The notice shall state the amount due upon each separate lot, tract, or parcel of land and the date after which the proceedings will be commenced. The city or town treasurer shall file with the clerk of the superior court at the time of commencement of the foreclosure proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this section.

Sec. 7. Section 35.54.060, chapter 7, Laws of 1965 and RCW 35.54.060 are each amended to read as follows:

For the purpose of maintaining the local improvement guaranty fund, every city and town shall, at the time of making its annual budget and tax levy, provide for the levy of a sum sufficient, with the other sources of the fund, to pay the warrants issued against the fund during the preceding fiscal year and to establish a balance therein: PROVIDED, That the levy in any one year shall not exceed (~~five~~) the greater of: (1) Twelve percent of the

outstanding obligations guaranteed by the fund, or (2) the total amount of delinquent assessments and interest accumulated on the delinquent assessments before the levy as of September 1.

The taxes levied for the maintenance of the local improvement guaranty fund shall be additional to and, if need be, in excess of all statutory and charter limitations applicable to tax levies in any city or town.

Sec. 8. Section 35.54.090, chapter 7, Laws of 1965 and RCW 35.54.090 are each amended to read as follows:

Warrants drawing interest at a rate (~~((not to exceed six percent))~~) established by the issuing officer under the direction of the legislative authority of the city or town shall be issued against the local improvement guaranty fund to meet any liability accruing against it. The warrants so issued shall at no time exceed five percent of the outstanding obligations guaranteed by the fund.

Passed the Senate March 30, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 324

[Engrossed Substitute Senate Bill No. 3386]
LEGISLATIVE RULES REVIEW

AN ACT Relating to state government; amending section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010; amending section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025; amending section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030; amending section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020; amending section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.030; amending section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.040; adding new sections to chapter 28B.19 RCW; adding new sections to chapter 34.04 RCW; and creating new sections.

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

NEW SECTION. Section 1. The legislature affirms that all rule-making authority of state agencies and institutions of higher education is a function delegated by the legislature, and as such, shall be exercised pursuant to the conditions and restrictions contained in this act.

Sec. 2. Section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010 are each amended to read as follows:

((For the purpose of this chapter:)) The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Agency" means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.

(2) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) speed restrictions for motor vehicles established by the state (~~highway~~) transportation commission.

(3) "Contested case" means a proceeding before an agency in which an opportunity for a hearing before such agency is required by law or constitutional right prior or subsequent to the determination by the agency of the legal rights, duties, or privileges of specific parties. Contested cases shall also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law or agency rules.

(4) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or any form of permission required by law, including agency rule, to engage in any activity, but does not include a license required solely for revenue purposes.

(5) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license.

(6) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to section 5 of this 1981 act for the purpose of selectively reviewing existing and proposed rules of state agencies.

Sec. 3. Section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule, each agency shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the secretary of the senate, the chief clerk of the house of representatives, and the rules review committee, and mail such notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon;

(b) Furnish to the legislature, along with the notice required by subsection (1)(a) of this section, a statement of the reasons supporting the proposed action;

(c) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, by the rules review committee, or by an association having not less than twenty-five members.

(2) The agency shall make every effort to insure that the information on the proposed rule circulated pursuant to subsection (1)(a) of this section accurately reflects the rule to be presented and discussed at any oral hearing on such rule. Where substantial changes in the draft of the proposed rule are made after publication of notice in the register which would render it difficult for interested persons to properly comment on the rule without further notice, new notice of the agency's intended action as provided in subsection (1)(a) of this section shall be required.

(3) The agency shall consider fully all written and oral submissions respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements, and may amend the proposed rule at the oral hearing or adopt the proposed rule, if there are no substantial changes, without refiling the notice required by this section. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

~~((2))~~ (4) No proceeding (~~shall~~) may be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an agency giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

~~((3))~~ (5) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, (~~or, if~~) unless it is an emergency rule

designated as such(;) and is adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1), of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

Sec. 4. Section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030 are each amended to read as follows:

~~((+))~~ If the agency finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the agency may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The agency's finding and a ~~((brief))~~ concise statement of the reasons for its finding shall be incorporated in the emergency rule or amendment as filed with the office of the code reviser under RCW 34.04.040 and with the rules review committee. An emergency rule or amendment ~~((shall))~~ may not remain in effect for longer than ninety days after filing. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

~~((2) The emergency rule published in the register is solely to inform the public of its adoption, and nothing in this section shall be construed to prevent the implementation of the rule upon its filing with the code reviser in accordance with RCW 34.04.040(2).)~~

NEW SECTION. Sec. 5. There is added to chapter 34.04 RCW a new section to read as follows:

(1) There is hereby created a joint administrative rules review committee which shall be a bipartisan committee consisting of four senators and four representatives from the state legislature. 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 two members from each house may be from the same political party. All appointments to the committee are subject to approval by the caucuses to which the appointed members belong.

(2) The initial members of the committee shall be appointed as soon as possible after the effective date of this act, and shall serve until the next regular session of the legislature convenes in an odd-numbered year. Thereafter members shall be appointed as soon as possible after the legislature convenes in regular session in an odd-numbered year, and their terms shall extend until the legislature next convenes in regular session in an odd-numbered year or until such members no longer serve in the legislature, whichever occurs first. Members may be reappointed to a committee.

(3) The president of the senate shall appoint the chairperson in even-numbered years and the vice chairperson in odd-numbered years from among committee membership. The speaker of the house shall appoint the chairperson in odd-numbered years and the vice chairperson in even-numbered years from among committee membership. Such appointments shall be made in January of each year as soon as possible after a legislative session convenes.

(4) Vacancies on the committee shall be filled as soon as possible from the same political party as original appointments.

NEW SECTION. Sec. 6. There is added to chapter 34.04 RCW a new section to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the committee shall give the affected agency written notice of its decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.04.025(1)(a)(iii) as now or hereafter amended. The notice shall include a statement of the review committee's findings and the reasons therefor.

NEW SECTION. Sec. 7. There is added to chapter 34.04 RCW a new section to read as follows:

(1) All rules required to be filed pursuant to RCW 34.04.040, and emergency rules adopted pursuant to RCW 34.04.030 as now or hereafter amended, are subject to selective review by the legislature.

(2) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, or (b) that the rule has not been adopted in accordance with all applicable provisions of law, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rule in question with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.04.025, as now or hereafter amended. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(3) The agency shall consider fully all written and oral submissions regarding whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements and whether the rule was adopted in accordance with all applicable provisions of law.

NEW SECTION. Sec. 8. There is added to chapter 34.04 RCW a new section to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to section 6 or 7 of this act, the affected agency shall notify the committee of its action on a proposed or existing rule to which the committee objected. If the rules review committee determines, by a majority vote of its members, that the agency has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds, by a majority vote of its members, that the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, the rules review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee.

(3) The code reviser shall publish the rules review committee's notice of objection and statement of the reasons therefor issued pursuant to subsection (1) or (2) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection and to the issue of the Washington state register in which the full text thereof appears.

(4) Such notice shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

NEW SECTION. Sec. 9. There is added to chapter 34.04 RCW a new section to read as follows:

(1) The rules review committee may recommend to the legislature that the original enabling legislation serving as authority for the promulgation of any rule reviewed by the committee be amended or repealed in such manner as the committee deems advisable.

(2) The rules review committee shall report on its activities, including findings and recommendations with respect to rule-making procedures of state agencies and institutions of higher education, thirty days prior to the convening of the regular session of the legislature in 1984.

NEW SECTION. Sec. 10. There is added to chapter 34.04 RCW a new section to read as follows:

It is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by sections 7(2) and 8(2) of this act in no way serves to

establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

Sec. 11. Section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020 are each amended to read as follows:

The words used in this chapter shall have the meaning given in this section, unless the context clearly indicates otherwise((:)).

(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, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." The various state community colleges are sometimes referred to in this chapter as "community colleges."

(2) "Rule" means any order, directive, or regulation of any institution of higher education which affects the relationship of the general public with the institution, or the relationship of particular segments of the particular educational community such as students, faculty, or other employees, with the institution or with each other, (a) the violation of which subjects a person to a penalty or administrative sanction; or (b) which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law. The term includes the amendment or repeal of a prior rule but does not include rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law.

(3) "Contested case" means a formal or informal proceeding before an institution of higher education, division, department, office, or designated official or representative thereof in which an opportunity for hearing is required by law, constitutional rights, or institutional policy, prior or subsequent to the determination by the institution of the legal rights, duties, or privileges of specific parties.

(4) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to section 5 of this 1981 act for the purpose of selectively reviewing existing and proposed rules of institutions of higher education.

Sec. 12. Section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.030 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule adopted under this chapter, each institution, college, division, department, or official thereof exercising rule-making authority delegated by the governing board or the president, shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the secretary of the senate, the chief clerk of the house of representatives, and the rules review committee, and mail the notice to all persons who have made timely request of the institution or related board for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon;

(b) Furnish to the legislature, along with the notice required by subsection (1)(a) of this section, a statement of the reasons supporting the proposed action;

(c) Provide notice to the campus or standard newspaper of the institution involved and to a newspaper of general circulation in the area at least seven days prior to the date of the rule-making proceeding. The notice shall state the time when, place where, and manner in which interested persons may present their views thereon and the general subject matter to be covered;

~~((f))~~ (d) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. An opportunity for oral hearing must be granted if requested by twenty-five persons or by the rules review committee.

(2) The institution shall make every effort to insure that the information on the proposed rule circulated pursuant to subsection (1)(a) of this section accurately reflects the rule to be presented and discussed at any oral hearing on such rule. Where substantial changes in the draft of the proposed rule are made after publication of notice in the register which would render it difficult for interested persons to properly comment on the rule without further notice, new notice of the institution's intended action as provided in subsection (1)(a) of this section shall be required.

(3) The institution shall consider fully all written and oral statements respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements, and may amend the proposed rule at the oral hearing or adopt the proposed rule, if there are no substantial changes, without refileing the notice required by this section.

~~((2))~~ (4) No proceeding ~~((shall))~~ may be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an institution of higher education giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

~~((3))~~ (5) No rule adopted under this chapter is valid unless adopted in substantial compliance with this section, ~~((or, if))~~ unless it is an emergency rule designated as such~~((;))~~ and is adopted in substantial compliance with RCW 28B.19.040, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1), of this section, or of RCW 28B.19.040, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

~~((4))~~ (6) When twenty days notice of intended action to adopt, amend, or repeal a rule has not been filed with the code reviser, as required by subsection ~~((2))~~ (4) of this section, the code reviser ~~((shall))~~ may not publish such rule, and such rule ~~((shall))~~ may not be effective for any purpose.

Sec. 13. Section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.040 are each amended to read as follows:

If the institution of higher education finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and the observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the institution may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The institution's finding and a ~~((brief))~~ concise statement of the reasons for its finding shall accompany the emergency rule or amendment as filed with the code reviser and with the rules review committee. An emergency rule or amendment ~~((shall))~~ may not remain in effect for longer than ninety days after filing.

Emergency rules ~~((shall))~~ become effective upon filing with the code reviser unless an effective date is specified in the rule. ~~((The emergency rule published in the state register is solely to inform the public of its adoption, and nothing in this section shall be construed to prevent the implementation of the rule upon such filing.))~~

NEW SECTION. Sec. 14. There is added to chapter 28B.19 RCW a new section to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the committee shall give the affected institution written notice of its decision. The notice shall be

given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 28B.19.030(1)(a)(iii) as now or hereafter amended. The notice shall include a statement of the review committee's findings and the reasons therefor.

NEW SECTION. Sec. 15. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) All rules required to be filed pursuant to RCW 28B.19.050, and emergency rules adopted pursuant to RCW 28B.19.040 as now or hereafter amended, are subject to selective review by the legislature.

(2) If the rules review committee finds by a majority vote of its members at a meeting: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, or (b) that the rule has not been adopted in accordance with all applicable provisions of law, the institution affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the review committee's notice, the institution shall file notice of a hearing on the rule in question with the code reviser and mail notice to all persons who have made timely request of the institution for advance notice of its rule-making proceedings as provided in RCW 28B.19.030 as now or hereafter amended. The institution's notice shall include the review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(3) The institution shall consider fully all written and oral submissions respecting whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements and whether the rule was adopted in accordance with all applicable provisions of law.

NEW SECTION. Sec. 16. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) Within seven days of an institution hearing held after notification of the institution by the rules review committee pursuant to section 14 or 15 of this act, the affected institution shall notify the committee of its action regarding a proposed or existing rule to which the committee objected. If the rules review committee determines by a majority vote of its members that the institution has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds by a majority vote of its members that the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the institution so as to conform with the intent of the legislature, the rules review committee may, within thirty days from notification by the institution of its action, file with the code reviser notice of its objections together with a concise statement of the reasons

therefor. Such notice and statement shall also be provided to the institution by the rules review committee.

(3) The code reviser shall publish the review committee's notice of objection and statement of the reasons therefor issued pursuant to subsection (1) or (2) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection and to the issue of the Washington state register in which the full text thereof appears.

(4) Such notice shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

NEW SECTION. Sec. 17. There is added to chapter 28B.19 RCW a new section to read as follows:

It is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by sections 15(2) and 16(2) of this act in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

NEW SECTION. Sec. 18. 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 26, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 325

[Substitute Senate Bill No. 3602]

INDUSTRIAL INSURANCE, SELF-INSURER BENEFICIARIES—ALTERNATIVE REIMBURSEMENT METHOD

AN ACT Relating to self-insurers; and amending section 51.44.070, chapter 23, Laws of 1961 as last amended by section 56, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.070.

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

Section 1. Section 51.44.070, chapter 23, Laws of 1961 as last amended by section 56, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.070 are each amended to read as follows:

(1) For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuity values shall be based upon rates of mortality, disability, remarriage, and interest as

determined by the state insurance commissioner, taking into account the experience of the reserve fund in such respects.

Similarly, a self-insurer in these circumstances shall pay into the reserve fund a sum of money computed in the same manner, and the disbursements therefrom shall be made as in other cases.

(2) As an alternative to payment procedures otherwise provided under law, in the event of death or permanent total disability to workers of self-insured employers, a self-insured employer may upon establishment of such obligation file with the department a bond in an amount deemed by the insurance commissioner to be reasonably sufficient to insure payment of the pension benefits provided by law.

The annuity value for every such case shall be determined by the insurance commissioner based upon the commissioner's experience as to rates of mortality, disability, remarriage, and interest. The amount of the required bond may be reviewed and adjusted periodically by the department, based upon periodic redeterminations by the insurance commissioner as to the outstanding annuity value for the case.

Under such alternative, the department shall make the monthly payments from the pension reserve fund for the benefits provided for by RCW 51.32.050 and 51.32.060 to the self-insured beneficiary or beneficiaries and the department shall be reimbursed for all such payments from the particular self-insured employer through periodic charges not less than quarterly in a manner to be determined by the director.

Any self-insured employer electing this alternative method of providing for payment to the beneficiary or beneficiaries shall additionally pay to the department a deposit equal to the first three months' payments otherwise required under RCW 51.32.050 and 51.32.060. Such deposit shall be placed in the reserve fund in accordance with RCW 51.44.140 and shall be returned to the respective self-insured employer when monthly payments are no longer required for such particular obligation.

If a self-insurer delays or refuses to reimburse the department beyond fifteen days after the reimbursement charges become due, there shall be a penalty paid by the self-insurer upon order of the director of an additional amount equal to twenty-five percent of the amount then due which shall be paid into the pension reserve fund. Such an order shall conform to the requirements of RCW 51.52.050.

Passed the Senate April 2, 1981.

Passed the House April 21, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 326

[Substitute Senate Bill No. 3542]

SELF-INSURERS' CLOSURE OF MEDICAL TREATMENT CLAIMS

AN ACT Relating to self-insurers' closure of claims involving medical treatment; and amending section 46, chapter 289, Laws of 1971 ex. sess. as amended by section 43, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.055.

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

Section 1. Section 46, chapter 289, Laws of 1971 ex. sess. as amended by section 43, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.055 are each amended to read as follows:

(1) One purpose of this title is to restore the injured worker as near as possible to the condition of self-support as an able-bodied worker. Benefits for permanent disability shall be determined under the director's supervision only after the injured worker's condition becomes fixed.

(2) All determinations of permanent disabilities shall be made by the department. Either the worker, employer, or self-insurer may make a request or such inquiry may be initiated by the director on his or her own motion. Such determinations shall be required in every instance where permanent disability is likely to be present. All medical reports and other pertinent information in the possession of or under the control of the employer or self-insurer shall be forwarded to the director with such requests.

(3) A request for determination of permanent disability shall be examined by the department and an order shall issue in accordance with RCW 51.52.050.

(4) The department may require that the worker present himself or herself for a special medical examination by a physician, or physicians, selected by the department, and the department may require that the worker present himself or herself for a personal interview. In such event the costs of such examination or interview, including payment of any reasonable travel expenses, shall be paid by the department or self-insurer as the case may be.

(5) The director may establish a medical bureau within the department to perform medical examinations under this section. Physicians hired or retained for this purpose shall be grounded in industrial medicine and in the assessment of industrial physical impairment. Self-insurers shall bear a proportionate share of the cost of such medical bureau in a manner to be determined by the department.

(6) Where dispute arises from the handling of any claims prior to the condition of the injured worker becoming fixed, the worker, employer, or

self-insurer may request the department to resolve the dispute or the director may initiate an inquiry on his or her own motion. In such cases the department shall proceed as provided in this section and an order shall issue in accordance with RCW 51.52.050.

(7) In the case of claims accepted by self-insurers which involve only medical treatment and which do not involve payment of temporary disability compensation under RCW 51.32.090 and which at the time medical treatment is concluded do not involve permanent disability, such claims may be closed by the self-insurers subject to reporting of claims to the department in a manner prescribed by department rules promulgated pursuant to chapter 34.04 RCW. Upon such closure the self-insurers shall enter a written order, communicated to the worker, which contains the following statement clearly set forth in bold-face type: "This order constitutes notification that your claim is being closed with medical benefits only, as provided. If for any reason you disagree with this closure, you may protest in writing to the Department of Labor and Industries, Olympia, within 60 days of the date you received this order. The department will then review your claim and enter a further determinative order." In the event the department receives such a protest it shall review the claim and enter a further determinative order as provided for in RCW 51.52.050.

Passed the Senate March 31, 1981.

Passed the House April 21, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 327

[Engrossed Senate Bill No. 3871]

NORTH RICHLAND TOLL BRIDGE—APPROPRIATION

AN ACT Relating to a toll bridge at north Richland; amending section 1, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.740; amending section 3, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.742; amending section 6, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.745; amending section 9, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.748; and making an appropriation.

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

Section 1. Section 1, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.740 are each amended to read as follows:

Subject to the provisions of RCW 47.56.741, 47.56.742, and 47.56.743, the department of transportation is hereby authorized and directed to make all necessary surveys and to design and construct a toll bridge across the Columbia river. The approaches to the toll bridge shall (1) extend from the bridge to ~~((George Washington Way on the west and from the bridge easterly to state route number 395 and southerly and easterly to state route~~

number 182 on the east)) state route number 240 on the west and may include the improvement of the Horn Rapids Road; (2) extend from the bridge easterly to state route number 395 and shall include the improvement of Alder Road; and (3) extend from a point on the easterly approach road southerly to state route number 182 and shall include the improvement of existing county roads.

Sec. 2. Section 3, chapter 212, Laws of 1979 ex. sess. and RCW 47.56-.742 are each amended to read as follows:

The transportation commission shall not request the issuance of any bonds for the construction of the toll bridge and its approaches unless and until:

(1) Either Richland or Benton county separately or Richland and Benton county jointly agree with the department (~~((a) to improve the Horn Rapids Road from state route number 240 to Stevens Drive to two-lane standards prescribed by the department; (b) to reconstruct the Horn Rapids Road from Stevens Drive to George Washington Way to four-lane standards prescribed by the department; (c))~~) to maintain to standards prescribed by the department the ((improved and reconstructed)) westerly approach from the bridge to state route number 240 including sections of Horn Rapids Road so long as any bonds issued to pay for the construction of the toll bridge and its approaches remain outstanding(,; and (d) to such additional undertakings as the department deems necessary to assure adequate access to the toll bridge so long as any bonds are outstanding)).

(2) Franklin county shall agree with the department (~~((a) to reconstruct, by the year 1990, the approach from the east end of the toll bridge easterly to state route number 395 to four-lane standards prescribed by the department; or (b) as determined by the department, to reconstruct, by the year 1990, the approach from the east end of the toll bridge southerly and easterly to state route number 182 to four-lane standards prescribed by the department; and (c))~~) to maintain to standards prescribed by the department the ((connecting roads to state route number 182 and to state route number 395)) easterly approach from the bridge to state route number 395 and the approach from the easterly approach road southerly to state route number 182 so long as any bonds issued to pay for the construction of the toll bridge and its approaches remain outstanding(,; and (d) to such additional undertakings as the department deems necessary to assure adequate access to the toll bridge so long as any bonds are outstanding)).

Sec. 3. Section 6, chapter 212, Laws of 1979 ex. sess. and RCW 47.56-.745 are each amended to read as follows:

In order to provide funds for the construction of such bridge and approaches thereto, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, and to pay the interest on the bonds when due during construction and for a period not exceeding six months ((thereafter)) after the bridge is open to traffic, there shall be issued and

sold general obligation bonds of the state of Washington in the principal amount of not to exceed ~~((seventy-five))~~ eighty million dollars or such lesser amount thereof, at such times as may be determined to be necessary by the department of transportation. At the request of the transportation commission the state finance committee may issue additional general obligation bonds of the state of Washington ranking on a parity with the bonds authorized hereinabove and subject to the provisions of RCW 47.56.740 through 47.56.756 as now amended, to pay the cost of further improving the approaches to the bridge or adding additional bridge lanes or constructing a parallel bridge: PROVIDED, That such additional bonds shall not be issued without further express authorization of the legislature.

Sec. 4. Section 9, chapter 212, Laws of 1979 ex. sess. and RCW 47.56-.748 are each amended to read as follows:

Except for that portion of the proceeds required to pay bond anticipation notes under RCW 47.56.747, and except as provided in RCW 47.56-.750, the money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the Columbia river toll bridge account hereby created in the motor vehicle fund, and such money shall be available only for the purposes enumerated in RCW 47.56.745 ~~((and))~~, for payment of the expense incurred in the issuance and sale of any such bonds and to repay the motor vehicle fund for any sums advanced to pay the cost of surveys, location, design, right of way, and all other things preliminary to the construction of the bridge and its approaches.

NEW SECTION. Sec. 5. There is appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1983, the sum of one million dollars, or so much thereof as may be necessary for the purpose of surveys, location, design, right of way, and all other things preliminary to the construction of the toll bridge described in RCW 47.56.740 as now amended together with its approaches. All funds expended from this appropriation shall be considered a loan and shall be repaid to the motor vehicle fund from the proceeds from the sale of bonds for this project.

Passed the Senate April 2, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 328

[Substitute House Bill No. 149]

ABORTION—INFANT'S RIGHT TO MEDICAL TREATMENT

AN ACT Relating to abortion; and adding a new section to chapter 18.71 RCW.

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

NEW SECTION. Section 1. There is added to chapter 18.71 RCW a new section to read as follows:

The right of medical treatment of an infant born alive in the course of an abortion procedure shall be the same as the right of an infant born prematurely of equal gestational age.

Passed the House April 1, 1981.

Passed the Senate April 25, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 329

[House Bill No. 599]

PROPERTY—EXECUTION SALE—HOMESTEAD EXEMPTION

AN ACT Relating to enforcement of judgments; amending section 1, chapter 35, Laws of 1935 and RCW 6.24.010; amending section 6, chapter 53, Laws of 1899 and RCW 6.24.100; amending section 4, chapter 25, Laws of 1929 and RCW 6.04.040; amending section 1, chapter 64, Laws of 1895 as last amended by section 1, chapter 196, Laws of 1945 and RCW 6.12.010; amending section 2, chapter 64, Laws of 1895 as last amended by section 1, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.020; amending section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050; amending section 32, chapter 64, Laws of 1895 and RCW 6.12.070; amending section 33, chapter 64, Laws of 1895 and RCW 6.12.080; amending section 4, chapter 64, Laws of 1895 as last amended by section 2, chapter 196, Laws of 1945 and RCW 6.12.090; amending section 7, chapter 64, Laws of 1895 and RCW 6.12.120; amending section 10, chapter 64, Laws of 1895 and RCW 6.12.150; amending section 12, chapter 64, Laws of 1895 and RCW 6.12.170; amending section 17, chapter 64, Laws of 1895 and RCW 6.12.220; amending section 18, chapter 64, Laws of 1895 and RCW 6.12.230; amending section 20, chapter 64, Laws of 1895 and RCW 6.12.250; amending section 21, chapter 64, Laws of 1895 as amended by section 10, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.260; amending section 15, chapter 53, Laws of 1899 as last amended by section 3, chapter 196, Laws of 1961 and RCW 6.24.210; adding a new section to chapter 6.12 RCW; adding new sections to chapter 6.24 RCW; adding a new section to chapter 6.04 RCW; repealing section 3, chapter 64, Laws of 1895, section 7, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.030; repealing section 30, chapter 64, Laws of 1895, section 8, chapter 154, Laws of 1973 1st ex. sess., section 2, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.040; repealing section 31, chapter 64, Laws of 1895, section 9, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.060; and repealing section 8, chapter 64, Laws of 1895 and RCW 6.12.130.

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

Section 1. Section 1, chapter 35, Laws of 1935 and RCW 6.24.010 are each amended to read as follows:

Before the sale of property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) In case of personal property, ~~((by posting written))~~ the sheriff shall post typed or printed notice of the time and place of sale in three public places in the county where the sale is to take place, for a period of not less than ~~((ten))~~ thirty days prior to the day of sale. Not less than thirty days

prior to the day of sale, the judgment creditor shall cause a copy of the notice of sale to be transmitted by regular and certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and by mail to the attorney of record for the judgment debtor.

(2) In case of real property, (~~by posting a similar~~) the sheriff shall post a notice as provided in section 2 of this 1981 act, particularly describing the property for a period of not less than four weeks prior to the day of sale in three public places in the county, one of which shall be at the court house door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement(~~and publishing~~). The sheriff shall publish a copy thereof once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated: PROVIDED, HOWEVER, That if there be more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit or proceeding shall have the exclusive right to designate in which of such qualified newspapers such notice shall be published: PROVIDED, FURTHER, That if there is no legal newspaper published in the county, then such notice shall be published in the legal newspaper published in this state nearest to the place of sale. Not less than thirty days prior to the date of sale, the judgment creditor shall cause a copy of the notice as provided in section 2 of this 1981 act to be (a) served on the judgment debtor in the same manner as a summons in a civil action, and (b) transmitted by both regular and certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and the judgment creditor shall mail a copy of the notice of sale to the attorney of record for the judgment debtor.

(3) The judgment creditor shall file an affidavit with the court that the judgment creditor has complied with the notice requirements of this section.

NEW SECTION. Sec. 2. There is added to chapter 6.24 RCW a new section to read as follows:

The notice of sale shall be printed or typed and shall contain the following information:

(1) That the court has directed the sheriff or other officer to sell the property described in the notice to satisfy a judgment;

(2) The caption, cause number, and court in which the judgment to be executed upon was entered;

(3) A legal description of the property to be sold, including the street address;

(4) The scheduled date, time, and place of the sale;

(5) An itemized account of the amount required to satisfy the judgment prior to sale, where the debtor can satisfy the judgment to avoid sale, and that failure to pay this amount will result in the sale of the property on the date specified in the notice;

(6) A statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment; that if the debtor does have sufficient personal property to satisfy the judgment, the debtor should contact the sheriff's office immediately. However, this subsection is not applicable if the sale of real property is pursuant to a judgment of foreclosure of a mortgage; and

(7) Unless redemption rights have been precluded under RCW 61.12-.093, the date by which the debtor may redeem the property; that the debtor may redeem the property by paying the amount of the bid at sale, with interest at the rate of eight percent per annum to the time of redemption, together with the amount of any assessment or taxes which may have been paid after purchase, and interest on such amount; that other creditors having a lien against the property by judgment, decree, or mortgage may also have a right to redeem the property and, if they redeem the property, the debtor may be required to pay additional sums in order to redeem; and that if the property to be sold is the permanent residence of the judgment debtor and is occupied by the debtor at the time of sale, the judgment debtor has the right to retain possession during the redemption period, if any, without payment of any rent or occupancy fee. The information contained in this subsection shall be captioned "IMPORTANT NOTICE" and shall be in boldface print or typed in capital letters.

Sec. 3. Section 6, chapter 53, Laws of 1899 and RCW 6.24.100 are each amended to read as follows:

Upon the return of any sale of real estate as aforesaid, the clerk shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation(~~;~~)"; notice of the filing of the return of sale shall be mailed by the clerk to all parties appearing in the action and proof of such mailing filed in the action; and the following proceedings shall be had:

(1) The (~~plaintiff~~) judgment creditor or successful purchaser at the sheriff's sale at any time after (~~ten~~) twenty days (~~from~~) have elapsed from the mailing of the notice of the filing of such return shall be entitled, on motion (~~therefor~~) with notice given to all parties appearing in the action, to have an order confirming the sale, unless the judgment debtor, or in case of his death, his representative, shall file with the clerk within (~~ten~~) twenty days after the mailing of the notice of the filing of such return, his objections thereto.

(2) If such objections be filed the court shall, notwithstanding, allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be as upon an execution received of that date.

(3) Upon the return of the execution, the sheriff shall pay the proceeds of sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment. If an order of resale be afterwards made, and the property sell for a greater amount to any person other than the former purchaser, the clerk shall first repay to such purchaser the amount of his bid out of the proceeds of the latter sale.

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever.

(5) If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or his representative, as the case may be, at any time before the order is made upon the motion to confirm the sale: PROVIDED, Such party file with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; but if the sale be confirmed, such proceeds shall be paid to said party of course; otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of.

NEW SECTION. Sec. 4. There is added to chapter 6.04 RCW a new section to read as follows:

(1) Before a writ of execution may issue on any real property, the judgment creditor must file an affidavit with the court stating:

(a) That the judgment creditor has exercised due diligence to ascertain if the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest; a list of the personal property so located and whether the judgment creditor believes the items to be exempt; and a statement that, after diligent search, there is not sufficient nonexempt personal property belonging to the judgment debtor to satisfy the judgment;

(b) That the judgment creditor has exercised due diligence in ascertaining whether the property is occupied or claimed as a homestead by the judgment debtor, as defined in chapter 6.12 RCW;

(c) Whether or not the judgment debtor is currently occupying the property as the judgment debtor's permanent residence and whether there is a declaration of homestead or nonabandonment of record. If the affidavit alleges that the property is not occupied or claimed as a homestead, the creditor must list the facts relied upon to reach that conclusion; and

(d) If the judgment debtor is not occupying the property and there is no declaration of nonabandonment of record, that the judgment debtor has been absent for a period of at least six months and the judgment debtor's current address if known.

(2) The term "due diligence," as used in this section, includes but is not limited to the creditor or the creditor's representative personally visiting the premises, contacting the occupants and inquiring about their relationship to

the judgment debtor, contacting immediate neighbors of the premises, and searching the records of the auditor of the county in which the property is located to determine if a declaration of homestead or nonabandonment has been filed by the judgment debtor.

A copy of the affidavit must be mailed to the judgment debtor at the debtor's last known address.

If the affidavit attests that the premises are occupied or claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 must comply with RCW 6.12.140 through 6.12.250.

Sec. 5. Section 4, chapter 25, Laws of 1929 and RCW 6.04.040 are each amended to read as follows:

The writ of execution shall be issued in the name of the state of Washington, sealed with the seal of the court, and subscribed by the clerk, and shall be directed to the sheriff of the county in which the property is situated, or to the coroner of such county, or the officer exercising the powers and performing the duties of coroner in case there be no coroner, when the sheriff is a party, or interested, and shall intelligibly refer to the judgment, stating the court, the county where the judgment was rendered, the names of the parties, the amount of the judgment if it be for money, and the amount actually due thereon, and shall require substantially as follows:

(1) If the execution be against the property of the judgment debtor it shall require the officer to satisfy the judgment, with interest, out of the personal property of the debtor(~~(, and if sufficient personal property cannot be found, out of his real property upon which the judgment is a lien)~~) unless an affidavit has been filed with the court pursuant to section 4 of this 1981 act, in which case it shall require that the judgment, with interest, be satisfied out of the real property of the debtor.

(2) If the execution be against real or personal property in the hands of personal representatives, heirs, devisees, legatees, tenants of real property, or trustees, it shall require the officer to satisfy the judgment, with interest, out of such property.

(3) If the execution be for the delivery of real or personal property, it shall require the officer to deliver possession of the same, particularly describing it, to the party entitled thereto, and may, at the same time, require the officer to satisfy any charges, damages, or rents and profits recovered by the same judgment, out of the personal property of the party against whom it was rendered, and the value of the property for which the judgment was recovered, shall be specified therein. If a delivery of the property described in the execution cannot be had, and if sufficient personal property cannot be found to satisfy the judgment, it shall be satisfied out of the real property of the party against whom the judgment was rendered.

(4) When the execution is to enforce obedience to any special order, it shall particularly command what is required to be done or to be omitted.

(5) When the nature of the case shall require it, the execution may embrace one or more of the requirements above mentioned. And in all cases the execution shall require the collection of all interest, costs, and increased costs thereon.

NEW SECTION. Sec. 6. There is added to chapter 6.24 RCW a new section to read as follows:

Every two months during the redemption period provided by RCW 6.24.140, the purchaser or his assignee shall send by certified mail, return receipt requested, and by first class mail to the judgment debtor or his successor in interest a notice advising the judgment debtor that the redemption period is expiring, how many months have expired, and how many months remain. The notice shall also state the amount for which the property may be redeemed and shall advise the judgment debtor that if the property is not redeemed he will face eviction at the end of the redemption period. The notice shall be sent to the judgment debtor at the judgment debtor's last known address and, if different, the property address. The notice shall be sent between the first day and tenth day of the second calendar month after the calendar month of the sale and the equivalent days of each succeeding second calendar month thereafter during the redemption period. The sole effect of noncompliance with this section shall be that the redemption period provided by RCW 6.24.140 shall be extended two months for each missed or noncomplying notice.

Sec. 7. Section 1, chapter 64, Laws of 1895 as last amended by section 1, chapter 196, Laws of 1945 and RCW 6.12.010 are each amended to read as follows:

The homestead consists of the dwelling house((-)) or the mobile home in which the ((claimant)) owner resides, with appurtenant buildings, and the land on which the same are situated, and by which the same are surrounded, or land without improvements purchased with the intention of building a house and residing thereon((, ~~selected at any time before sale, as in this chapter provided~~)). A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner. As used in this chapter, the term "owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

Sec. 8. Section 2, chapter 64, Laws of 1895 as last amended by section 1, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.020 are each amended to read as follows:

If the ((claimant be)) owner is married, the homestead may ((~~be selected from~~)) consist of the community property((-or, with the consent of the husband, from his separate property, or, with the consent of the wife, from her)) or the separate property of either spouse: PROVIDED, That the same premises may not be claimed separately by the husband and wife with the

effect of increasing the net value of the homestead available to the marital community beyond the amount specified in RCW 6.12.050 as now or hereafter amended (~~((either at the time the declaration of homestead is filed or at any subsequent time))~~). When the ~~((claimant))~~ owner is not married, the homestead may ~~((be selected from))~~ consist of any of his or her property.

NEW SECTION. Sec. 9. There is added to chapter 6.12 RCW a new section to read as follows:

(1) The homestead exemption described in RCW 6.12.050 applies automatically to the homestead as defined in RCW 6.12.010 if the occupancy requirement of RCW 6.12.050 is met. However, the homestead exemption does not apply to those judgments defined in RCW 6.12.100.

(2) If an owner elects to select the homestead from unimproved land purchased with the intention of residing thereon, the owner must execute a declaration of homestead and file the same for record. However, if the owner also owns another parcel of property on which the owner presently resides, the owner must also execute a declaration of abandonment of homestead on the property on which the owner presently resides, and file the same for record.

(3) The declaration of homestead must contain:

(a) A statement that the person making it is residing on the premises or has purchased the same for a homestead and intends to reside thereon and claims them as a homestead;

(b) A description of the premises; and

(c) An estimate of their actual cash value.

(4) The declaration of homestead and declaration of abandonment of homestead must be acknowledged in the same manner as a grant of real property is acknowledged.

Sec. 10. Section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050 are each amended to read as follows:

Homesteads may ~~((be selected and claimed in))~~ consist of lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of twenty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the ~~((claimant))~~ owner, and shall not be devoted exclusively to any other purpose.

Sec. 11. Section 32, chapter 64, Laws of 1895 and RCW 6.12.070 are each amended to read as follows:

The declaration of homestead and declaration of abandonment of homestead referred to in section 9(2) of this 1981 act and the declaration of

nonabandonment of homestead referred to in RCW 6.12.120 must be recorded in the office of the auditor of the county in which the land is situated.

Sec. 12. Section 33, chapter 64, Laws of 1895 and RCW 6.12.080 are each amended to read as follows:

From and after the time the property is occupied as a permanent residence by the owner or the declaration is filed for record ((the premises therein described)) if unimproved real property, the property constitutes a homestead. ~~((If the selection was made by a married person from the community property, the land, on the death of either of the spouses, vests in the survivor, subject to no other liability than such as exists or has been created under the provisions of this chapter; in other cases, upon the death of the person whose property was selected as a homestead, it shall go to his heirs or devisees, subject to the power of the superior court to assign the same for a limited period to the family of the decedent, but in no case shall it be held liable for the debts of the owner, except as provided in this chapter:))~~

Sec. 13. Section 4, chapter 64, Laws of 1895 as last amended by section 2, chapter 196, Laws of 1945 and RCW 6.12.090 are each amended to read as follows:

The homestead is exempt from attachment and from execution or forced sale, except as in this chapter provided; and the proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, shall likewise be exempt for one year, and also such new homestead acquired with such proceeds. Every homestead ~~((claimed in the manner provided by law, shall be))~~ created under this chapter is presumed to be valid to the extent of all the lands claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Sec. 14. Section 7, chapter 64, Laws of 1895 and RCW 6.12.120 are each amended to read as follows:

A homestead ~~((can be))~~ is presumed abandoned ((only by a declaration of abandonment, or a grant thereof, executed and acknowledged:

~~(1) By the husband and wife if the claimant is married:~~

~~(2) By the claimant, if unmarried))~~ if the owner vacates the property for a continuous period of at least six months. However, if an owner is going to be absent from the homestead for more than six months but does not intend to abandon the homestead, and has no other permanent residence, the owner may execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of nonabandonment of homestead and file the declaration for record.

The declaration of nonabandonment of homestead must contain:

(1) A statement that the owner claims the property as a homestead, that the owner intends to occupy the property in the future, and that the owner claims no other property as a homestead;

(2) A statement of where the owner will be residing while absent from the premises, the estimated duration of the owner's absence, and the reason for the absence; and

(3) A legal description of the premises.

Sec. 15. Section 10, chapter 64, Laws of 1895 and RCW 6.12.150 are each amended to read as follows:

The application under RCW 6.12.140 must be made upon verified petition, showing—

(1) The fact that an execution has been levied upon the homestead.

(2) The name of the ((claimant)) owner.

(3) That the value of the homestead exceeds the amount of the homestead exemption.

Sec. 16. Section 12, chapter 64, Laws of 1895 and RCW 6.12.170 are each amended to read as follows:

A copy of the petition, with a notice of the time and place of hearing, must be served upon the ((claimant)) owner and the owner's attorney at least ten days before the hearing.

Sec. 17. Section 17, chapter 64, Laws of 1895 and RCW 6.12.220 are each amended to read as follows:

If, from the report, it appears to the court that the ((land-claimed)) homestead can be divided without material injury, the court must, by an order, direct the appraisers to set off to the ((claimant)) owner so much of the land, including the residence, as will amount in value to the homestead exemption, and the execution may be enforced against the remainder of the land.

Sec. 18. Section 18, chapter 64, Laws of 1895 and RCW 6.12.230 are each amended to read as follows:

If, from the report, it appears to the court that the ((land-claimed)) homestead exceeds in value the amount of the homestead exemption and that it cannot be divided, the court must make an order directing its sale under the execution.

Sec. 19. Section 20, chapter 64, Laws of 1895 and RCW 6.12.250 are each amended to read as follows:

If the sale is made, the proceeds ((thereof, to the amount of the homestead exemption, must be paid to the claimant and the balance applied to the satisfaction of the execution)) must be applied in the following order: First, to the amount of the homestead exemption, to be paid to the judgment debtor; second, up to the amount of the execution, to be applied to the satisfaction of the execution; third, the balance to be paid to the judgment debtor.

Sec. 20. Section 21, chapter 64, Laws of 1895 as amended by section 10, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.260 are each amended to read as follows:

The money paid to the ((claimant)) owner is entitled to the same protection against legal process and the voluntary disposition of the husband or wife which the law gives to the homestead.

Sec. 21. Section 15, chapter 53, Laws of 1899 as last amended by section 3, chapter 196, Laws of 1961 and RCW 6.24.210 are each amended to read as follows:

The purchaser from the day of sale until a resale or redemption, and the redemptioner from the day of his redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the period of redemption: PROVIDED, That when a mortgage contains a stipulation that in case of foreclosure the mortgagor may remain in possession of the mortgaged premises after sale and until the period of redemption has expired the court shall make its decree to that effect and the mortgagor shall have such right: PROVIDED, FURTHER, That as to any land so sold which is at the time of the sale used for farming purposes, or which is a part of a farm used, at the time of sale, for farming purposes, the judgment debtor shall be entitled to retain possession thereof during the period of redemption and the purchaser or his successor in interest shall, if the judgment debtor does not redeem, have a lien upon the crops raised or harvested thereon during said period of redemption, for interest on the purchase price at the rate of six percent per annum during said period of redemption and for taxes becoming delinquent during the period of redemption together with interest thereon: AND, PROVIDED FURTHER, That in case of any homestead ((~~selected in the manner provided by law~~)) as defined in chapter 6.12 RCW and occupied for that purpose at the time of sale, the judgment debtor shall have the right to retain possession thereof during the period of redemption without accounting for issues for value of occupation.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 64, Laws of 1895, section 7, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.030;

(2) Section 30, chapter 64, Laws of 1895, section 8, chapter 154, Laws of 1973 1st ex. sess., section 2, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.040;

(3) Section 31, chapter 64, Laws of 1895, section 9, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.060; and

(4) Section 8, chapter 64, Laws of 1895 and RCW 6.12.130.

NEW SECTION. Sec. 23. There is added to chapter 6.24 RCW a new section to read as follows:

(1) During the period of redemption for any property which a person would be entitled to claim as a homestead, any licensed real estate broker within the county in which the property is located may nonexclusively list the property for sale whether or not there is a listing contract. If the property is not redeemed by the judgment debtor and a sheriff's deed is issued under RCW 6.24.220, then the property owner shall accept the highest current qualifying offer upon tender of full cash payment within two banking days after notice of the pending acceptance is received by the offeror. If timely tender is not made, such offer shall no longer be deemed to be current and the opportunity shall pass to the next highest current qualifying offer, if any. Notice of pending acceptance shall be given for the first highest current qualifying offer within five days after delivery of the sheriff's deed under RCW 6.24.220 and for each subsequent highest current qualifying offer within five days after the offer becoming the highest current qualifying offer. An offer is qualifying if the offer is made during the redemption period through a licensed real estate broker listing the property and is at least equal to the sum of: (a) One hundred twenty percent greater than the redemption amount determined under RCW 6.24.140 and (b) the normal commission of the real estate broker or agent handling the offer.

(2) The proceeds shall be divided at the time of closing with: (a) One hundred twenty percent of the redemption amount determined under RCW 6.24.140 paid to the property owner, (b) the real estate broker's or agent's normal commission paid, and (c) any excess paid to the judgment debtor.

(3) Notice, tender, payment, and closing shall be made through the real estate broker or agent handling the offer.

(4) This section shall not apply to mortgage foreclosures under chapter 61.12 RCW.

NEW SECTION. Sec. 24. 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 26, 1981.

Passed the Senate April 26, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 330

[House Bill No. 590]

COURT FEES, ASSESSMENTS, PENALTIES—JUDICIAL INFORMATION
SYSTEM APPROPRIATIONS

AN ACT Relating to court funds; amending section 110, chapter 299, Laws of 1961 as last amended by section 9, chapter 162, Laws of 1980 and RCW 3.62.060; amending section 3, chapter 187, Laws of 1919 as last amended by section 11, chapter 162, Laws of 1980 and RCW 12.40.030; amending section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 70, Laws of 1980 and RCW 36.18.020; amending section 2, chapter 70, Laws of 1980 and RCW 36.18.027; amending section 13, chapter 136, Laws of 1979 ex. sess. as amended by section 4, chapter 128, Laws of 1980 and RCW 46.63.110; amending section 13, chapter 128, Laws of 1980 and RCW 46.63.150; adding a new section to chapter 3.62 RCW; adding a new section to chapter 13.40 RCW; creating a new section; making appropriations; and declaring an emergency.

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

Section 1. Section 110, chapter 299, Laws of 1961 as last amended by section 9, chapter 162, Laws of 1980 and RCW 3.62.060 are each amended to read as follows:

In any civil action commenced before or transferred to a justice court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of ~~((twelve))~~ twenty dollars. Fees for the support of county law libraries provided for in RCW 27.24.070 shall be paid by the clerk out of the filing fee provided for in this section. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action.

Three dollars of the filing fee collected under this section shall be transmitted each month to the state treasurer for deposit in the general fund.

NEW SECTION. Sec. 2. There is added to chapter 3.62 RCW a new section to read as follows:

A cost of five dollars shall be collected in addition to the fine(s) or forfeiture(s) collected for each criminal action in courts of limited jurisdiction and shall be allocated to the payment of costs associated with the judicial information system. Such funds shall be transmitted each month to the state treasurer for deposit in the general fund. The money deposited in such account shall not be spent for any purpose other than that stated in this section.

Sec. 3. Section 3, chapter 187, Laws of 1919 as last amended by section 11, chapter 162, Laws of 1980 and RCW 12.40.030 are each amended to read as follows:

Upon filing said claim such justice of the peace shall appoint a time for the hearing of said matter and shall cause to be issued a notice of the claim, as hereinafter provided, which shall be served upon the defendant.

Said justice of the peace shall collect in advance upon each claim the sum of ~~((five))~~ ten dollars, and this shall be the only fee for such justice of

the peace to be charged or taxed against the plaintiff in such action during the pendency or disposition of said claim: PROVIDED, HOWEVER, That when any such "small claims department" shall be created and organized in any justice court as herein provided, in which the justice is not paid a salary, he may be paid as compensation for conducting such department from the county treasury of his county such monthly salary as the county court and commissioners of said county shall deem just and proper.

NEW SECTION. Sec. 4. There is added to chapter 13.40 RCW a new section to read as follows:

A cost of five dollars shall be collected in addition to each fee, forfeiture, monetary penalty, or cost collected by juvenile courts. Such funds shall be transmitted each month to the state treasurer for deposit in the general fund.

Sec. 5. Section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 70, Laws of 1980 and RCW 36.18.020 are each amended to read as follows:

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

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of (~~sixty~~) seventy dollars.

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

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

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

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

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

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

fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

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

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

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

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

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

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

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

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

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

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

(18) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.36.010.

Sec. 6. Section 2, chapter 70, Laws of 1980 and RCW 36.18.027 are each amended to read as follows:

An amount equal to ~~((two))~~ eleven dollars of each filing fee paid pursuant to RCW 36.18.020 (1), (2), (11), ~~((and))~~ (12), and (16), as now or hereafter amended, shall be ~~((allocated to the payment of costs associated with the judicial information system. The county treasurer shall transmit such payment each month))~~ transmitted to the state treasurer for deposit ~~((in the judicial information system account which is hereby created))~~ in the general fund. ~~((The money deposited in such account shall not be spent for any purpose other than that stated in this section.))~~

Sec. 7. Section 13, chapter 136, Laws of 1979 ex. sess. as amended by section 4, chapter 128, Laws of 1980 and RCW 46.63.110 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction or failure to pay a monetary penalty imposed pursuant to this chapter.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

(6) There shall be levied and paid into the general fund of the state treasury, a five-dollar fee in addition to the monetary penalty imposed for a traffic infraction other than a parking, standing, stopping, or pedestrian infraction. The five-dollar fee shall not be suspended by the court.

Sec. 8. Section 13, chapter 128, Laws of 1980 and RCW 46.63.150 are each amended to read as follows:

(1) ~~((Notwithstanding any other provision of law,))~~ The court may suspend either a portion or all of the costs of the action except amounts paid for allocation to the payment of costs associated with the judicial information system.

(2) The court may not award attorney's fees or costs to the defendant in a traffic infraction case.

NEW SECTION. Sec. 9. The legislative budget committee shall conduct a study of the judicial information system covering, but not limited to:

- (1) Receipts from dedicated revenues;
- (2) Expenditures by state and local governments;
- (3) Administrative and implementation decision process;
- (4) Effects of system on costs, court caseloads and efficiency;
- (5) Effects of increased fee structure on access to court system;

- (6) Apportionment of benefits among state, local governments, litigants, legal profession and other users;
- (7) Opportunities for cost-saving, system regulation and accountability; and
- (8) Options for future means of funding.

The report required by this section shall be submitted to the ways and means committees of the house of representatives and senate by October 1, 1982.

NEW SECTION. Sec. 10. (1) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the legislative budget committee the sum of one hundred thousand dollars for the purpose of conducting a study of the judicial information system as provided in section 9 of this act.

(2) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the office of the administrator for the courts the sum of eight million six hundred thousand dollars for the judicial information system. Also authorized are 52.8 FTE staff years for fiscal year 1982 and 55.5 FTE staff years for fiscal year 1983.

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.

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.

Passed the House April 25, 1981.

Passed the Senate April 24, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 331

[Substitute House Bill No. 601]

COURT CONGESTION REDUCTION ACT OF 1981

AN ACT Relating to the courts; amending section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 107, Laws of 1971 ex. sess. and RCW 2.32.070; amending section 6, chapter 259, Laws of 1957 as amended by section 6, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 2.56.060; amending section 23, page 226, Laws of 1854 as last amended by section 2, chapter 102, Laws of 1979 and RCW 3.20.020; amending section 22, chapter 299, Laws of 1961 and RCW 3.34.130; amending section 113, chapter 299, Laws of 1961 as last amended by section 3, chapter 102, Laws of 1979 and RCW 3.66-.020; amending section 1, chapter 102, Laws of 1953 and RCW 4.28.100; amending section 374, page 202, Laws of 1854 as last amended by section 2, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 4.84.080; amending section 29, chapter 61, Laws of 1893 as last amended by section 3, chapter 107, Laws of 1971 ex. sess. and RCW 4.88.260;

amending section 4, chapter 82, Laws of 1941 and RCW 5.24.040; amending section 1, chapter 187, Laws of 1919 as last amended by section 4, chapter 102, Laws of 1979 and RCW 12.40.010; amending section 6, chapter 187, Laws of 1919 and RCW 12.40.060; amending section 8, chapter 187, Laws of 1919 and RCW 12.40.080; adding a new section to chapter 2.04 RCW; adding a new section to chapter 3.02 RCW; and creating new sections.

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

NEW SECTION. Section 1. Recognizing the value of providing the people of the state of Washington with justice delivered in an expeditious fashion, recognizing the need to assure the people of the state of Washington that the quality of our judicial system will not be placed in jeopardy, and recognizing the need to avoid congestion of the courts at all levels of our judicial system, the legislature hereby enacts this Court Congestion Reduction Act of 1981.

Sec. 2. Section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 107, Laws of 1971 ex. sess. and RCW 2.32.070 are each amended to read as follows:

The clerk of the supreme court and the clerks of the court of appeals shall collect the following fees for their official services:

Upon filing his first paper or record and making an appearance, the appellant or petitioner shall pay to the clerk of said court a docket fee of ~~((twenty-five))~~ one hundred dollars.

For copies of opinions, ~~((ten))~~ twenty cents per folio: PROVIDED, That counsel of record and criminal defendants shall be supplied a copy without charge.

For certificates showing admission of an attorney to practice law two dollars, except that there shall be no fee for an original certificate to be issued at the time of his admission.

The foregoing fees shall be all the fees connected with the appeal or special proceeding.

No fees shall be required to be advanced by the state or any municipal corporation, or any public officer prosecuting or defending on behalf of such state or municipal corporation.

Sec. 3. Section 374, page 202, Laws of 1854 as last amended by section 2, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 4.84.080 are each amended to read as follows:

When allowed to either party, costs to be called the attorney fee, shall be as follows:

(1) ~~((In all actions settled before issue is joined, thirty-five dollars. (2)))~~ In all actions where judgment is rendered ~~((without a jury, thirty-five))~~, one hundred dollars.

~~((3))~~ In all actions where judgment is rendered after impanelling a jury, ~~thirty-five~~ dollars.

~~(4)~~ In all actions removed to the supreme court and settled before argument, ~~thirty-five~~ dollars.

(5)) (2) In all actions where judgment is rendered in the supreme court or the court of appeals, after argument, (~~(thirty-five)~~) one hundred dollars.

Sec. 4. Section 29, chapter 61, Laws of 1893 as last amended by section 3, chapter 107, Laws of 1971 ex. sess. and RCW 4.88.260 are each amended to read as follows:

A party who substantially prevails in an opinion of the supreme court or court of appeals shall, when the opinion becomes final, be allowed costs for expenses incurred by him, irrespective of costs taxed in the case in the court below, as follows: The fee of the clerk of the appellate court; the fee of the clerk of the superior court for preparing, certifying and transmitting to the appellate court the transcript on appeal, or any supplementary transcript, and the statement of facts, including all exhibits; attorney fees (~~(in the amount of twenty-five dollars)~~); the actual amount incurred in the printing of briefs required by the appellate rules, the actual amount incurred by the appellant, as stenographer's fees for preparing the statement of facts and one copy; and the actual cost of the premium on an appeal and/or superseas bond. When the judgment of the superior court is affirmed and remanded for trial, the awarding of costs shall abide the final determination of the cause. When the judgment is affirmed in part, reversed in part, modified or remanded for further proceedings, all or partial costs may be awarded to either party or it may be provided that costs shall abide the final result of the further proceedings. When an opinion is filed by the supreme court finally determining a cause reviewed by the court of appeals, the supreme court shall allow costs for the above items incurred in both the supreme court and court of appeals. When an order is entered in a case, the court shall have discretion to allow costs for any or all of the items set forth above. When in the opinion of the court a brief, statement of facts, or transcript is improper in substance or unnecessarily long with regard to the issues raised on the appeal, the court, may in its discretion order the disallowance as costs of any part or the whole of the cost thereof.

NEW SECTION. Sec. 5. There is added to chapter 2.04 RCW a new section to read as follows:

By January 1, 1982, the supreme court shall adopt rules for settlement conferences in civil cases in such superior courts and the court of appeals which are amenable to the settlement conference process.

Sec. 6. Section 23, page 226, Laws of 1854 as last amended by section 2, chapter 102, Laws of 1979 and RCW 3.20.020 are each amended to read as follows:

(1) Every justice of the peace required by law to be a licensed attorney of this state and required by law to devote his full time to the office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than three thousand dollars;

(b) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than three thousand dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than three thousand dollars;

(c) Of an action for a penalty less than three thousand dollars;

(d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than three thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than three thousand dollars;

(f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than three thousand dollars;

(g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than three thousand dollars;

(h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount if less than three thousand dollars;

(i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than three thousand dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

The three thousand dollars amounts provided in subsection (1) (a) through (i) of this section shall ~~((take effect on May 1, 1979, and shall))~~ remain in effect until June 30, 1981; effective July 1, 1981, ~~((and thereafter,))~~ such amounts shall be increased to five thousand dollars. Effective July 1, 1983, the amounts shall be increased to seventy-five hundred dollars.

(2) Every justice of the peace not required by law to be a licensed attorney of this state and not required by law to devote his full time to his office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than five hundred dollars;

(b) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages

claimed is less than five hundred dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than five hundred dollars;

(c) Of an action for a penalty less than five hundred dollars;

(d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than five hundred dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than five hundred dollars;

(f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than five hundred dollars;

(g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than five hundred dollars;

(h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than five hundred dollars;

(i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than five hundred dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

Sec. 7. Section 113, chapter 299, Laws of 1961 as last amended by section 3, chapter 102, Laws of 1979 and RCW 3.66.020 are each amended to read as follows:

The justice court shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed does not exceed three thousand dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed does not exceed three thousand dollars; also of actions to recover the possession of personal property when the value of such property as alleged in the complaint, does not exceed three thousand dollars;

(3) Of an action for a penalty not exceeding three thousand dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed three thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed does not exceed three thousand dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed do not exceed three thousand dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed does not exceed three thousand dollars;

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed three thousand dollars; and

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved does not exceed three thousand dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The three thousand dollars amounts provided in subsections (1) through (9) of this section shall ~~((take effect on May 1, 1979, and shall))~~ remain in effect until June 30, 1981; effective July 1, 1981, ~~((and thereafter;))~~ such amount shall be increased to five thousand dollars. Effective July 1, 1983, the amounts shall be increased to seventy-five hundred dollars.

The amounts of money referred to in this section shall be exclusive of interest, costs and attorney's fees.

NEW SECTION. Sec. 8. There is added to chapter 3.02 RCW a new section to read as follows:

By January 1, 1982, the supreme court shall adopt rules providing for discovery in civil cases in the courts of limited jurisdiction.

Sec. 9. Section 22, chapter 299, Laws of 1961 and RCW 3.34.130 are each amended to read as follows:

Each justice court shall designate one or more justices of the peace pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a justice of the peace of the district. The qualifications of a justice of the peace pro tempore shall be the same as for a justice of the district ~~((PROVIDED, That if no qualified person is available, then the court shall appoint a registered voter of the county in which the justice court district or portion thereof is located))~~, except that the person appointed need only be a registered voter of the county in which the justice court district or portion thereof is located. A justice of the peace pro tempore may sit in any district of the county for which he is appointed. A justice of the peace pro tempore shall be paid for each day he holds a session one-two hundred fiftieth of the annual salary of a full time justice of the district. For each day that a justice of the peace pro tempore serves in excess of thirty days during any calendar year, the annual salary of the justice of the peace in whose place he serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary.

Sec. 10. Section 1, chapter 187, Laws of 1919 as last amended by section 4, chapter 102, Laws of 1979 and RCW 12.40.010 are each amended to read as follows:

That in every justice court of this state there shall be created and organized by the court a department to be known as the "small claims department of the justice's court". If the justice court is operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed ~~((five hundred))~~ one thousand dollars. If the justice court is not operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed ~~((two))~~ five hundred dollars.

Sec. 11. Section 6, chapter 187, Laws of 1919 and RCW 12.40.060 are each amended to read as follows:

~~((Said))~~ Notice of claim ~~((shall be))~~ directed to the defendant ~~((; naming him, and))~~ shall contain a statement in brief and concise form notifying such defendant of the name, address, amount and natures of the alleged claim of plaintiff, and directing and requiring defendant to appear personally in the justice court ~~((before the justice of the peace of said justice's court))~~ at a time certain, which shall not be less than five ~~((nor more than ten))~~ days from the date of service of such notice; said notice shall further provide that in case of failure to so appear, judgment will be given against defendant for the amount of such claim.

Sec. 12. Section 8, chapter 187, Laws of 1919 and RCW 12.40.080 are each amended to read as follows:

No attorney at law, legal paraprofessional, nor any person other than the plaintiff and defendant, shall concern himself or in any manner interfere with the prosecution or defense of such litigation in said department without the consent of the justice of said justice's court ~~((; nor shall it be))~~. If a corporation plaintiff is represented by an attorney at law, or legal paraprofessional, the justice shall at the request of the defendant transfer the case to the regular civil docket. In the small claims department it shall not be necessary to summon witnesses, but the plaintiff and defendant in any claim shall have the privilege of offering evidence in their behalf by witnesses appearing at such hearing, and the justice may informally consult witnesses or otherwise investigate the controversy between the parties, and give judgment or make such orders as may by him be deemed to be right, just and equitable for the disposition of the controversy.

Sec. 13. Section 1, chapter 102, Laws of 1953 and RCW 4.28.100 are each amended to read as follows:

When the defendant cannot be found within the state (~~((of which the return of the sheriff of the county in which the action is brought, that the defendant cannot be found in the county, is prima facie evidence))~~), and upon the filing of an affidavit of the plaintiff, his agent, or attorney, with the clerk of the court, stating that he believes that the defendant is not a resident of the state, or cannot be found therein, and that he has deposited a copy of the summons (substantially in the form prescribed in RCW 4.28-.110) and complaint in the post office, directed to the defendant at his place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the summons, by the plaintiff or his attorney in any of the following cases:

(1) When the defendant is a foreign corporation, and has property within the state;

(2) When the defendant, being a resident of this state, has departed therefrom with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with like intent;

(3) When the defendant is not a resident of the state, but has property therein and the court has jurisdiction of the subject of the action;

(4) When the action is for divorce in the cases prescribed by law;

(5) When the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly, or partly, in excluding the defendant from any interest or lien therein;

(6) When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in the county where the action is brought, or satisfy or redeem from the same;

(7) When the action is against any corporation, whether private or municipal, organized under the laws of the state, and the proper officers on whom to make service do not exist or cannot be found;

(8) When the action is brought under RCW 4.08.160 and 4.08.170 to determine conflicting claims to property in this state.

Sec. 14. Section 4, chapter 82, Laws of 1941 and RCW 5.24.040 are each amended to read as follows:

This chapter shall not be construed to relieve any party of the duty of hereafter pleading such laws where required under the law and practice of this state (~~((immediately prior to the enactment hereof))~~).

Sec. 15. Section 6, chapter 259, Laws of 1957 as amended by section 6, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 2.56.060 are each amended to read as follows:

The supreme court of this state may provide by rule or special order for the holding in this state of an annual conference of the judges of the courts of record of this state, judges of the courts of limited jurisdiction, and ~~((of))~~

invited members of the bar, for the consideration of matters relating to judicial business, the improvement of the judicial system and the administration of justice. Each judge attending such annual judicial conference shall be entitled to be reimbursed for (~~transportation~~) travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended (~~and shall receive forty dollars per day for subsistence and lodging~~), to be paid from state appropriations made for the purposes of this chapter.

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.

Passed the House April 25, 1981.

Passed the Senate April 25, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 332

[Substitute House Bill No. 374]

CITIES AND TOWNS—ANNEXATION

AN ACT Relating to annexation; amending section 35.13.020, chapter 7, Laws of 1965 as last amended by section 3, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.020; amending section 35.13.180, chapter 7, Laws of 1965 and RCW 35.13.180; amending section 35.13.247, chapter 7, Laws of 1965 and RCW 35.13.247; amending section 35A.14.020, chapter 119, Laws of 1967 ex. sess. as amended by section 2, chapter 124, Laws of 1979 ex. sess. and RCW 35A.14.020; amending section 35A.14.300, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.300; amending section 35A.14.380, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.380; amending section 9, chapter 189, Laws of 1967 as last amended by section 12, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.090; amending section 18, chapter 189, Laws of 1967 as amended by section 2, chapter 142, Laws of 1979 ex. sess. and RCW 36.93.180; and adding new sections to chapter 35.13 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.13 RCW a new section to read as follows:

After submission of a petition for annexation to the prosecuting attorney as required by RCW 35.13.020, the prosecuting attorney shall review the petition and determine whether in the prosecuting attorney's opinion the city or town is legally authorized to take the actions specifically requested in the petition, in the comprehensive plan, or in the provisions for creation of a community municipal corporation. If, in the opinion of the prosecuting attorney, the city or town is legally authorized to carry out all actions requested in the petition, in the comprehensive plan, or in the provisions for creation of a community municipal corporation, the prosecuting attorney

shall so certify to the county clerk. If, however, in the opinion of the prosecuting attorney, any of the actions requested in the petition, the comprehensive plan, or the provisions for creation of a community municipal corporation could not be accomplished legally by the city or town, the prosecuting attorney shall state the reasons therefore in writing and return the petition to the petitioners. No further action may be taken by any governmental body on the petition after it has been returned to the petitioners.

NEW SECTION. Sec. 2. There is added to chapter 35.13 RCW a new section to read as follows:

At any time before the date is set for an annexation election under RCW 35.13.060 or 35.13.174, all further proceedings to annex shall be terminated upon the filing of verified declarations of termination signed by:

(1) Owners of real property consisting of at least seventy-five percent of the assessed valuation in the area proposed to be annexed; or

(2) Seventy-five percent of the owners of real property in the area proposed to be annexed.

As used in this subsection, the term "owner" shall include individuals and corporate owners. In determining who is a real property owner for purposes of this section, all owners of a single parcel shall be considered as one owner. No owner may be entitled to sign more than one declaration of termination.

Following the termination of such proceedings, no other petition for annexation affecting any portion of the same property may be considered by any government body for a period of five years from the date of filing.

The provisions of this section shall apply only to cities with a population greater than four hundred thousand.

Sec. 3. Section 35.13.020, chapter 7, Laws of 1965 as last amended by section 3, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.020 are each amended to read as follows:

A petition for an election to vote upon the annexation of a portion of a county to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty percent of the votes cast at the last election may be filed in the office of the board of county commissioners: PROVIDED, That any such petition shall first be submitted to the prosecuting attorney who shall, within twenty-one days after submission, certify or refuse to certify the petition as set forth in section 1 of this 1981 act. If the prosecuting attorney certifies the petition, it shall be filed with the legislative body of the city or town to which the annexation is proposed, and such legislative body shall, by resolution entered within sixty days from the date of presentation, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35.13.040 to be published, of its approval or rejection of the proposed action. The petition may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in RCW

35.14.010 through 35.14.060. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. ~~((Whenever))~~ Only after the legislative body has ~~((prepared and filed))~~ completed preparation and filing of a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the legislative body in approving the proposed action, may require that the comprehensive plan be simultaneously adopted upon approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to the filing of such petition with the board of county commissioners as hereinafter provided. The costs of conducting such election shall be a charge against the city or town concerned. The proposition or questions provided for in this section may be submitted to the voters either separately or as a single proposition.

Sec. 4. Section 35.13.180, chapter 7, Laws of 1965 and RCW 35.13.180 are each amended to read as follows:

City and town councils of second and third class cities and towns may by a majority vote annex new territory outside the city or town limits, whether contiguous or noncontiguous for park, cemetery, or other municipal purposes when such territory is owned by the city or town.

Sec. 5. Section 35.13.247, chapter 7, Laws of 1965 and RCW 35.13.247 are each amended to read as follows:

If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a city or town, ownership of all of the assets of the district shall be vested in the city or town, upon payment in cash, properties or contracts for fire protection services to the district within one year, of a percentage of the value of said assets equal to the percentage of the value of the real property in entire district remaining outside the incorporated or annexed area. The fire protection district may elect, by a vote of a majority of the persons residing outside the annexed area who vote on the proposition, to require the annexing city or town to assume responsibility for the provision of fire protection, and for the operation and maintenance of the district's property, facilities, and equipment throughout the district and to pay the city or town a reasonable fee for such fire protection, operation, and maintenance.

Sec. 6. Section 35A.14.020, chapter 119, Laws of 1967 ex. sess. as amended by section 2, chapter 124, Laws of 1979 ex. sess. and RCW 35A.14.020 are each amended to read as follows:

When a petition which is sufficient under the rules set forth in RCW 35A.01.040 is filed with the ~~((legislative body of a code city))~~ prosecuting attorney, calling for an election to vote upon the annexation of unincorporated territory contiguous to ~~((such))~~ a code city, describing the boundaries of the area proposed to be annexed, stating the number of voters therein as nearly as may be, and signed by qualified electors resident in such territory equal in number to ten percent of the votes cast at the last state general election therein, the prosecuting attorney shall, within twenty-one days after submission, certify or refuse to certify the petition as set forth in section 1 of this 1981 act. If the prosecuting attorney certifies the petition, it shall be transmitted to the legislative body of the code city. If the signatures on the petition are determined by the city clerk to be sufficient, the city clerk shall file with the legislative body thereof a certificate of sufficiency of the petition. Within sixty days thereafter, the legislative body shall, by resolution, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35A.14.040 to be published, of its approval or rejection of the proposed action. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for all or any portion of the then-outstanding indebtedness of the city to which said area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation. ~~((Whenever))~~ Only after the legislative body has ~~((prepared and filed))~~ completed preparation and filing of a proposed zoning regulation for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, the legislative body in approving the proposed action, may require that the proposed zoning regulation be simultaneously adopted upon the approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to further proceedings upon the petition. The costs of conducting the election called for in the petition shall be a charge against the city concerned.

Sec. 7. Section 35A.14.300, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.300 are each amended to read as follows:

Legislative bodies of code cities may by a majority vote annex territory outside the limits of such city whether contiguous or noncontiguous for any municipal purpose when such territory is owned by the city.

Sec. 8. Section 35A.14.380, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.380 are each amended to read as follows:

If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a code city, ownership of all of the assets of the district shall be vested in the code city, upon payment in cash, properties or contracts for fire protection services to the district within one year, of a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district remaining outside the incorporated or annexed area.

The fire protection district may elect, by a vote of a majority of the persons residing outside the annexed area who vote on the proposition, to require the annexing code city to assume responsibility for the provision of fire protection, and for the operation and maintenance of the district's property, facilities, and equipment throughout the district and to pay the code city a reasonable fee for such fire protection, operation, and maintenance.

Sec. 9. Section 9, chapter 189, Laws of 1967 as last amended by section 12, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.090 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file within one hundred eighty days a notice of intention with the board, which may review any such proposed actions pertaining to:

(1) The creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065; or

(4) The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

Sec. 10. Section 18, chapter 189, Laws of 1967 as amended by section 2, chapter 142, Laws of 1979 ex. sess. and RCW 36.93.180 are each amended to read as follows:

The decisions of the boundary review board shall attempt to achieve the following objectives:

(1) Preservation of natural neighborhoods and communities;

(2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;

(3) Creation and preservation of logical service areas;

- (4) Prevention of abnormally irregular boundaries;
 - (5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;
 - (6) Dissolution of inactive special purpose districts;
 - (7) Adjustment of impractical boundaries;
 - (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and
 - (9) Protection of agricultural lands.
- (10) Provide reasonable assurance that the extension of municipal services and the additional payments to be made by the property owners of the area to be annexed in the form of taxes (~~(bear a reasonable relation))~~ will remain reasonably equal to the value of the additional municipal services to be received during a period of ten years following the effective date of the proposed annexation. This objective shall apply only to cities with a population of 400,000 or more which initiates a resolution for annexation proceedings.

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 20, 1981.

Passed the Senate April 15, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 333

[House Bill No. 530]

DEATH BENEFITS—INSURANCE—SALARIES, WAGES

AN ACT Relating to death benefits; amending section .24.16, chapter 79, Laws of 1947 as last amended by section 9, chapter 199, Laws of 1979 ex. sess. and RCW 48.24.160; and amending section 2, chapter 139, Laws of 1939 as last amended by section 42, chapter 117, Laws of 1974 ex. sess. and RCW 49.48.120.

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

Section 1. Section .24.16, chapter 79, Laws of 1947 as last amended by section 9, chapter 199, Laws of 1979 ex. sess. and RCW 48.24.160 are each amended to read as follows:

There shall be a provision that any sum becoming due by reason of the death of the individual insured shall be payable to the beneficiary designated by such individual, subject to the provisions of the policy in the event there is no designated beneficiary, as to all or any part of such sum, living at the death of the individual insured and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a

part of such sum not exceeding ten percent of such amount or one thousand dollars, whichever is greater, to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the individual insured.

Sec. 2. Section 2, chapter 139, Laws of 1939 as last amended by section 42, chapter 117, Laws of 1974 ex. sess. and RCW 49.48.120 are each amended to read as follows:

If at the time of the death of any person, his employer is indebted to him for work, labor, and services performed, and no executor or administrator of his estate has been appointed, such employer shall upon the request of the surviving spouse forthwith pay said indebtedness, in such an amount as may be due not exceeding the sum of ~~((one))~~ two thousand five hundred dollars, to the said surviving spouse or if the decedent leaves no surviving spouse, then to the child or children, or if no children, then to the father or mother of said decedent: PROVIDED, HOWEVER, That if by virtue of a community property agreement between the decedent and the surviving spouse, which meets the requirements of RCW 26.16.120, the right to such indebtedness became the sole property of the surviving spouse upon the death of the decedent, the employer shall pay to the surviving spouse the total of such indebtedness or that portion which is governed by the community property agreement upon presentation of said agreement accompanied by affidavit of the surviving spouse stating that such agreement was executed in good faith between the parties thereto and had not been rescinded by the parties prior to the death of the decedent: PROVIDED FURTHER, That in all cases the employer shall require proof of claimant's relationship to decedent by affidavit, and shall require claimant to acknowledge receipt of such payment in writing. Any payments made by an employer pursuant to the provisions of RCW 49.48.115 and 49.48.120 shall operate as a full and complete discharge of the employer's indebtedness to the extent of said payment, and no employer shall thereafter be liable therefor to the decedent's estate, or the decedent's executor or administrator thereafter appointed. The employer may also pay the indebtedness upon presentation of an affidavit as provided in RCW 11.62.010.

Passed the House April 2, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 334

[Substitute Senate Bill No. 3705]

CEMETERY BOARD—TERMINATION DATE

AN ACT Relating to the cemetery board; amending section 20, chapter 99, Laws of 1979 and RCW 43.131.187; amending section 62, chapter 99, Laws of 1979 and RCW 43.131.188; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. 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.

Section 1. Section 20, chapter 99, Laws of 1979 and RCW 43.131.187 are each amended to read as follows:

The cemetery board and its powers and duties shall be terminated on June 30, (~~(1981)~~) 1987, as provided in RCW 43.131.188.

Sec. 2. Section 62, chapter 99, Laws of 1979 and RCW 43.131.188 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, (~~(1982)~~) 1988:

- (1) Section 26, chapter 290, Laws of 1953 and RCW 68.05.010;
- (2) Section 27, chapter 290, Laws of 1953 and RCW 68.05.020;
- (3) Section 28, chapter 290, Laws of 1953 and RCW 68.05.030;
- (4) Section 31, chapter 290, Laws of 1953, section 1, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.040;
- (5) Section 32, chapter 290, Laws of 1953, section 2, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.050;
- (6) Section 33, chapter 290, Laws of 1953, section 156, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 68.05.060;
- (7) Section 34, chapter 290, Laws of 1953 and RCW 68.05.070;
- (8) Section 35, chapter 290, Laws of 1953 and RCW 68.05.080;
- (9) Section 39, chapter 290, Laws of 1953 and RCW 68.05.090;
- (10) Section 36, chapter 290, Laws of 1953 and RCW 68.05.100;
- (11) Section 37, chapter 290, Laws of 1953 and RCW 68.05.110;
- (12) Section 38, chapter 290, Laws of 1953 and RCW 68.05.120;
- (13) Section 42, chapter 290, Laws of 1953, section 12, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.130;
- (14) Section 43, chapter 290, Laws of 1953, section 13, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.140;
- (15) Section 44, chapter 290, Laws of 1953, section 14, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.150;
- (16) Section 45, chapter 290, Laws of 1953, section 15, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.160;

(17) Section 46, chapter 290, Laws of 1953, section 1, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.170;

(18) Section 40, chapter 290, Laws of 1953, section 16, chapter 68, Laws of 1973 1st ex. sess., section 3, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.180;

(19) Section 41, chapter 290, Laws of 1953 and RCW 68.05.190;

(20) Section 47, chapter 290, Laws of 1953 and RCW 68.05.200;

(21) Section 48, chapter 290, Laws of 1953, section 2, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.210;

(22) Section 50, chapter 290, Laws of 1953, section 3, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.220;

(23) Section 51, chapter 290, Laws of 1953, section 4, chapter 99, Laws of 1969 ex. sess., section 4, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.230;

(24) Section 52, chapter 290, Laws of 1953 and RCW 68.05.240;

(25) Section 49, chapter 290, Laws of 1953 and RCW 68.05.250;

(26) Section 5, chapter 99, Laws of 1969 ex. sess., section 17, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.255;

(27) Section 53, chapter 290, Laws of 1953 and RCW 68.05.260;

(28) Section 29, chapter 290, Laws of 1953 and RCW 68.05.270; and

(29) Section 30, chapter 290, Laws of 1953, section 1, chapter 133, Laws of 1961 and RCW 68.05.280.

Passed the Senate April 24, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 335

[Substitute Senate Bill No. 3640]

ATTORNEY GENERAL—CRIMINAL PROSECUTORIAL AUTHORITY

AN ACT Relating to the criminal enforcement authority of the attorney general; adding new sections to chapter 43.10 RCW; and adding a new section to chapter 10.01 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.10 RCW a new section to read as follows:

The purpose of section 2 of this act is to grant authority to the attorney general concurrent with the county prosecuting attorneys to investigate and prosecute crimes. The purpose of section 3 of this act is to insure access by the attorney general to the procedural powers of the various prosecuting attorneys in exercising criminal prosecutorial authority granted in section 2 of this act or otherwise granted by the legislature.

NEW SECTION. Sec. 2. There is added to chapter 43.10 RCW a new section to read as follows:

The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

- (1) The county prosecuting attorney of the jurisdiction in which the offense has occurred;
- (2) The governor of the state of Washington; or
- (3) A majority of the committee charged with the oversight of the organized crime intelligence unit.

Such request or concurrence shall be communicated in writing to the attorney general.

NEW SECTION. Sec. 3. There is added to chapter 43.10 RCW a new section to read as follows:

If both a prosecuting attorney and the attorney general file an information or indictment charging a defendant with substantially the same offense(s), the court shall, upon motion of either the prosecuting attorney or the attorney general:

- (1) Determine whose prosecution of the case will best promote the interests of justice and enter an order designating that person as the prosecuting authority in the case; and
- (2) Enter an order dismissing the information or indictment filed by the person who was not designated the prosecuting authority.

NEW SECTION. Sec. 4. There is added to chapter 10.01 RCW a new section to read as follows:

In any criminal proceeding instituted or conducted by the attorney general, the attorney general and assistants are deemed to be prosecuting attorneys and have all prosecutorial powers vested in prosecuting attorneys of the state of Washington by statute or court rule.

NEW SECTION. Sec. 5. This act shall terminate on June 30, 1985, unless extended by law. The legislative budget committee shall cause a performance audit to be conducted on the operation of this act. The final audit report shall be available to the legislature at least six months prior to the scheduled termination date. The audit shall include, but is not limited to, objective findings of fact, conclusions and recommendations as to continuation, modification, or termination of this act.

Passed the Senate April 24, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 336

[Engrossed Senate Bill No. 4033]

STATE AUDITOR—DEPARTMENT AUDIT COSTS

AN ACT Relating to the establishment of a revolving fund within the office of the state auditor for the purpose of paying the costs of audits of state departments; amending section 43.09.290, chapter 8, Laws of 1965 and RCW 43.09.290; adding new sections to chapter 43.09 RCW; declaring an emergency; and providing an effective date.

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

NEW SECTION. Section 1. An auditing services revolving fund is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the audits provided to state departments by the state auditor.

NEW SECTION. Sec. 2. The amounts to be disbursed from the auditing services revolving fund from time to time shall be transferred thereto by the state treasurer from funds appropriated to any and all state departments for auditing services or administrative expenses on a quarterly basis. State departments operating in whole or in part from nonappropriated funds shall pay into the auditing services revolving fund such funds as will fully reimburse funds appropriated to the state auditor for any auditing services provided activities financed by nonappropriated funds.

The director of financial management shall allot all such funds to the state auditor for the operation of his office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other state departments headed by elected officers under chapter 43.88 RCW.

NEW SECTION. Sec. 3. Disbursements from the auditing services revolving fund shall be pursuant to vouchers executed by the state auditor or his designee in accordance with section 2 of this act.

NEW SECTION. Sec. 4. The state auditor shall keep such records as are necessary to facilitate proper allocation of costs to funds and state departments served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and state departments served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months: PROVIDED, That the director of the Office of Financial Management shall establish a committee of at least three certified public accountants with private sector audit experience to prepare general guidelines governing procedures to be used in determining audit costs and standards for measuring auditor productivity. These proposed procedures and productivity standards shall be presented for review by the House and Senate Committees on Ways and Means prior to the 1982 regular session of the legislature.

NEW SECTION. Sec. 5. In cases where there are unanticipated demands for auditing services or where there are insufficient funds on hand or available for payment through the auditing services revolving fund or in other cases of necessity, the state auditor may request payment for auditing services directly from state departments for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of financial management the state department shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of financial management.

Sec. 6. Section 43.09.290, chapter 8, Laws of 1965 and RCW 43.09.290 are each amended to read as follows:

For the purposes of RCW 43.09.290 through 43.09.340 and sections 1 through 5 of this 1981 act, post-audit means an annual audit of the books, records, funds, and financial transactions of a state department for a complete fiscal period; pre-audit means all other audits and examinations; state department means elective officers and offices, and every other office, officer, department, board, council, committee, commission, authority, or agency of the state government now existing or hereafter created, supported, wholly or in part, by appropriations from the state treasury or funds under its control, or by the levy, assessment, collection, or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law, and all state educational, penal, reformatory, charitable, eleemosynary, or other institutions, supported, wholly or in part, by appropriations from the state treasury or funds under its control.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 43.09 RCW.

NEW SECTION. Sec. 8. 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, 1981.

Passed the Senate April 24, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 337

[Engrossed Senate Bill No. 3646]

STATE BOXING COMMISSION—TERMINATION DATE

AN ACT Relating to athletics; amending section 1, chapter 184, Laws of 1933 and RCW 67.08.001; amending section 3, chapter 184, Laws of 1933 and RCW 67.08.005; amending section 7, chapter 184, Laws of 1933 as amended by section 2, chapter 48, Laws of 1975-76 2nd ex. sess. and RCW 67.08.010; amending section 2, chapter 9, Laws of 1977 and

RCW 67.08.015; amending section 11, chapter 184, Laws of 1933 and RCW 67.08.050; amending section 12, chapter 184, Laws of 1933 as last amended by section 154, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.060; amending section 15, chapter 184, Laws of 1933 and RCW 67.08.090; amending section 17, chapter 184, Laws of 1933 and RCW 67.08.110; amending section 18, chapter 184, Laws of 1933 and RCW 67.08.120; amending section 22, chapter 184, Laws of 1933 as last amended by section 7, chapter 305, Laws of 1959 and RCW 67.08.140; adding a new section to chapter 67.08 RCW; repealing section 11, chapter 99, Laws of 1979 and RCW 43.131.169; repealing section 53, chapter 99, Laws of 1979 and RCW 43.131.170; providing an expiration date; and declaring an emergency.

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

*Section 1. Section 1, chapter 184, Laws of 1933 and RCW 67.08.001 are each amended to read as follows:

(1) For the purposes of this chapter:

(a) "Boxing" includes, but is not limited to, wrestling, sumo, judo, and karate in addition to fisticuffs; and

(b) A "contest" includes events involving competitors engaged for a purse or other significant award to the winner, but does not include exhibitions or performances which amount to merely entertainment.

(2) There is hereby created and established a state commission to be known and designated as the "state ((athletic)) boxing commission" and in this chapter referred to as the commission. The commission shall be composed of three members who shall be appointed by the governor and shall be subject to removal at the pleasure of the governor. The members of the first commission to be appointed after June 7, 1933, shall be appointed for the terms beginning July 1, 1933, and expiring as follows: One commissioner for the term expiring January 31, 1934, one commissioner for the term expiring January 31, 1935, and one commissioner for the term expiring January 31, 1936. Each of the first commissioners appointed shall hold office until his successor is appointed and qualified. Upon the expiration of the terms of the three commissioners first appointed, each succeeding commissioner shall be appointed to hold office for a term of four years and until his successor shall have been appointed and qualified. In case of a vacancy, it shall be filled by the appointment by the governor for the unexpired portion of the term in which such vacancy occurs.

(3) The purpose of the commission is to ensure that all reasonable precautions are taken to prevent permanent injury to contest participants, to assure that such contests are free from fraud, collusion, and dishonesty, and to collect the proper revenues due the state under this chapter.

*Section 1 was partially vetoed, see message at end of chapter.

Sec. 2. Section 3, chapter 184, Laws of 1933 and RCW 67.08.005 are each amended to read as follows:

The first members of the commission shall meet at such time and place, not more than thirty days after their appointment as shall be designated by the governor and shall organize by electing a chairman and an executive secretary and adopt rules and regulations for the conduct of their meetings.

A majority of the members of the commission shall constitute a quorum for the transaction of business. A general office for the transaction of business of the commission shall be designated. The commission may hold meetings and conduct business at such times and places as they may deem necessary.

***Sec. 3. Section 7, chapter 184, Laws of 1933 as amended by section 2, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.010 are each amended to read as follows:**

The commission shall have power to issue and for cause to revoke a license to conduct boxing contests (~~((or sparring or wrestling matches or exhibitions))~~), including a simultaneous telecast of any live, current, or spontaneous boxing(~~(, sparring or wrestling)~~) match or performance on a closed circuit telecast within this state, whether originating in this state or elsewhere, and for which a charge is made, as (~~herein~~) provided in this section under such terms and conditions and at such times and places as the commission may determine. Such licenses shall entitle the holder thereof to conduct boxing contests (~~(and sparring and/or wrestling matches and exhibitions)~~) under such terms and conditions and at such times and places as the commission may determine. In case the commission shall refuse to grant a license to any applicant, or shall cancel any license, such applicant, or the holder of such canceled license shall be entitled, upon application, to a hearing to be held not less than sixty days after the filing of such order at such place as the commission may designate: PROVIDED, HOWEVER, That if it has been found by a valid finding and such finding is fully set forth in such order, that the applicant or licensee has been guilty of disobeying any provision of this chapter, such hearing shall be denied.

*Sec. 3. was vetoed, see message at end of chapter.

***Sec. 4. Section 2, chapter 9, Laws of 1977 and RCW 67.08.015 are each amended to read as follows:**

The commission shall have power and it shall be its duty to direct, supervise, and control all (~~(boxing contests or sparring and wrestling matches or exhibitions)~~) nonexhibition professional combat contests including, but not limited to, boxing, wrestling, sumo, judo, and karate conducted within the state and no such (~~(boxing)~~) contest(~~(, sparring or wrestling match or exhibition)~~) shall be held or given within this state except in accordance with the provisions of this chapter. The commission may, in its discretion, issue and for cause revoke a license to conduct, hold, or give boxing(~~(, sparring and/or wrestling contests, matches, and exhibitions)~~) contests where an admission fee is charged by any club, corporation, organization, association, or fraternal society: PROVIDED, HOWEVER, That all boxing contests(~~(, sparring or wrestling matches or exhibitions)~~) which:

(1) Are conducted by any common school, college, or university, whether public or private, or by the official student association thereof, whether on or

off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any common school, college, or university, within or without this state, or

(2) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes;

shall not be subject to the provisions of this chapter: PROVIDED, FURTHER, That every contestant in any boxing contest(~~(; sparring or wrestling match)~~) not conducted under the provisions of this chapter, prior to engaging in any such contest or match, shall be examined by a practicing physician at least once in each calendar year or, where such contest is conducted by a common school, college, or university as further described in this section, once in each academic year in which instance such physician shall also designate the maximum and minimum weights at which such contestant shall be medically certified to participate: PROVIDED FURTHER, That no contestant shall be permitted to participate in any such boxing contest(~~(; sparring or wrestling match or exhibition)~~) in any weight classification other than that or those for which he is certificated: PROVIDED FURTHER, That the organizations exempted by this section from the provisions of this chapter shall be governed by RCW 67.08.080 as said section applies to boxing contests(~~(; sparring or wrestling matches or exhibitions)~~) conducted by organizations exempted by this section from the general provisions of this chapter. No boxing contest (~~(or sparring or wrestling match or exhibition)~~) shall be conducted within the state except pursuant to a license issued in accordance with the provisions of this chapter and the rules and regulations of the commission except as (~~hereinabove~~) provided in this section.

*Sec. 4. was vetoed, see message at end of chapter.

*Sec. 5. Section 11, chapter 184, Laws of 1933 and RCW 67.08.050 are each amended to read as follows:

Any licensee (~~as herein provided~~) shall within three days prior to the holding of any boxing contest (~~(or sparring and/or wrestling match or exhibition)~~) file with the commission a statement setting forth the name of each contestant, his manager, or managers and such other information as the commission may require, and shall, within seventy-two hours after the termination of any contest file with the commission a written report, duly verified as the commission may require showing the number of tickets sold for such contest, the price charged for such tickets and the gross proceeds thereof, and such other and further information as the commission may require. Such licensee shall pay to the commission at the time of filing the above report a tax equal to five percent of such gross receipts and said five percent of such gross receipts shall be immediately paid by the commission into the (~~state athletic~~) general fund of the state of Washington (~~(which is hereby created)~~).

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

***Sec. 6. Section 12, chapter 184, Laws of 1933 as last amended by section 154, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 67.08.060 are each amended to read as follows:**

The commission may appoint official inspectors at least one of which, in the absence of a member of the commission, shall be present at any boxing contest (~~((or sparring and/or wrestling match or exhibition))~~) held under the provisions of this chapter. Such inspectors shall carry a card signed by the chairman of the commission evidencing their authority. It shall be their duty to see that all rules and regulations of the commission and the provisions of this chapter are strictly complied with and to be present at the accounting of the gross receipts of any contest, and such inspector is authorized to receive from the licensee conducting the contest the statement of receipts (~~((herein))~~) provided for in RCW 67.08.050 and to immediately transmit such reports to the commission. Each inspector shall receive a fee from the licensee to be set by the athletic commission for each contest officially attended. Each inspector shall also receive from the state travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

***Sec. 6. was vetoed, see message at end of chapter.**

***Sec. 7. Section 15, chapter 184, Laws of 1933 and RCW 67.08.090 are each amended to read as follows:**

Each contestant for boxing(~~((, sparring or wrestling))~~) shall be examined within eight hours prior to the contest by a competent physician appointed by the commission. The physician shall forthwith and before such contest report in writing and over his signature the physical condition of each and every contestant to the commissioner or inspector present at such contest. No contestant whose physical condition is not approved by the examining physician shall be permitted to participate in any contest. Blank forms of physicians' reports shall be provided by the commission and all questions upon such blanks shall be answered in full. The examining physician shall be paid a fee designated by the commission by the licensee conducting such match or exhibition. No boxing contest (~~((or sparring or wrestling match or exhibition))~~) shall be held unless a licensed physician of the commission or his duly appointed representative, shall be present throughout the contest.

Any practicing physician and surgeon may be selected by the board as the examining physician. Such physician present at such contest shall have authority to stop any contest when in his opinion it would be dangerous to a contestant to continue, and in such event it shall be his duty to stop such contest. If he has acted as examining physician he shall receive no fee for being present at such contest.

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

***Sec. 8. Section 17, chapter 184, Laws of 1933 and RCW 67.08.110 are each amended to read as follows:**

Any person or any member of any group of persons or corporation promoting (~~((wrestling or))~~) boxing (~~((exhibitions or))~~) contests who shall participate

directly or indirectly in the purse or fee of any manager of (~~any boxers or wrestlers or~~) any (~~boxer or any wrestler~~) contestant and any licensee who shall conduct or participate in any sham or fake boxing contest (~~or sparring or wrestling match or exhibition~~) shall thereby forfeit its license and the commission shall declare such (~~licensee license~~) license canceled and void and such licensee shall not thereafter be entitled to receive (~~another such~~ or) any license issued pursuant to the provisions of this chapter.

*Sec. 8. was vetoed, see message at end of chapter.

**Sec. 9. Section 18, chapter 184, Laws of 1933 and RCW 67.08.120 are each amended to read as follows:*

Any contestant who shall participate in any sham or fake boxing contest (~~or sparring or wrestling match or exhibition~~) or violate any rule or regulation of the commission shall be penalized in the following manner: For the first offense he shall be restrained by order of the commission for a period of not less than three months from participating in any contest held under the provisions of this chapter, such suspension to take effect immediately after the occurrence of the offense; for any second offense such contestant shall be forever suspended from participation in any contest held under the provisions of this chapter.

*Sec. 9. was vetoed, see message at end of chapter.

**Sec. 10. Section 22, chapter 184, Laws of 1933 as last amended by section 7, chapter 305, Laws of 1959 and RCW 67.08.140 are each amended to read as follows:*

Any person, club, corporation, organization, association, or fraternal society conducting within this state boxing(~~, sparring, or wrestling~~) contests (~~or exhibitions~~) without having first obtained a license therefor (~~in the manner provided~~) where required by this chapter shall be guilty of a misdemeanor excepting such contests excluded from the operation of this chapter by RCW 67.08.015. The attorney general, each prosecuting attorney, the athletic commission, or any citizen of any county where any person, club, corporation, organization, association, or fraternal society shall threaten to hold, or appears likely to hold athletic contests or exhibitions in violation of this chapter, may in accordance with the laws of this state governing injunctions, enjoin such person, club, corporation, organization, association, or fraternal society from holding such contest or exhibition.

*Sec. 10. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 11. There is added to chapter 67.08 RCW a new section to read as follows:

The state boxing commission shall cease to exist on June 30, 1987, unless extended by law indefinitely or for an additional fixed period of time. The legislative budget committee shall cause a performance audit to be conducted of the state boxing commission. The final audit report shall be

available to the legislature at least six months prior to the scheduled termination date. The audit shall include, but is not limited to, objective findings of fact, conclusions and recommendations as to continuation, modification, or termination of the state boxing commission.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) Section 11, chapter 99, Laws of 1979 and RCW 43.131.169; and
- (2) Section 53, chapter 99, Laws of 1979 and RCW 43.131.170.

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 24, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 19, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 19, 1981.

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

"I am returning herewith without my approval as to Sections 1(1)(b), 1(3), 3, 4, 5, 6, 7, 8, 9, and 10 Senate Bill No. 3646 entitled:

"AN ACT Relating to athletics."

The aforementioned sections remove professional wrestling from regulation under the State Athletic Commission (renamed the "State Boxing Commission"). I feel that wrestling should remain under the auspices of the Commission, which promotes safety and honesty in boxing and wrestling events.

The reason I have approved the Commission's new name ("State Boxing Commission") is that Section 11, which extends the sunset of the Commission to 1987, refers to the Commission by its new name.

With the exceptions of the aforementioned sections, the remainder of the bill is approved.

CHAPTER 338

[Engrossed Senate Bill No. 3000]

GUBERNATORIAL APPOINTEES

AN ACT Relating to gubernatorial appointees; amending section 2, chapter 250, Laws of 1957 and RCW 38.12.010; amending section 43.43.020, chapter 8, Laws of 1965 as amended by section 1, chapter 80, Laws of 1973 1st ex. sess. and RCW 43.43.020; amending section 5, chapter 202, Laws of 1973 1st ex. sess. as last amended by section 14, chapter 146, Laws of 1980 and RCW 43.43.858; amending section 43.78.010, chapter 8, Laws of 1965 and RCW 43.78.010; amending section 11, chapter 5, Laws of 1965 as last amended by section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110; amending section 5, chapter 219, Laws of 1973 1st ex. sess. as amended by section 128, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.105.032; amending section 2, chapter 270, Laws of 1955 as amended by section 5, chapter 37, Laws of 1957 and RCW 49.60.050; amending section 51.52.010, chapter 23, Laws of 1961 as last amended by section 74, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.010; amending section 77.04.030, chapter 36, Laws of 1955 as amended by section 4, chapter 78, Laws of 1980 and RCW

77.04.030; amending section 43.06.030, chapter 8, Laws of 1965 and RCW 43.06.030; amending section 4, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.040; amending section 28B.70.040, chapter 223, Laws of 1969 ex. sess. and RCW 28B.70.040; amending section 3, chapter 34, Laws of 1971 ex. sess. as amended by section 130, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.115.030; amending section 4, chapter 140, Laws of 1974 ex. sess. as amended by section 131, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.117-.040; amending section 1, chapter 98, Laws of 1935 as last amended by section 1, chapter 18, Laws of 1973 1st ex. sess. and RCW 18.64.001; amending section 2, chapter 55, Laws of 1933 as last amended by section 1, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.012; amending section 6, chapter 36, Laws of 1969 ex. sess. as amended by section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; amending section 2, chapter 6, Laws of 1977 and RCW 41.06.110; amending section 1, chapter 5, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.010; adding new sections to chapter 43.06 RCW; adding a new section to chapter 43. ___ RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 43.06 RCW a new section to read as follows:

Gubernatorial appointees subject to senate confirmation, other than those who serve at the governor's pleasure, may not be removed from office without cause by the governor prior to confirmation except upon consent of the senate as provided for by the rules of the senate.

NEW SECTION. Sec. 2. There is added to chapter 43.06 RCW a new section to read as follows:

(1) Any gubernatorial appointee subject to senate confirmation shall continue to serve unless rejected by a vote of the senate. An appointee who is rejected by a vote of the senate shall not be reappointed to the same position for a period of one year from termination of service.

(2) Any person appointed by the governor to fill the unexpired term of an appointment subject to senate confirmation must also be confirmed by the senate.

Sec. 3. Section 2, chapter 250, Laws of 1957 and RCW 38.12.010 are each amended to read as follows:

The governor, with the advice and consent of the senate, shall appoint an adjutant general who shall be chief of staff to the governor, and may be removed by the governor at will. He shall appoint the civilian employees and other personnel of his department and may remove any of them in his discretion.

The expenses of the adjutant general's department, necessary to the military service, shall be audited, allowed, and paid as other military expenditures.

The adjutant general must execute an official bond running to the state in the penal sum of twenty thousand dollars conditioned for the faithful performance of his duties. The bond shall be submitted to the attorney general for approval, and when approved shall be filed in the office of the secretary of state. The cost of the bond shall be paid by the state.

The adjutant general may obtain and pay for, from funds appropriated for military purposes, a surety bond or bonds running to the state covering such officers of the organized militia responsible to the state for money or military property, as may be advisable to insure proper accountability. The bond or bonds shall be approved and filed in the same manner as the adjutant general's bond.

Sec. 4. Section 43.43.020, chapter 8, Laws of 1965 as amended by section 1, chapter 80, Laws of 1973 1st ex. sess. and RCW 43.43.020 are each amended to read as follows:

The governor, with the advice and consent of the senate, shall appoint the chief of the Washington state patrol, determine his compensation, and may remove him at will.

The chief shall appoint a sufficient number of competent persons to act as Washington state patrol officers, may remove them for cause, as provided in this chapter, and shall make promotional appointments, determine their compensation, and define their rank and duties, as hereinafter provided.

The chief may appoint employees of the Washington state patrol to serve as special deputies, with such restricted police authority as the chief shall designate as being necessary and consistent with their assignment to duty. Such appointment and conferral of authority shall not qualify said employees for membership in the Washington state patrol retirement system, nor shall it grant tenure of office as a regular officer of the Washington state patrol.

**Sec. 5. Section 5, chapter 202, Laws of 1973 1st ex. sess. as last amended by section 14, chapter 146, Laws of 1980 and RCW 43.43.858 are each amended to read as follows:*

There is hereby created the organized crime advisory board of the state of Washington. The board shall consist of thirteen voting and two nonvoting members.

The lieutenant governor shall appoint four members of the senate judiciary committee to the board, no more than two of whom shall be from the same political party.

The governor shall appoint five members to the board with the advice and consent of the senate. Two members shall be county prosecuting attorneys and shall be appointed from a list of four county prosecutors agreed upon and submitted to the governor by the elected county prosecutors. One member shall be a municipal police chief, and one member shall be a county sheriff, both of whom shall be appointed from a list of three police chiefs and three sheriffs agreed upon and submitted to the governor by the association of sheriffs and police chiefs (RCW 36.28A.010). One member shall be a retired judge of a court of record.

The United States attorneys for the western and eastern districts of Washington shall be requested to serve on the board as nonvoting members and shall not be eligible to serve as chairperson.

The speaker of the house shall appoint four members of the house judiciary committee to the board, no more than two of whom shall be from the same political party.

The members of the board shall be qualified on the basis of knowledge and experience in matters relating to crime prevention and security or with such other abilities as may be expected to contribute to the effective performance of the board's duties. The members of the board shall meet with the chief of the Washington state patrol at least four times a year to perform the duties enumerated in RCW 43.43.862 and to discuss any other matters related to organized crime. Additional meetings of the board may be convened at the call of the chairperson or by a majority of the members. The board shall elect its own chairperson from among its members. Legislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 44.04.120 as now existing or hereafter amended, and the other members in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

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

Sec. 6. Section 43.78.010, chapter 8, Laws of 1965 and RCW 43.78.010 are each amended to read as follows:

There shall be a public printer appointed by the governor with the advice and consent of the senate, who shall hold office at the pleasure of the governor and until his successor is appointed and qualified.

Sec. 7. Section 11, chapter 5, Laws of 1965 as last amended by section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110 are each amended to read as follows:

There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries, the ~~((director of highways, and))~~ secretary of transportation, the director of commerce and economic development, the director of the department of ecology, and, by appointment of the governor with the advice and consent of the senate, five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall serve without pay, but shall

be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

***Sec. 8. Section 5, chapter 219, Laws of 1973 1st ex. sess. as amended by section 128, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43-.105.032 are each amended to read as follows:**

There is hereby created the Washington state data processing authority consisting of eleven members appointed by the governor with the advice and consent of the senate, and serving at his pleasure. The governor shall make such appointments within thirty days after April 25, 1973.

Members of the authority shall not be compensated for service on the authority but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

The authority shall elect a chairman from among its members and shall appoint an executive director (~~within sixty days after April 25, 1973, subject to confirmation by a majority vote of the senate~~).

***Sec. 8. was vetoed, see message at end of chapter.**

Sec. 9. Section 2, chapter 270, Laws of 1955 as amended by section 5, chapter 37, Laws of 1957 and RCW 49.60.050 are each amended to read as follows:

There is created the "Washington state board against discrimination," which shall be composed of five members to be appointed by the governor with the advice and consent of the senate, one of whom shall be designated as chairman by the governor.

Sec. 10. Section 51.52.010, chapter 23, Laws of 1961 as last amended by section 74, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.010 are each amended to read as follows:

There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor, with the advice and consent of the senate, as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active members of the Washington state bar association, submitted to the governor by the two organizations defined below, and such member shall be the chairperson of said board. The second member shall be a representative of the majority of workers engaged in employment under this title and selected from a list of not less than three names submitted to the governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers under this title, and appointed from a list of at least three names submitted to the governor by a recognized state-wide organization of employers, representing a majority of employers. The initial terms of office of the members of the board shall be for six, four, and two years respectively.

Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his or her successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his or her predecessor. All appointments to the board shall be made in conformity with the foregoing plan. Whenever the workload of the board and its orderly and expeditious disposition shall necessitate, the governor may appoint two additional pro-tem members in addition to the regular members. Such appointments shall be for a definite period of time, and shall be made from lists submitted respectively by labor and industry as in the case of regular members. One pro-tem member shall be a representative of labor and one shall be a representative of industry. Members shall devote their entire time to the duties of the board and shall receive for their services a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 which shall be in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

Sec. 11. Section 77.04.030, chapter 36, Laws of 1955 as amended by section 4, chapter 78, Laws of 1980 and RCW 77.04.030 are each amended to read as follows:

The state game commission consists of six voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 12. Section 43.06.030, chapter 8, Laws of 1965 and RCW 43.06-.030 are each amended to read as follows:

~~((On or before the last five days of each biennial session of the legislature))~~ For a gubernatorial appointment to be effective, the governor must transmit to the secretary of the senate ((a list of all appointments made by him, and not before communicated to the senate for confirmation)) notice of the appointment, along with pertinent information regarding the appointee, within fourteen days after making any appointment subject to senate confirmation.

Sec. 13. Section 4, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 261, Laws of 1979 ex. sess. and RCW 18-.73.040 are each amended to read as follows:

There is created an emergency medical services committee of nine members to be appointed by the governor (~~((with the advice and consent of the senate))~~). Members of the committee shall be persons knowledgeable in specific and general aspects of emergency medical services. Members shall be appointed for a period of three years; except, that the first appointees shall serve for terms as follows: Five for three years, two for two years, and two for one year. Further, the terms of those members representing the same field shall not expire at the same time.

The committee shall elect a chairman and a vice chairman whose terms of office shall be for one year each. The chairman shall be ineligible for re-election after serving two consecutive terms.

The committee shall meet on call by the governor, the secretary or the chairman.

All appointive members of the committee, in the performance of their duties, may be entitled to receive travel expenses as provided in RCW 43-.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 14. Section 28B.70.040, chapter 223, Laws of 1969 ex. sess. and RCW 28B.70.040 are each amended to read as follows:

(1) The governor(~~((with the advice and consent of the senate;))~~) shall appoint the members, for this state, of the Western Interstate Commission for Higher Education, which is created under the provisions of Article III of the western regional higher education compact.

(2) The qualifications and terms of office of the members of the commission for this state shall conform with the provisions of Article IV of said compact.

(3) The commissioners shall serve without compensation and they shall be reimbursed for their actual and necessary expenses by the Western Interstate Commission for Higher Education.

(4) The governor may remove a member of the commission in conformity with the provisions of RCW 43.06.070, 43.06.080 and 43.06.090.

Sec. 15. Section 3, chapter 34, Laws of 1971 ex. sess. as amended by section 130, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.115-.030 are each amended to read as follows:

(1) The commission shall consist of eleven members appointed by the governor (~~((with the advice and consent of the senate))~~). The membership shall include:

- (a) Two members from workers in the agricultural field;
- (b) Two members from the general populace of the Spanish speaking population;
- (c) One member from the field of education;
- (d) One member from professional services; and

(e) One member from among elected trade union officials;

(f) Four members from the Mexican-American community in the state.

(2) The members shall hold office commencing July 1, 1971 for four years and until their successors are chosen and qualified. Four of the initial appointees shall be appointed for two-year terms and three shall be appointed for four-year terms. Vacancies shall be filled in the same manner as the original appointments.

(3) 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 as now existing or hereafter amended.

(4) Six members of the commission shall constitute a quorum for the purpose of conducting business.

Sec. 16. Section 4, chapter 140, Laws of 1974 ex. sess. as amended by section 131, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.117-.040 are each amended to read as follows:

(1) The commission shall consist of twenty-four members appointed by the governor (~~with the advice and consent of the senate~~). In making such appointments, the governor shall give due consideration to recommendations submitted to him by the commission. The governor may also consider nominations of members made by the various Asian-American organizations in the state. The governor shall consider nominations for membership based upon maintaining a balanced distribution of Asian-ethnic, geographic, sex, age, and occupational representation, where practicable.

(2) The currently serving Asian-American advisory council members shall serve out their original terms which commenced on July 1, 1972, as follows: Seven to serve one year; seven to serve two years; and six to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive twenty-five dollars for each day or major portion thereof plus reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(4) Sixty percent of the membership plus one shall constitute a quorum for the purpose of conducting business.

(5) The governor shall appoint an executive director based upon recommendations made by the council.

Sec. 17. Section 1, chapter 98, Laws of 1935 as last amended by section 1, chapter 18, Laws of 1973 1st ex. sess. and RCW 18.64.001 are each amended to read as follows:

There shall be a state board of pharmacy consisting of five members, to be appointed by the governor by and with the advice and consent of the

senate. Four of the members shall be designated as pharmacist members and one of the members shall be designated a public member.

Each pharmacist member shall be a citizen of the United States and a resident of this state, and at the time of his appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his appointment and shall at all times during his incumbency continue to be a duly licensed pharmacist: PROVIDED, That subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a citizen of the United States and a resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the board.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his appointment and until his successor is appointed and qualified.

~~((Each member shall be subject to removal at the pleasure of the governor, but no such removal shall be made by the governor unless he furnishes the member with a letter setting forth his reasons for the removal, and files a copy thereof with the secretary of state where it shall remain subject to public inspection.))~~

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

***Sec. 18. Section 2, chapter 55, Laws of 1933 as last amended by section 1, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.012 are each amended to read as follows:**

There is hereby created the Washington horse racing commission, to consist of three commissioners, who shall be citizens, residents, and qualified electors of the state of Washington, and one of whom shall be a breeder of race horses and he shall be of at least one year's standing. The first members of said commission shall be appointed by the governor within thirty days after March 3, 1933, one for a term to expire on the Thursday following the second Monday in January of 1935, one for a term to expire on the Thursday following the second Monday in January of 1937, and one for a term to expire on the Thursday following the second Monday in January of 1939, upon which expiration of the term of any member, the governor shall appoint

a successor for a term of six years. Each member shall hold office until his successor is appointed and qualified. Vacancies in the office of commissioner shall be filled by appointment to be made by the governor for the unexpired term. (~~Any commissioner may be removed at any time at the pleasure of the governor. PROVIDED, That~~) Any member or successor that is appointed or reappointed by the governor after August 11, 1969, shall be confirmed by the senate. Before entering upon the duties of his office, each commissioner shall enter into a surety company bond, to be approved by the governor and attorney general, payable to the state of Washington, in the penal sum of five thousand dollars, conditioned upon the faithful performance of his duties and the correct accounting and payment of all sums received and coming within his control under this chapter, and in addition thereto each commissioner shall take and subscribe to an oath of office of the same form as that prescribed by law for elective state officers.

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

Sec. 19. Section 6, chapter 36, Laws of 1969 ex. sess. as amended by section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16-.060 are each amended to read as follows:

(1) There is hereby created a state higher education personnel board composed of three members appointed by the governor, subject to confirmation by the senate(~~(-PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate)~~). The first such board shall be appointed within thirty days after the effective date of this chapter for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) The board shall appoint a personnel director who shall be the chief staff officer for the board. In preparing matters for consideration by the board and in coordinating the implementation of the board's rules and regulations, the personnel director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community college education. When necessary, the personnel director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community college education, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.

Sec. 20. Section 2, chapter 6, Laws of 1977 and RCW 41.06.110 are each amended to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate (~~(: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate)~~). The first such board shall be appointed within thirty days after December 8, 1960 for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board, actually attended: PROVIDED, That after July 1, 1962, no one board member shall receive more than one thousand five hundred dollars in any fiscal year for this purpose: PROVIDED, FURTHER, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two

members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

Sec. 21. Section 1, chapter 5, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.010 are each amended to read as follows:

(1) There is hereby created the public employment relations commission (hereafter called the "commission") to administer the provisions of this chapter. The commission shall consist of three members who shall be citizens appointed by the governor by and with the advice and consent of the senate(~~(: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the commission if that person's appointment shall have been rejected by the senate during the next legislative session)~~). One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members shall be eligible for reappointment. The governor shall designate one member to serve as chairman of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members shall not be eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission.

(2) In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state.

(3) A vacancy in the commission shall not impair the right of the remaining members to exercise all of the powers of the commission, and two members of the commission shall, at all times, constitute a quorum of the commission.

(4) The commission shall at the close of each fiscal year make a report in writing to the legislature and to the governor stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.

***NEW SECTION. Sec. 22. There is added to chapter 43 RCW a new section to read as follows:**

The appointments by the governor to the Pacific Northwest Electrical Power and Conservation Planning Council created pursuant to chapter

43. RCW (sections 1 through 5, chapter ___ (ESSB 3041), Laws of 1981), shall be subject to the advice and consent of the senate.

***Sec. 22. was vetoed, see message at end of chapter.**

****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.***

***Sec. 23. was vetoed, see message at end of chapter.**

Passed the Senate April 26, 1981.

Passed the House April 26, 1981.

Approved by the Governor May 19, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 19, 1981.

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

"I am returning herewith without my approval as to Sections 5, 8, 18, 22 and 23 Senate Bill No. 3000 entitled:

"AN ACT Relating to gubernatorial appointees."

In my view the requirement of Senate confirmation should be limited to major administrative posts and governing bodies. In light of the 1500 or so gubernatorial appointments to boards and commissions, a routine requirement of Senate confirmation is impractical. For that reason I have vetoed Sections 5 and 8, which require Senate confirmation of the gubernatorial appointments to the Organized Crime Advisory Board and the Data Processing Authority.

I have vetoed Section 18 because it unnecessarily restricts the Governor's control over the membership of the Horse Racing Commission.

Section 22 is vetoed because it is identical in substance to Section 3 of En-grossed Substitute Senate Bill No. 3041, which has been signed into law.

Section 23 is vetoed because, the legislative session having been concluded, no emergency exists with respect to the gubernatorial appointments covered by this bill.

With the exceptions of the aforementioned sections, which I have vetoed, the remainder of Senate Bill No. 3000 is approved."

CHAPTER 339

[Substitute House Bill No. 144]

INSURANCE

AN ACT Relating to insurance; amending section 1, chapter 225, Laws of 1959 as amended by section 70, chapter 75, Laws of 1977 and RCW 48.02.180; amending section .03.06, chapter 79, Laws of 1947 as amended by section 1, chapter 35, Laws of 1979 ex. sess. and RCW 48.03.060; amending section .05.21, chapter 79, Laws of 1947 and RCW 48.05.210; amending section 3, chapter 150, Laws of 1967 and RCW 48.05.215; amending section .07.13, chapter 79, Laws of 1947 and RCW 48.07.130; amending section .13.16, chapter 79, Laws of 1947 as last amended by section 3, chapter 151, Laws of 1973 and RCW 48.13.160; amending section .14.01, chapter 79, Laws of 1947 as last amended by section 1, chapter 269, Laws of 1979 ex. sess. and RCW 48.14.010; amending section .15.07, chapter 79, Laws of 1947 as last amended by section 3, chapter 102, Laws of 1980 and RCW 48.15.070; amending section .17.01, chapter 79, Laws of 1947 and RCW 48.17.010; amending section .17.09, chapter 79, Laws of 1947 as amended by section 15, chapter

150, Laws of 1967 and RCW 48.17.090; amending section .17.12, chapter 79, Laws of 1947 as last amended by section 17, chapter 150, Laws of 1967 and RCW 48.17.120; amending section .17.13, chapter 79, Laws of 1947 as amended by section 18, chapter 150, Laws of 1967 and RCW 48.17.130; amending section .17.27, chapter 79, Laws of 1947 and RCW 48.17.270; amending section .17.34, chapter 79, Laws of 1947 and RCW 48.17.340; amending section .17.38, chapter 79, Laws of 1947 as amended by section 48, chapter 292, Laws of 1971 ex. sess. and RCW 48.17.380; amending section .17.39, chapter 79, Laws of 1947 and RCW 48.17.390; amending section 20, chapter 241, Laws of 1969 ex. sess. as last amended by section 7, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.292; amending section .19.08, chapter 79, Laws of 1947 and RCW 48.19.080; amending section 17, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.20.460; amending section .32.01, chapter 79, Laws of 1947 and RCW 48.36.010; amending section .32.17, chapter 79, Laws of 1947 as amended by section 22, chapter 195, Laws of 1963 and RCW 48.36.170; amending section 3, chapter 268, Laws of 1947 as last amended by section 2, chapter 115, Laws of 1969 and RCW 48.44.030; adding new sections to chapter 48.29 RCW; adding a new section to chapter 48.30 RCW; and repealing section .30.16, chapter 79, Laws of 1947 and RCW 48.30.160.

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

Section 1. Section 1, chapter 225, Laws of 1959 as amended by section 70, chapter 75, Laws of 1977 and RCW 48.02.180 are each amended to read as follows:

(1) In addition to such publications as are otherwise authorized under this code, the commissioner may from time to time prepare and publish:

(a) Booklets containing the insurance code, or supplements thereto, and such related statutes as the commissioner deems suitable and useful for inclusion in an appendix of such booklet or supplement.

(b) Manuals and other material relative to examinations for licensing as provided in chapter 48.17 RCW.

(2) The commissioner may furnish copies of the insurance code, supplements thereto, and related statutes referred to in ~~((subdivision))~~ (1) ~~((above;))~~ of this section free of charge to public offices and officers in this state concerned therewith, to public officials of other states and jurisdictions having supervision of insurance, to the library of congress, and to officers of the armed forces of the United States of America located at military installations in this state who are concerned with insurance transactions at or involving such military installations.

(3) Except as provided in subsection (2) ~~((above))~~ of this section, the commissioner shall sell copies of the insurance code, supplements thereto, examination manuals, and materials as referred to in subsection (1) ~~((above))~~ of this section, at a reasonable price, fixed by the commissioner, in amount not less than the cost of publication, handling, and distribution thereof. The commissioner shall promptly deposit all funds received by him pursuant to this subsection with the state treasurer to the credit of the general fund. For appropriation purposes, such funds received and deposited by the commissioner shall be treated as a recovery of a previous expenditure.

Sec. 2. Section .03.06, chapter 79, Laws of 1947 as amended by section 1, chapter 35, Laws of 1979 ex. sess. and RCW 48.03.060 are each amended to read as follows:

(1) Examinations within this state of any insurer domiciled or having its home offices in this state, other than a title insurer, made by the commissioner or his examiners and employees shall, except as to fees, mileage, and expense incurred as to witnesses, be at the expense of the state.

(2) Every other examination, whatsoever, or any part of the examination of any person domiciled or having its home offices in this state requiring travel and services outside this state, shall be made by the commissioner or by examiners designated by him and shall be at the expense of the person examined; but a domestic insurer shall not be liable for the compensation of examiners employed by the commissioner for such services outside this state.

(3) The person examined and liable therefor shall reimburse the state upon presentation of an itemized statement thereof, for the actual travel expenses of the commissioner's examiners, their reasonable living expense allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the examination. Per diem salary and expenses for employees examining insurers domiciled outside the state of Washington shall be established by the commissioner on the basis of the National Association of Insurance Commissioner's recommended salary and expense schedule for zone examiners, or the salary schedule established by the state personnel board and the expense schedule established by the office of financial management, whichever is higher. Domestic title insurer shall pay the examination expense and costs to the commissioner as itemized and billed by him.

The commissioner or his examiners shall not receive or accept any additional emolument on account of any examination.

Sec. 3. Section .05.21, chapter 79, Laws of 1947 and RCW 48.05.210 are each amended to read as follows:

(1) Duplicate copies of legal process against an insurer for whom the commissioner is attorney shall be served upon him either by a person competent to serve a summons, or by registered mail. At the time of service the plaintiff shall pay to the commissioner ((two)) ten dollars, taxable as costs in the action.

(2) The commissioner shall forthwith send one of the copies of the process, by registered mail with return receipt requested, to the person designated for the purpose by the insurer in its most recent such designation filed with the commissioner.

(3) The commissioner shall keep a record of the day and hour of service upon him of all legal process. No proceedings shall be had against the insurer, and the insurer shall not be required to appear, plead, or answer until the expiration of forty days after the date of service upon the commissioner.

Sec. 4. Section 3, chapter 150, Laws of 1967 and RCW 48.05.215 are each amended to read as follows:

(1) Any foreign or alien insurer not thereunto authorized by the commissioner, whether it be a surplus lines insurer operating under chapter 48-.15 RCW or not, who, by mail or otherwise, solicits insurance business in this state or transacts insurance business in this state as defined by RCW 48.01.060, thereby submits itself to the jurisdiction of the courts of this state in any action, suit or proceeding instituted by or on behalf of an insured, beneficiary or the commissioner arising out of such unauthorized solicitation of insurance business, including, but not limited to, an action for injunctive relief by the commissioner.

(2) In any such action, suit or proceeding instituted by or on behalf of an insured or beneficiary, service of legal process against such unauthorized foreign or alien insurer may be made by service of duplicate copies of legal process on the commissioner by a person competent to serve a summons or by registered mail. At the time of service the plaintiff shall pay to the commissioner ~~((two))~~ ten dollars, taxable as costs in the action. The commissioner shall forthwith mail one of the copies of the process, by registered mail with return receipt requested, to the defendant at its last known principal place of business. The defendant insurer shall have forty days from the date of the service on the commissioner within which to plead, answer or otherwise defend the action.

(3) In any such action, suit or proceeding by the commissioner, service of legal process against such unauthorized foreign or alien insurer may be made by personal service of legal process upon any officer of such insurer at its last known principal place of business outside the state of Washington. The summons upon such unauthorized foreign or alien insurer shall contain the same requisites and be served in like manner as personal summons within the state of Washington; except, the insurer shall have forty days from the date of such personal service within which to plead, answer or otherwise defend the action.

Sec. 5. Section .07.13, chapter 79, Laws of 1947 and RCW 48.07.130 are each amended to read as follows:

(1) No person having any authority in the investment or disposition of the funds of a domestic insurer and no officer or director of an insurer shall accept, except for the insurer, or be the beneficiary of any fee, brokerage, gift, commission, or other emolument because of any sale of insurance or of any investment, loan, deposit, purchase, sale, payment, or exchange made by or for the insurer, or be pecuniarily interested therein in any capacity; except, that such a person may procure a loan from the insurer direct upon approval by two-thirds of its directors and upon the pledge of securities eligible for the investment of the insurer's funds under this code.

(2) This section does not prohibit a life insurer from making a policy loan to such person on a life insurance contract issued by it and in accordance with the terms thereof.

(3) The commissioner may, by regulations from time to time, define and permit additional exceptions to the prohibition contained in subsection (1) of this section solely to enable payment of reasonable compensation to a director who is not otherwise an officer or employee of the insurer, or to a corporation or firm in which the director is interested, for necessary services performed or sales or purchases made to or for the insurer in the ordinary course of the insurer's business and in the usual private professional or business capacity of such director or such corporation or firm.

Sec. 6. Section .13.16, chapter 79, Laws of 1947 as last amended by section 3, chapter 151, Laws of 1973 and RCW 48.13.160 are each amended to read as follows:

(1) An insurer may own and invest or have invested in its home office and branch office buildings any of its funds in aggregate amount not to exceed ten percent of its assets unless approved by the commissioner, or if a mutual or reciprocal insurer not to exceed ten percent of its assets nor such amount as would reduce its surplus, exclusive of such investment, below fifty thousand dollars unless approved by the commissioner.

(2) An insurer may own real property acquired in satisfaction or on account of loans, mortgages, liens, judgments, or other debts previously owing to the insurer in the course of its business.

(3) An insurer may invest or have invested in aggregate amount not exceeding three percent of its assets in the following real property, and in the repair, alteration, furnishing, or improvement thereof:

(a) Real property requisite for its accommodation in the convenient transaction of its business if approved by the commissioner.

(b) Real property acquired by gift or devise.

(c) Real property acquired in exchange for real property owned by it. If necessary in order to consummate such an exchange, the insurer may put up cash in amount not to exceed twenty percent of the fair value of its real property to be so exchanged, in addition to such property.

(d) Real property acquired through a lawful merger or consolidation with it of another insurer and not required for the purposes specified in subsection (1) and in paragraph (a) of subsection (2) of this section.

(e) Upon approval of the commissioner, in real property and equipment incident to real property, requisite or desirable for the protection or enhancement of the value of other real property owned by the insurer.

(4) A domestic life insurer with assets of at least twenty-five million dollars and at least ten million dollars in capital and surplus, and a domestic property and casualty insurer with assets of at least seventy-five million dollars and at least thirty million dollars in capital and surplus, or, if a mutual or reciprocal property or casualty insurer, at least thirty million dollars in surplus, may, in addition to the real property included in subsections (1), (2) and (3) of this section, own such real property other than property to be

used ((~~primarily~~)) for ((~~agricultural, horticultural,~~)) ranch, mining, recreational, amusement, or club purposes, as may be acquired as an investment for the production of income, or as may be acquired to be improved or developed for such investment purpose pursuant to an existing program therefor, subject to the following limitations and conditions:

(a) The cost of each parcel of real property so acquired under this subsection (4), including the estimated cost to the insurer of the improvement or development thereof, when added to the book value of all other real property under this subsection (4), together with the admitted value of all common stock, then held by it, shall not exceed twenty percent of its admitted assets or fifty percent of its surplus over the minimum required surplus, whichever is greater, as of the thirty-first day of December next preceding; and

(b) The cost of each parcel of real property so acquired, including the estimated cost to the insurer of the improvement or development thereof, shall not exceed as of the thirty-first day of December next preceding, four percent of its admitted assets.

(c) Indirect or proportionate interests in real estate held by a domestic life insurer through any subsidiary shall be included in proportion to such insurer's interest in the subsidiary in applying the limits provided in subsection (4).

***Sec. 7. Section .14.01, chapter 79, Laws of 1947 as last amended by section 1, chapter 269, Laws of 1979 ex. sess. and RCW 48.14.010 are each amended to read as follows:**

(1) The commissioner shall collect in advance the following fees:

- (A) FOR FILING CHARTER DOCUMENTS:**
 - (i) Original charter documents, bylaws or record of organization of insurers, or certified copies thereof, required to be filed..... \$250.00**
 - (ii) Amended charter documents, or certified copy thereof, other than amendments of bylaws..... \$ 10.00**
 - (iii) No additional charge or fee shall be required for filing any of such documents in the office of the secretary of state.**
- (B) CERTIFICATE OF AUTHORITY:**
 - (i) Issuance \$ 25.00**
 - (ii) Renewal..... \$ 25.00**
- (C) ANNUAL STATEMENT OF INSURER, FILING \$ 20.00**

(D) ORGANIZATION OR FINANCING OF DOMESTIC INSURERS AND AFFILIATED CORPORATIONS:

- (i) *Application for solicitation permit, filing* \$100.00
- (ii) *Issuance of solicitation permit* \$ 25.00

(E) AGENTS' LICENSES:

- (i) *Agent's qualification licenses each year* \$ 25.00
- (ii) *Filing of appointment of each such agent, each year* \$ 10.00
- (iii) *Limited license issued pursuant to RCW 48.17.190, each year* \$ 10.00

(F) BROKERS' LICENSES:

- (i) ~~((Resident or nonresident broker))~~ *Broker's license, each year* \$ 50.00
- (ii) *Surplus line broker, each year* \$100.00

(G) SOLICITORS' LICENSE, EACH YEAR \$ 10.00

(H) ADJUSTERS' LICENSES:

- (i) *Independent adjuster, each year* \$ 25.00
- (ii) *Public adjuster, each year* \$ 25.00

(I) RESIDENT GENERAL AGENTS LICENSE, EACH YEAR \$ 25.00

(J) EXAMINATION FOR LICENSE, EACH EXAMINATION:

- (i) ~~((Filing))~~ *Application processing fee for first examination for license* \$ 5.00
- (ii) ~~((Resident or nonresident))~~ *Broker's license* \$ 50.00
- (iii) *All other examinations, except examinations administered by an independent testing service, the fees for which are to be approved by the commissioner and collected directly by such independent testing service* \$ 10.00

(K) MISCELLANEOUS SERVICES:

- (i) *Filing other documents* \$ 5.00
- (ii) *Commissioner's certificate under seal* \$ 5.00
- (iii) *Copy of documents filed in the commissioner's office, reasonable charge therefor as determined by the commissioner.*

(2) All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the general fund: PROVIDED, That fees for examinations administered by an independent testing service which are approved by the

commissioner pursuant to (1)(J)(iii) of this section may be collected directly by such independent testing service.

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

*Sec. 8. Section .15.07, chapter 79, Laws of 1947 as last amended by section 3, chapter 102, Laws of 1980 and RCW 48.15.070 are each amended to read as follows:

Any ~~((person))~~ resident of this state deemed by the commissioner to be competent and trustworthy, and while maintaining an office at a designated location in this state, may be licensed as a surplus line broker ~~((; as follows:))~~ in accordance with this section.

(1) Application to the commissioner for the license shall be made on forms furnished by the commissioner.

(2) The license fee shall be one hundred dollars for each license year during any part of which the license is in force. The annual renewal date shall be determined by the commissioner. The commissioner shall adopt a rule providing for the proration, on a quarterly basis, of the license fee. The proration shall be applicable only: (a) To applicants who apply for a license after the expiration of the first quarter of any license year, or (b) to licensees whose licenses would exist for less than nine months as a result of the adoption of the annual renewal date.

(3) Prior to issuance of license the applicant shall file with the commissioner a bond in favor of the state of Washington in the penal sum of twenty thousand dollars, with authorized corporate sureties approved by the commissioner, conditioned that he will conduct business under the license in accordance with the provisions of this chapter and that he will promptly remit the taxes provided by RCW 48.15.120. The licensee shall maintain such bond in force for as long as the license remains in effect.

(4) Every applicant for a surplus line broker's license or for the renewal of a surplus line broker's license shall file with the application or request for renewal a bond in favor of the people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of fifty thousand dollars and shall be the bonding requirement for new licensees. The licensee shall maintain such bond in force while so licensed. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the amount stated in the bond. The bond shall be contingent on the accounting by the surplus line broker to any person requesting such broker to obtain insurance, for moneys or premiums collected in connection therewith. A bond issued in accordance with RCW 48.17.250 or with this subsection will satisfy the requirements of both RCW 48.17.250 and this subsection if the limit of liability is not less than the greater of the requirement of RCW 48.17.250 or the requirement of this subsection.

(5) Any bond issued pursuant to subsection (3) or (4) of this section shall remain in force until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days' advance notice in writing filed with the commissioner.

*Sec. 8. was vetoed, see message at end of chapter.

Sec. 9. Section .17.01, chapter 79, Laws of 1947 and RCW 48.17.010 are each amended to read as follows:

"Agent" means any person appointed by an insurer to solicit applications for insurance on its behalf, and if authorized so to do, to effectuate (~~and countersign~~) insurance contracts (~~except as to life or disability insurances~~), and to collect premiums on insurances so applied for or effectuated.

Sec. 10. Section .17.09, chapter 79, Laws of 1947 as amended by section 15, chapter 150, Laws of 1967 and RCW 48.17.090 are each amended to read as follows:

(1) Application for any such license shall be made to the commissioner upon forms as prescribed and furnished by him. As a part of or in connection with any such application the applicant shall furnish information concerning his identity, including his fingerprints, personal history, experience, business record, purposes, and other pertinent facts, as the commissioner may reasonably require.

(2) (~~If the applicant is a firm or corporation, the application shall show, in addition, the names of all members and officers, and shall designate each individual who is to exercise the powers to be conferred by the license upon such firm or corporation. The commissioner shall require each such individual to furnish information to him as though for an individual license.~~)

(~~3~~)) Any person wilfully misrepresenting any fact required to be disclosed in any such application shall be liable to penalties as provided by this code.

*Sec. 11. Section .17.12, chapter 79, Laws of 1947 as last amended by section 17, chapter 150, Laws of 1967 and RCW 48.17.120 are each amended to read as follows:

(1) Each such examination shall be of sufficient scope reasonably to test the applicant's knowledge relative to the kinds of insurance which may be dealt with under the license applied for, and of the duties and responsibilities of, and laws of this state applicable to, such a licensee.

(2) Examination as to ocean marine and related coverages may be waived by the commissioner as to any applicant deemed by the commissioner to be qualified by past experience to deal in such insurances.

(3) The commissioner shall prepare, or approve, and make available to insurers, general agents, brokers, agents, and applicants a printed manual

specifying in general terms the subjects which may be covered in any examination for a particular license.

*Sec. 11. was vetoed, see message at end of chapter.

**Sec. 12. Section .17.13, chapter 79, Laws of 1947 as amended by section 18, chapter 150, Laws of 1967 and RCW 48.17.130 are each amended to read as follows:*

(1) The answers of the applicant to any such examination shall be written by the applicant under the examining authority's supervision, and any such written examination may be supplemented by oral examination at the discretion of the examining authority.

(2) Examinations shall be given at such times and places within this state as the examining authority deems necessary reasonably to serve the convenience of both the examining authority and applicants.

(3) The examining authority may require a waiting period of reasonable duration before giving a new examination to an applicant who has failed to pass a previous similar examination.

(4) For each examination taken, the commissioner shall collect in advance the fee provided in RCW 48.14.010. In the event the commissioner contracts with an independent testing service for examination development and administration, the examination fee may be collected directly by such testing service.

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

Sec. 13. Section .17.27, chapter 79, Laws of 1947 and RCW 48.17.270 are each amended to read as follows:

A licensed agent may be licensed as a broker and be a broker as to insurers for which he is not then (~~(licensed)~~) appointed as agent. A licensed broker may be licensed as and be an agent as to insurers appointing him as agent. The sole relationship between a broker and an insurer as to which he is (~~(licensed)~~) appointed as an agent shall, as to transactions arising during the existence of such agency appointment, be that of insurer and agent.

Sec. 14. Section .17.34, chapter 79, Laws of 1947 and RCW 48.17.340 are each amended to read as follows:

(1) Each licensed nonresident agent or broker shall appoint the commissioner as his attorney to receive service of legal process issued against the agent or broker in this state upon causes of action arising within this state. Service upon the commissioner as attorney shall constitute effective legal service upon the agent or broker.

(2) The appointment shall be irrevocable for as long as there could be any cause of action against the agent or broker arising out of his insurance transactions in this state.

(3) Duplicate copies of such legal process against such agent or broker shall be served upon the commissioner either by a person competent to serve a summons, or through registered mail. At the time of such service the

plaintiff shall pay to the commissioner ((two)) ten dollars, taxable as costs in the action.

(4) Upon receiving such service, the commissioner shall forthwith send one of the copies of the process, by registered mail with return receipt requested, to the defendant agent or broker at his last address of record with the commissioner.

(5) The commissioner shall keep a record of the day and hour of service upon him of all such legal process. No proceedings shall be had against the defendant agent or broker, and such defendant shall not be required to appear, plead, or answer until the expiration of forty days after the date of service upon the commissioner.

Sec. 15. Section .17.38, chapter 79, Laws of 1947 as amended by section 48, chapter 292, Laws of 1971 ex. sess. and RCW 48.17.380 are each amended to read as follows:

The commissioner shall license as an adjuster only an individual ((who)), firm, or corporation which has otherwise complied with this code therefor and ((who)) the individual or responsible officer of the firm or corporation has furnished evidence satisfactory to the commissioner that he is qualified as follows:

- (1) Is eighteen or more years of age.
- (2) Is a bona fide resident of this state, or is a resident of a state which will permit residents of this state to act as adjusters in such other state.
- (3) Is a trustworthy person.
- (4) Has had experience or special education or training with reference to the handling of loss claims under insurance contracts, of sufficient duration and extent reasonably to make him competent to fulfill the responsibilities of an adjuster.
- (5) Has successfully passed any examination as required under this chapter.
- (6) If for a public adjuster's license, has filed the bond required by RCW 48.17.430.

Sec. 16. Section .17.39, chapter 79, Laws of 1947 and RCW 48.17.390 are each amended to read as follows:

The commissioner may license an individual, firm, or corporation as an independent adjuster or as a public adjuster, and separate licenses shall be required for each type of adjuster. An individual, firm, or corporation may be concurrently licensed under separate licenses as an independent adjuster and as a public adjuster. The full license fee shall be paid for each such license.

Sec. 17. Section 20, chapter 241, Laws of 1969 ex. sess. as last amended by section 7, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.292 are each amended to read as follows:

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.291 unless one of the following situations exists:

(a) The insurer gives the named insured at least twenty days' notice in writing as provided for in RCW 48.18.291(1), that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least twenty days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, including the amount by which the premium or deductibles have changed from the previous policy period, and the date by which such payment must be made, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured prior to the expiration of the policy period.

(2) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: PROVIDED, HOWEVER, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.291 through 48.18.297 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.291 through 48.18.297, be considered as if written for successive policy periods or terms of one year.

(4) On and after January 1, 1980, no policy of insurance subject to RCW 48.18.291 shall be issued for a policy period or term of less than six months.

(5) No insurer shall refuse to renew the liability and/or collision coverage of an automobile insurance policy on the basis that an insured covered by the policy of the insurer has submitted one or more claims under the comprehensive, road service, or towing coverage of the policy. Nothing in this subsection shall prohibit the nonrenewal of comprehensive, road service, or towing coverage on the basis of one or more claims submitted by an insured.

Sec. 18. Section .19.08, chapter 79, Laws of 1947 and RCW 48.19.080 are each amended to read as follows:

Under such rules and regulations as he shall adopt the commissioner may, by order, suspend or modify the requirement of filing as to any kind of insurance(~~(, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used)~~). Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standard prescribed in RCW 48.19.020.

Sec. 19. Section 17, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.20.460 are each amended to read as follows:

(1) The commissioner shall issue regulations to establish minimum standards for benefits under each of the following categories of coverage in individual policies, other than conversion policies issued pursuant to a contractual conversion privilege under a group policy, of disability insurance:

- (a) Basic hospital expense coverage;
- (b) Basic medical-surgical expense coverage;
- (c) Hospital confinement indemnity coverage;
- (d) Major medical expense coverage;
- (e) Disability income protection coverage;
- (f) Accident only coverage; ~~((and))~~
- (g) Specified disease or specified accident coverage;
- (h) Medicare supplemental coverage; and
- (i) Limited benefit coverage.

(2) Nothing in this section shall preclude the issuance of any policy which combines two or more of the categories of coverage enumerated in items (a) through (f) of subsection (1) of this section.

(3) No policy shall be delivered or issued for delivery in this state which does not meet the prescribed minimum standards for the categories of coverage listed in items (a) through ~~((g))~~ (i) of subsection (1) of this section, unless the commissioner finds such policy will be in the public interest and such policy meets the requirements set forth in RCW 48.18.110.

(4) The commissioner shall prescribe the method of identification of policies based upon coverages provided.

Sec. 20. Section .32.01, chapter 79, Laws of 1947 and RCW 48.36.010 are each amended to read as follows:

(1) Any corporation, society, order, or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with RCW 48.36.050 hereof, is hereby declared to be a fraternal benefit society.

(2) A new fraternal benefit society or similar association shall not be organized or thereafter licensed, under this chapter or under any other law,

which provides for the payment of benefits to members, unless it has surplus in the minimum amount of total capital and surplus required by RCW 48.05.340.

Sec. 21. Section .32.17, chapter 79, Laws of 1947 as amended by section 22, chapter 195, Laws of 1963 and RCW 48.36.170 are each amended to read as follows:

Every society, whether domestic or foreign, now transacting business in this state shall, within thirty days after this chapter takes effect, and every such society hereafter applying for admission, shall before being licensed, appoint in writing the commissioner and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the society and that the authority shall continue in force so long as any liability remains outstanding in this state.

Copies of such appointment, certified by said commissioner, shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service shall only be made upon such attorney, must be made in duplicate upon the commissioner, in his absence upon the person in charge of his office, and shall be deemed sufficient service upon such society. The copies of legal process shall be served upon the commissioner either by a person competent to serve a summons, by registered mail or certified mail with return receipt requested. At the time of service the plaintiff shall pay to the commissioner ~~((two))~~ ten dollars, taxable as costs in the action: PROVIDED, That no such service shall be valid or binding against any such society when it is required thereunder to file its answer, pleading or defense in less than forty days from the date of mailing the copy of such service to such society. When legal process against any such society is served upon said commissioner, he shall forthwith forward by registered mail, one of the duplicate copies prepaid and directed to its secretary or corresponding officer. Legal process shall not be served upon any such society except in the manner provided herein.

Sec. 22. Section 3, chapter 268, Laws of 1947 as last amended by section 2, chapter 115, Laws of 1969 and RCW 48.44.030 are each amended to read as follows:

If any of the health care services which are promised in any such agreement are not to be performed by the health care service contractor, or by a participant, such activity shall not be subject to the laws relating to insurance, but such agreement shall contain provision for reimbursement or indemnity of the persons paying for such services which agreement shall either be underwritten by an insurance company authorized to write accident, health and disability insurance in the state or guaranteed by a surety

company authorized to do business in this state, or guaranteed by a deposit of cash or securities eligible for investment by insurers pursuant to chapter 48.13 RCW, with the insurance commissioner, as hereinafter provided. If the agreement is underwritten by an insurance company, the contract or policy of insurance may designate the health care service contractor as the named insured, but shall be for the benefit of the persons who have paid for or contracted for such health care services. If the agreement is guaranteed by a surety company, the surety bond shall designate the state of Washington as the named obligee, but shall be for the benefit of the persons who have paid for or contracted for such health care services, and shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of one hundred fifty thousand dollars or one-twelfth of the total sum of money received by the health care service contractor during the preceding twelve months as prepayment for health care services, whichever amount is greater. A copy of such insurance policy or surety bond, as the case may be, and any modification thereof, shall be filed with the insurance commissioner. If the agreement is guaranteed by a deposit of cash or securities, such deposit shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of one hundred fifty thousand dollars or one-twelfth of the total sum of money received by the health care service contractor during the preceding twelve months as prepayment for health care services, whichever amount is greater. Such cash or security deposit shall be held in trust by the insurance commissioner and shall be for the benefit of the persons who have paid for or contracted for such health care services.

****NEW SECTION. Sec. 23. There is added to chapter 48.29 RCW a new section to read as follows:***

To be licensed as agent of a title insurer, the applicant must own or lease and maintain a complete set of tract indexes of the county or counties in which such agent will do business.

*Sec. 23. was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 24. There is added to chapter 48.29 RCW a new section to read as follows:***

Title insurance agents shall be exempt from the provisions of RCW 48.17.090(2) and 48.17.180(1) which otherwise require that each individual empowered to exercise the authority of a licensed firm or corporation must be separately licensed.

*Sec. 24. was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 25. There is added to chapter 48.30 RCW a new section to read as follows:***

(1) No licensed insurance agent shall be empowered to participate in the replacement of an existing life insurance policy or policies issued by a company that such agent does not have an appointment pursuant to RCW 48.17-.160 unless and until such agent has been licensed pursuant to this chapter for two consecutive years;

(2) No licensed agent or general agent shall receive directly or indirectly any compensation for the issuance of a policy in violation of subsection (1) of this section; and

(3) No insurer shall directly or indirectly permit issuance of any policy in violation of subsection (1) of this section.

*Sec. 25. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 26. Section .30.16, chapter 79, Laws of 1947 and RCW 48.30.160 are each repealed.

Passed the House April 24, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 19, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 19, 1981.

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

"I am returning herewith without my approval as to seven sections Substitute House Bill No. 144 entitled:

"AN ACT Relating to insurance."

This bill contains three bills in their entirety which I have already signed:

Section 7, 11 and 12 — SB3383

Section 8 — SB3250

Section 23 and 24 — SB3834

I have vetoed the duplicative sections in order to avoid codification problems and difficulties for future users of the affected sections of the Revised Code of Washington.

Section 25 of this bill would prohibit an agent from replacing an existing life insurance policy, excepting a policy issued by his own company, during the first two years that the agent is licensed. This provision would be strongly anti-competitive, exacerbating the already very difficult problems that face new agents. While I appreciate the problem being addressed, this is not the remedy.

I feel that the Insurance Commissioner has mechanisms in place (replacement disclosure forms and the law prohibiting "twisting") which, if enforced, can prevent policy replacements detrimental to the insured parties.

With the exceptions of the aforementioned sections I have approved Substitute House Bill No. 144."

CHAPTER 340

[Engrossed Substitute Senate Bill No. 3636]

STATE OPERATING BUDGET

AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983; and declaring an emergency.

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

NEW SECTION. Section 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, 1981, and ending June 30, 1983, except as otherwise provided, out of the several funds of the state hereinafter named.

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NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

| | | |
|--|----|------------|
| General Fund Appropriation | \$ | 17,742,000 |
| FTE Staff Years—Fiscal Year 1982 | | 319.0 |
| FTE Staff Years—Fiscal Year 1983 | | 319.0 |

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,000 is for the house ethics committee.
- (2) \$9,000 is for the western forest practices task force.
- (3) \$49,000 is for dues of the national conference of state legislatures.
- (4) \$49,000 is for dues of the council of state governments.

NEW SECTION. Sec. 3. FOR THE SENATE

| | | |
|--|----|------------|
| General Fund Appropriation | \$ | 15,407,000 |
| FTE Staff Years—Fiscal Year 1982 | | 280.0 |
| FTE Staff Years—Fiscal Year 1983 | | 280.0 |

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,000 is for the senate ethics committee.
- (2) \$9,000 is for the western forest practices task force.
- (3) \$49,000 is for dues of the national conference of state legislatures.
- (4) \$49,000 is for dues of the council of state governments.

NEW SECTION. Sec. 4. FOR THE LEGISLATIVE BUDGET COMMITTEE

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 1,294,000 |
| FTE Staff Years—Fiscal Year 1982 | | 16.0 |
| FTE Staff Years—Fiscal Year 1983 | | 16.0 |

NEW SECTION. Sec. 5. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 1,313,000 |
| FTE Staff Years—Fiscal Year 1982 | | 8.0 |
| FTE Staff Years—Fiscal Year 1983 | | 8.0 |

NEW SECTION. Sec. 6. FOR THE OFFICE OF THE STATE ACTUARY

| | | |
|--|----|---------|
| General Fund Appropriation | \$ | 330,000 |
| FTE Staff Years—Fiscal Year 1982 | | 4.0 |
| FTE Staff Years—Fiscal Year 1983 | | 4.0 |

NEW SECTION. Sec. 7. FOR THE STATUTE LAW COMMITTEE

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 4,512,000 |
| FTE Staff Years—Fiscal Year 1982 | | 58.8 |
| FTE Staff Years—Fiscal Year 1983 | | 67.2 |

NEW SECTION. Sec. 8. FOR THE SUPREME COURT

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 5,949,000 |
| FTE Staff Years—Fiscal Year 1982 | | 60.0 |
| FTE Staff Years—Fiscal Year 1983 | | 60.0 |

The appropriation in this section is subject to the following condition or limitation: \$1,456,000 is provided solely for indigent appeal cases.

NEW SECTION. Sec. 9. FOR THE LAW LIBRARY

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 1,727,000 |
| FTE Staff Years—Fiscal Year 1982 | | 14.4 |
| FTE Staff Years—Fiscal Year 1983 | | 14.4 |

The appropriation in this section is subject to the following condition or limitation: All nonstate agency users of the Westlaw system shall be charged a service fee sufficient to cover the costs of their usage.

NEW SECTION. Sec. 10. FOR THE COURT OF APPEALS

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 8,460,000 |
| FTE Staff Years—Fiscal Year 1982 | | 97.0 |
| FTE Staff Years—Fiscal Year 1983 | | 97.0 |

The appropriation in this section is subject to the following conditions or limitations:

- (1) \$1,273,000 is provided solely for lease and associated costs for Division I relocation, and no other moneys may be expended for these purposes.
- (2) If Senate Bill No. 3843 is enacted during the 1981 regular session of the legislature and if it contains an appropriation for the purchase of Division III Court of Appeals facilities, the general fund appropriation shall be reduced to \$8,270,000.

NEW SECTION. Sec. 11. FOR THE ADMINISTRATOR FOR THE COURTS

| | | |
|--|----|------------|
| General Fund Appropriation | \$ | 10,780,000 |
| General Fund—Judiciary Education Account | | |
| Appropriation | \$ | 359,000 |
| Total Appropriation | \$ | 11,139,000 |
| FTE Staff Years—Fiscal Year 1982 | | 155.0 |
| FTE Staff Years—Fiscal Year 1983 | | 155.0 |

The appropriations in this section are subject to the following condition or limitation: A maximum of \$8,185,000 of the general fund appropriation may be spent for the superior court judges, including prior claims. Of this amount, \$360,000 is provided solely for criminal cost bills, including prior claims; \$350,000 is provided solely for mandatory arbitration costs, including prior claims; and \$114,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

NEW SECTION. Sec. 12. FOR THE JUDICIAL COUNCIL

| | | |
|--------------------------------------|----|---------|
| General Fund Appropriation | \$ | 294,000 |
|--------------------------------------|----|---------|

| | |
|--|-----|
| FTE Staff Years—Fiscal Year 1982 | 4.7 |
| FTE Staff Years—Fiscal Year 1983 | 4.7 |

NEW SECTION. Sec. 13. FOR THE OFFICE OF THE GOVERNOR

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 3,555,000 |
| FTE Staff Years—Fiscal Year 1982 | | 38.0 |
| FTE Staff Years—Fiscal Year 1983 | | 38.0 |

The appropriation in this section is subject to the following conditions and limitations:

- (1) A maximum of \$3,163,000 may be spent for executive operations.
- (2) A maximum of \$48,000 may be spent for investigations and emergency purposes.
- (3) A maximum of \$193,000 may be spent 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.
- (4) A maximum of \$151,000 is provided solely for mansion maintenance, and no other moneys may be expended for this purpose.
- (5) A maximum of \$1,000 may be spent for implementation of the corporate responsibilities award program under which appropriate recognition shall be awarded by the governor to those private businesses or corporations which contribute at least two percent of their before-tax profit to programs which result in a reduction in state government costs, especially those programs which aid the poor and infirm.

***NEW SECTION. Sec. 14. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS**

| | | |
|--|----|-------------|
| General Fund Appropriation—State | \$ | 166,929,000 |
| General Fund Appropriation—Federal | \$ | 27,117,000 |
| Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation | \$ | 54,499,000 |
| Total Appropriation | \$ | 248,545,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) A maximum of \$2,500,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.
- (2) (a) A maximum of \$159,621,000 of general fund moneys (including \$21,955,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified employees and 7.2% for 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, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board); and effective October 1, 1982, a salary increase averaging 7.0% 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 medical residents and graduate assistants, including teaching assistants and research assistants of 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 board): PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments: PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds *in sections 110 through 116 of this act*, no higher education institution or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

(b) A maximum of \$31,925,000 of general fund moneys (including \$5,162,000 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$24,413,000 of this amount (including \$3,947,000 in federal funds) may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$7,512,000 of this amount (including \$1,215,000 in federal funds) may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(c) A maximum of \$44,967,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases 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 medical residents and graduate assistants, including teaching assistants and research assistants of 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 board) calculated in accordance with the procedures outlined in subsection (2)(a) of this section.

(d) A maximum of \$9,532,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$7,289,000 of this amount may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$2,243,000 of this amount may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(e) 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.

(f) Notwithstanding any other provision of this subsection (2), Walla Walla community college may fund additional actual increments or their equivalents in salaries for each year of the biennium to equalize salaries to the state-wide average salaries as reflected by the average base salary of the annually contracted professional personnel of the Washington community colleges.

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

NEW SECTION. Sec. 15. FOR THE LIEUTENANT GOVERNOR

| | | |
|--|----|---------|
| General Fund Appropriation | \$ | 226,000 |
| FTE Staff Years—Fiscal Year 1982 | | 3.0 |
| FTE Staff Years—Fiscal Year 1983 | | 3.0 |

NEW SECTION. Sec. 16. FOR THE SECRETARY OF STATE

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 4,044,000 |
| FTE Staff Years—Fiscal Year 1982 | | 50.4 |
| FTE Staff Years—Fiscal Year 1983 | | 50.4 |

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$972,000 is 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.
- (2) \$610,000 is 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.
- (3) \$50,000 is provided solely for costs associated with redistricting.

NEW SECTION. Sec. 17. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS, THE COMMISSION ON ASIAN-AMERICAN AFFAIRS, AND THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

| | |
|--|------------|
| Commission on Mexican-American Affairs | |
| General Fund Appropriation | \$ 116,667 |
| Commission on Asian-American Affairs | |
| General Fund Appropriation | \$ 116,667 |
| Governor's Office of Indian Affairs | |
| General Fund Appropriation | \$ 116,667 |
| Total Appropriation | \$ 350,001 |
| FTE Staff Years—Fiscal Year 1982 | 4.0 |
| FTE Staff Years—Fiscal Year 1983 | 4.0 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The position of executive director for each commission or office shall be retained. The agencies for which appropriations are provided by this section shall jointly fund a common secretarial/clerical pool and consolidate their respective office spaces upon expiration of current lease agreements.

(2) The appropriation for the commission on Asian-American affairs shall fund a commission membership not to exceed twelve members and the commission shall amend its bylaws to provide for a quorum of seven members, provided conforming changes to chapter 43.117 RCW are enacted during the 1981 regular session of the legislature.

NEW SECTION. Sec. 18. FOR THE STATE TREASURER

| | |
|--|--------------|
| Motor Vehicle Fund Appropriation—State | \$ 37,000 |
| State Treasurer's Service Fund Appropriation | \$ 5,205,000 |
| Total Appropriation | \$ 5,242,000 |
| FTE Staff Years—Fiscal Year 1982 | 71.4 |
| FTE Staff Years—Fiscal Year 1983 | 71.5 |

NEW SECTION. Sec. 19. FOR THE STATE AUDITOR

| | |
|---|--------------|
| General Fund Appropriation—State | \$ 2,120,000 |
| General Fund Appropriation—Federal | \$ 352,000 |
| General Fund Appropriation—Private/Local | \$ 48,000 |
| Motor Vehicle Fund Appropriation | \$ 267,000 |
| Auditing Services Revolving Fund Appropria- tion | \$ 5,480,000 |
| Total Appropriation | \$ 8,267,000 |
| FTE Staff Years—Fiscal Year 1982 | 117.5 |
| FTE Staff Years—Fiscal Year 1983 | 117.3 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of municipal corporations shall give high priority to examining the accuracy of local school district reporting of staff mix and enrollment data for state reimbursement purposes. Beginning with the 1981–82 school year, any significant inaccuracies shall be reported to the attorney general and the superintendent of public instruction. The superintendent shall take action to recover any overpayment which results from the reporting of inaccurate data.

(2) No general fund moneys may be expended for the training of municipal auditors or other local personnel.

(3) Legal costs incurred by the attorney general to insure compliance with the findings of the state auditor in state agency audits shall be charged to the agency that received the audit. Costs to audited agencies shall not exceed the budget preparation estimates provided by the state auditor to the committees on ways and means of the senate and house of representatives which were based on the governor's requested staff level plus seven positions.

NEW SECTION. Sec. 20. FOR THE ATTORNEY GENERAL

| | | |
|---|----|------------|
| General Fund Appropriation | \$ | 4,300,000 |
| Legal Services Revolving Fund Appropriation | \$ | 19,513,000 |
| Total Appropriation | \$ | 23,813,000 |
| FTE Staff Years—Fiscal Year 1982 | | 317.1 |
| FTE Staff Years—Fiscal Year 1983 | | 320.1 |

The appropriations in this section are subject to the following condition or limitation: \$150,000 of the general fund appropriation is provided solely for the continuation of the crime watch program.

NEW SECTION. Sec. 21. FOR THE OFFICE OF FINANCIAL MANAGEMENT

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 14,009,000 |
| General Fund Appropriation—Federal | \$ | 6,300,000 |
| Total Appropriation | \$ | 20,309,000 |
| FTE Staff Years—Fiscal Year 1982 | | 128.6 |
| FTE Staff Years—Fiscal Year 1983 | | 127.1 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$750,000 of the general fund—state appropriation is provided solely for the completion of the higher education personnel/payroll system.
- (2) \$70,000 of the general fund—state appropriation is provided solely for the payment of assessments against state-owned land.
- (3) \$1,568,000 of the general fund—state appropriation is provided solely for the completion of the state budget and accounting systems development.
- (4) \$1,725,000 of the general fund—state appropriation is provided solely for payment of supplies and services furnished in previous biennia.

(5) \$5,000 of the general fund—state appropriation is provided solely for payment of claims against the state.

NEW SECTION. Sec. 22. FOR THE STATE INVESTMENT BOARD

| | |
|--|--------------|
| General Fund—State Investment Board Ex- | |
| pense Account Appropriation | \$ 1,075,000 |
| FTE Staff Years—Fiscal Year 1982 | 14.0 |
| FTE Staff Years—Fiscal Year 1983 | 14.0 |

The appropriation in this section is subject to the following condition or limitation: If Senate Bill No. 4363 is not enacted during the 1981 regular session of the legislature, this appropriation shall be made from the investment reserve account in the general fund.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF PERSONNEL

| | |
|--|---------------|
| Department of Personnel Service Fund Approp- | |
| riation | \$ 8,830,000 |
| FTE Staff Years—Fiscal Year 1982 | 132.7 |
| FTE Staff Years—Fiscal Year 1983 | 132.7 |
| State Employees' Insurance Fund Appropria- | |
| tion | \$ 1,443,000 |
| FTE Staff Years—Fiscal Year 1982 | 15.0 |
| FTE Staff Years—Fiscal Year 1983 | 15.0 |
| Total Appropriation | \$ 10,273,000 |

The appropriation in this section is subject to the following condition or limitation: \$319,000 of the department of personnel service fund appropriation and 6.0 FTE staff years shall be transferred to the personnel appeals board upon enactment, during the 1981 regular session, of Substitute House Bill No. 302.

NEW SECTION. Sec. 24. FOR THE DATA PROCESSING AUTHORITY

| | |
|--|------------|
| General Fund Appropriation | \$ 443,000 |
| FTE Staff Years—Fiscal Year 1982 | 10.0 |
| FTE Staff Years—Fiscal Year 1983 | 0.0 |

The appropriation in this section is subject to the following condition or limitation: \$443,000 and 10.0 FTE staff years are provided solely for one year. Funding for the second fiscal year of the biennium shall be considered in the 1982 regular session of the legislature based upon interim recommendations.

NEW SECTION. Sec. 25. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

| | |
|--------------------------------------|-----------|
| General Fund Appropriation | \$ 35,000 |
|--------------------------------------|-----------|

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF REVENUE

| | | |
|--|----|------------|
| General Fund Appropriation | \$ | 35,336,000 |
| General Fund—State Timber Tax Reserve | | |
| Account Appropriation | \$ | 2,794,000 |
| Motor Vehicle Fund Appropriation | \$ | 110,000 |
| Total Appropriation | \$ | 38,240,000 |
| FTE Staff Years—Fiscal Year 1982 | | 636.7 |
| FTE Staff Years—Fiscal Year 1983 | | 635.7 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$393,000 of the state timber tax reserve account appropriation is provided solely for reimbursement to counties with timberland for the costs of establishing forest land grades for each parcel of classified or designated forest land.

(2) The department of revenue shall maintain current services including advisory appraisals as required by RCW 84.41.060.

(3) The department of revenue shall add one full time equivalent staff year for the 1982 fiscal year only to help conduct a new study of the financial impact of tax exemptions and a review of the effectiveness and problems of the current use law.

NEW SECTION. Sec. 27. FOR THE BOARD OF TAX APPEALS

| | | |
|--|----|---------|
| General Fund Appropriation | \$ | 985,000 |
| FTE Staff Years—Fiscal Year 1982 | | 14.0 |
| FTE Staff Years—Fiscal Year 1983 | | 14.1 |

The appropriation in this section is subject to the following condition or limitation: \$104,000 is provided solely to employ one hearing examiner and one clerk typist. The positions shall terminate at the end of the biennium.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 11,182,000 |
| General Fund Appropriation—Private/Local | \$ | 89,000 |
| General Fund—Motor Transport Account | | |
| Appropriation | \$ | 8,688,000 |
| General Administration Facilities and Services | | |
| Revolving Fund Appropriation | \$ | 15,361,000 |
| Total Appropriation | \$ | 35,320,000 |
| FTE Staff Years—Fiscal Year 1982 | | 433.0 |
| FTE Staff Years—Fiscal Year 1983 | | 435.1 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of general administration shall not expend any of the general fund appropriation for the replacement of motor transport division vehicles.

(2) \$2,697,000 of the general fund appropriation is provided solely for the banking program. Revenues generated from fees and charges in this program shall equal or exceed expenditures.

(3) \$1,127,000 of the general fund appropriation is provided solely for the savings and loan program. Revenues generated from fees and charges shall equal or exceed expenditures.

(4) The department of general administration shall provide insurance coverage for all state-owned, state-chartered, state-rented, or state employee-owned aircraft being used on authorized state business, including passengers. This coverage shall be in force for all such aircraft whether piloted by a state employee or employees of a charter or rental firm. The department may require reimbursement for premium costs from user agencies on a pro rata basis.

(5) The department of agriculture shall transfer \$21,000 from its local fund accounts to the motor transport account. The state treasurer shall transfer to the motor transport account \$29,000 from the grain and hay inspection fund, \$8,000 from the community college capital projects account, and \$24,000 from the highway safety fund. These transfers shall be in accordance with schedules provided by the office of financial management.

***NEW SECTION. Sec. 29. FOR THE INSURANCE COMMISSIONER**

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 7,997,000 |
| FTE Staff Years—Fiscal Year 1982 | | 123.2 |
| FTE Staff Years—Fiscal Year 1983 | | 123.2 |

The appropriation in this section is subject to the following condition or limitation: A maximum of \$1,000 may be expended for the continuing education program.

*Sec. 29. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 30. FOR THE STATE TREASURER— STATE REVENUES FOR DISTRIBUTION

| | | |
|--|----|------------|
| General Fund Appropriation for fire insurance premiums tax distribution | \$ | 4,360,000 |
| General Fund Appropriation for refund of deferred property tax | \$ | 33,000 |
| General Fund Appropriation for public utility district excise tax distribution | \$ | 12,673,000 |
| General Fund Appropriation for prosecuting attorneys' salaries | \$ | 1,449,000 |
| General Fund Appropriation for motor vehicle excise tax distribution | \$ | 56,632,000 |

| | | |
|---|----|-------------|
| General Fund Appropriation for local mass transit assistance..... | \$ | 104,279,000 |
| General Fund Appropriation for camper and travel trailer excise tax distribution | \$ | 1,940,000 |
| General Fund Appropriation for local fire protection costs | \$ | 720,000 |
| General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution | \$ | 728,000 |
| Liquor Excise Tax Fund Appropriation for liquor excise tax distribution | \$ | 22,389,000 |
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution | \$ | 172,480,000 |
| Liquor Revolving Fund Appropriation for liquor profits distribution | \$ | 52,775,000 |
| State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties | \$ | 21,400,000 |
| State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties | \$ | 56,000,000 |
| Total Appropriation | \$ | 507,858,000 |

NEW SECTION. Sec. 31. FOR THE STATE TREASURER—

FEDERAL REVENUES FOR DISTRIBUTION

| | | |
|--|----|------------|
| Forest Reserve Fund Appropriation for forest reserve fund distribution | \$ | 34,966,000 |
| General Fund Appropriation for federal flood control funds distribution..... | \$ | 24,000 |
| General Fund Appropriation for federal grazing fees distribution | \$ | 55,000 |
| Total Appropriation | \$ | 35,045,000 |

NEW SECTION. Sec. 32. FOR THE STATE TREASURER—

BOND RETIREMENT AND INTEREST

| | | |
|--|----|------------|
| Fisheries Bond Redemption Fund 1977 Appropriation | \$ | 1,399,006 |
| Salmon Enhancement Bond Redemption Fund 1977 Appropriation | \$ | 4,674,396 |
| Higher Education Refunding Bond Redemption Fund 1977 Appropriation | \$ | 8,759,499 |
| Fire Service Training Center Bond Retirement Fund 1977 Appropriation | \$ | 95,500 |
| Highway Bond Retirement Fund Appropriation | \$ | 76,269,110 |
| State Building Construction Bond Redemption Fund Appropriation | \$ | 2,129,015 |

| | | |
|--|----|------------|
| Higher Education Bond Redemption Fund 1977 Appropriation | \$ | 3,536,312 |
| Ferry Bond Retirement Fund 1977 Appropria- tion | \$ | 13,995,976 |
| Emergency Water Projects Bond Retirement Fund 1977 Appropriation | \$ | 2,574,560 |
| Public School Building Bond Redemption Fund 1961 Appropriation | \$ | 3,749,388 |
| General Administration Building Bond Re- demption Fund Appropriation | \$ | 606,238 |
| Juvenile Correctional Institutional Building Bond Redemption Fund 1963 Appropria- tion | \$ | 632,700 |
| Outdoor Recreation Bond Redemption Fund Appropriation | \$ | 2,341,138 |
| Public School Building Bond Redemption Fund 1965 Appropriation | \$ | 2,456,825 |
| State Building and Higher Education Construc- tion Bond Redemption Fund 1965 Appropria- tion | \$ | 3,171,525 |
| Spokane River Toll Bridge Account Appropria- tion | \$ | 876,963 |
| Public School Building Bond Redemption Fund 1963 Appropriation | \$ | 8,763,316 |
| Higher Education Bond Retirement Fund 1979 Appropriation | \$ | 5,301,459 |
| State General Obligation Bond Retirement Fund 1979 Appropriation | \$ | 35,888,357 |
| Fisheries Bond Redemption Fund 1976 Appropria- tion | \$ | 769,416 |
| State Building Bond Redemption Fund 1967 Appropriation | \$ | 652,110 |
| Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropria- tion | \$ | 13,371,499 |
| Common School Building Bond Redemption Fund 1967 Appropriation | \$ | 6,852,460 |
| Outdoor Recreation Bond Redemption Fund 1967 Appropriation | \$ | 6,231,258 |
| Water Pollution Control Facilities Bond Re- demption Fund 1967 Appropriation | \$ | 3,902,420 |
| State Building and Higher Education Construc- tion Bond Redemption Fund 1967 Appropria- tion | \$ | 9,968,433 |

| | | |
|--|----|-------------|
| State Building and Parking Bond Redemption Fund 1969 Appropriation | \$ | 2,451,780 |
| Waste Disposal Facilities Bond Redemption Fund Appropriation | \$ | 23,366,544 |
| Water Supply Facilities Bond Redemption Fund Appropriation | \$ | 11,670,220 |
| Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation | \$ | 3,718,307 |
| Recreation Improvements Bond Redemption Fund Appropriation | \$ | 6,017,375 |
| Community College Capital Improvement Bond Redemption Fund 1972 Appropriation | \$ | 7,502,480 |
| State Building Authority Bond Redemption Fund Appropriation | \$ | 9,754,055 |
| Office-Laboratory Facilities Bond Redemption Fund Appropriation | \$ | 273,505 |
| University of Washington Hospital Bond Re- tirement Fund 1975 Appropriation | \$ | 1,158,211 |
| Washington State University Bond Redemption Fund 1977 Appropriation | \$ | 553,065 |
| Higher Education Bond Redemption Fund 1975 Appropriation | \$ | 2,172,740 |
| State Building Bond Redemption Fund 1973 Appropriation | \$ | 3,886,348 |
| State Building Bond Retirement Fund 1975 Appropriation | \$ | 759,572 |
| State Higher Education Bond Redemption Fund 1973 Appropriation | \$ | 4,392,557 |
| Social and Health Services Bond Redemption Fund 1976 Appropriation | \$ | 9,971,978 |
| State Building (Expo 74) Bond Redemption Fund 1973A Appropriation | \$ | 385,958 |
| Community College Refunding Bond Retire- ment Fund 1974 Appropriation | \$ | 9,553,126 |
| State Higher Education Bond Redemption Fund 1974 Appropriation | \$ | 1,218,350 |
| Total Appropriation | \$ | 317,775,050 |

NEW SECTION. Sec. 33. FOR THE PUBLIC DISCLOSURE COMMISSION

| | | |
|--|----|---------|
| General Fund Appropriation | \$ | 998,000 |
| FTE Staff Years—Fiscal Year 1982 | | 12.6 |
| FTE Staff Years—Fiscal Year 1983 | | 12.6 |

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS

| | | |
|--|----|-------------|
| General Fund Appropriation | \$ | 183,150,000 |
| Department of Retirement Systems Expense | | |
| Fund Appropriation | \$ | 9,085,000 |
| Total Appropriation | \$ | 192,235,000 |
| FTE Staff Years—Fiscal Year 1982 | | 157.0 |
| FTE Staff Years—Fiscal Year 1983 | | 157.0 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) A maximum of \$600,000 may be expended from the general fund appropriation for contributions to the judicial retirement system.
- (2) A maximum of \$550,000 may be expended from the general fund appropriation for contributions to the judges' retirement system.
- (3) A maximum of \$182,000,000 may be expended from the general fund appropriation for contribution to the law enforcement officers' and fire fighters' retirement system.

NEW SECTION. Sec. 35. FOR THE MUNICIPAL RESEARCH COUNCIL

| | | |
|--------------------------------------|----|-----------|
| General Fund Appropriation | \$ | 1,197,000 |
|--------------------------------------|----|-----------|

NEW SECTION. Sec. 36. FOR THE BOARD OF ACCOUNTANCY

| | | |
|--|----|---------|
| General Fund Appropriation | \$ | 596,000 |
| FTE Staff Years—Fiscal Year 1982 | | 5.3 |
| FTE Staff Years—Fiscal Year 1983 | | 5.3 |

NEW SECTION. Sec. 37. FOR THE ATHLETIC COMMISSION

| | | |
|--|----|--------|
| General Fund Appropriation | \$ | 71,000 |
| FTE Staff Years—Fiscal Year 1982 | | 1.9 |
| FTE Staff Years—Fiscal Year 1983 | | 1.9 |

NEW SECTION. Sec. 38. FOR THE CEMETERY BOARD

| | | |
|---|----|--------|
| General Fund—Cemetery Account Appropriation | \$ | 56,000 |
| FTE Staff Years—Fiscal Year 1982 | | .5 |
| FTE Staff Years—Fiscal Year 1983 | | .5 |

NEW SECTION. Sec. 39. FOR THE HORSE RACING COMMISSION

| | | |
|--|----|-----------|
| Horse Racing Commission Fund Appropriation | \$ | 2,138,000 |
| FTE Staff Years—Fiscal Year 1982 | | 24.0 |
| FTE Staff Years—Fiscal Year 1983 | | 24.0 |

The appropriation in this section is subject to the following conditions and limitations:

- (1) If there are more than five hundred ninety-five racing days during the 1981-83 biennium, the governor is hereby authorized to allocate such additional funds and FTE staff years as may be required.

(2) \$24,000 is provided solely for an evaluation of the commission's medication program. The evaluation is to be conducted by Washington State University and funds may be expended only for the direct costs of the evaluation.

NEW SECTION. Sec. 40. FOR THE LIQUOR CONTROL BOARD

| | | |
|---|----|------------|
| Liquor Revolving Fund Appropriation | \$ | 75,823,000 |
| FTE Staff Years—Fiscal Year 1982 | | 1,355.0 |
| FTE Staff Years—Fiscal Year 1983 | | 1,354.9 |

NEW SECTION. Sec. 41. FOR THE PHARMACY BOARD

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 1,075,000 |
| FTE Staff Years—Fiscal Year 1982 | | 18.5 |
| FTE Staff Years—Fiscal Year 1983 | | 18.5 |

The appropriation in this section is subject to the following condition or limitation: No moneys appropriated in this section may be expended for continuation of the diversion investigation unit.

NEW SECTION. Sec. 42. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

| | | |
|--|----|------------|
| Public Service Revolving Fund Appropria- tion—State | \$ | 14,985,000 |
| Public Service Revolving Fund Appropria- tion—Federal | \$ | 317,000 |
| Grade Crossing Protective Fund Appropriation | \$ | 1,472,000 |
| Total Appropriation | \$ | 16,774,000 |
| FTE Staff Years—Fiscal Year 1982 | | 202.8 |
| FTE Staff Years—Fiscal Year 1983 | | 202.8 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$775,000 from the grade crossing protective fund appropriation is provided solely for obligations incurred in prior biennia.
- (2) The grade crossing protective fund appropriation shall be reduced by \$400,000 if Senate Bill No. 3927 is enacted during the 1981 regular session of the legislature.

NEW SECTION. Sec. 43. FOR THE BOARD FOR VOLUNTEER FIREMEN

| | | |
|--|----|---------|
| Volunteer Firemen's Relief and Pension Fund Appropriation | \$ | 157,000 |
| FTE Staff Years—Fiscal Year 1982 | | 2.0 |
| FTE Staff Years—Fiscal Year 1983 | | 2.0 |

The appropriation in this section is subject to the following condition or limitation: \$15,000 is provided solely for an actuarial study of the volunteer firemen's pension fund.

NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF EMERGENCY SERVICES

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 1,118,000 |
| General Fund Appropriation—Federal | \$ | 2,241,000 |
| Total Appropriation | \$ | 3,359,000 |
| FTE Staff Years—Fiscal Year 1982 | | 22.0 |
| FTE Staff Years—Fiscal Year 1983 | | 22.0 |

The appropriations in this section are subject to the following condition or limitation: \$242,000 of the general fund—state appropriation is provided solely to reimburse the federal emergency management agency for the state's share of costs of individual and family grants provided for disaster relief: PROVIDED, That the department of emergency services, in conjunction with the department of social and health services, will reinstate an appeal process to the federal emergency management agency with respect to the \$87,102 in audit exceptions relative to the 1977 floods.

NEW SECTION. Sec. 45. FOR THE MILITARY DEPARTMENT

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 7,044,000 |
| General Fund Appropriation—Federal | \$ | 1,838,000 |
| Total Appropriation | \$ | 8,882,000 |
| FTE Staff Years—Fiscal Year 1982 | | 129.7 |
| FTE Staff Years—Fiscal Year 1983 | | 129.7 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$310,000 of the general fund—state appropriation is provided solely for the continuation of the educational assistance grant program, of which a maximum of \$10,000 may be expended for administrative costs.
- (2) \$32,000 of the general fund—state appropriation is provided solely for the Washington state guard.

NEW SECTION. Sec. 46. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 1,305,000 |
| FTE Staff Years—Fiscal Year 1982 | | 16.4 |
| FTE Staff Years—Fiscal Year 1983 | | 16.4 |

The appropriation in this section is subject to the following condition or limitation: If Senate Bill Nos. 3405 and 3406, or House Bill Nos. 479 and 480, are enacted during the 1981 regular session of the legislature, the appropriation shall be reduced by \$10,000.

***NEW SECTION.** Sec. 47. THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

The appropriations made by this act to the department of social and health services are subject to the following conditions and limitations:

(1) The department of social and health services shall not initiate any new services which will incur general fund state expenditures beyond those authorized by appropriation.

(2) Funds appropriated by this act to the department of social and health services shall be allotted and expended reflecting the legislative intent of this act. Within the specific limitations in this act, the department of social and health services may modify allotments after the initial three months of the biennium with the approval of the office of financial management in consultation with the committees on ways and means of the senate and house of representatives: PROVIDED, That such allotment modifications may include transfers within programs only in sections 48, 49, 50, and 51 of this act to the extent that the director of financial management, after a ten-day prior notification to the committees on ways and means of the senate and house of representatives, shall attest to the critical nature of the modification.

(3) The department of social and health services may seek and receive additional federal funds not included in this act, subject to approval of the office of financial management, provided that such funding does not require additional expenditure of state funds.

(4) In anticipation of significant reductions in federal support for social service, public health, and Title XIX programs, the legislature has reduced the state's dependency on federal entitlement programs within the income maintenance, medical assistance, and social service programs. However, additional federal reductions may require further reductions to all human service programs. To ensure that the loss of federal funds does not result in an accelerated expenditure of state funds, the following requirements are placed on the department of social and health services:

(a) The department shall prepare a contingency expenditure plan to reflect anticipated loss of federal funds. This contingency plan shall include necessary program changes and a redefinition of services or eligibility criteria which will not require expenditures in excess of any appropriation provided in this act. The contingency plan shall be transmitted to the legislature upon completion and at least ten days before implementation.

(b) For each month that the department operates without a completed contingency plan, 0.75% of each general fund—state appropriation shall be placed in reserve status.

(c) Funds placed in reserve status pursuant to subsection (4)(b) of this section shall not be released without approval of the office of financial management.

*Sec. 47. was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS PROGRAM**

| | |
|----------------------------------|---------|
| FTE Staff Years—Fiscal Year 1982 | 3,165.5 |
| FTE Staff Years—Fiscal Year 1983 | 3,096.5 |

(1) COMMUNITY SERVICES

General Fund Appropriation \$ 48,264,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$18,321,000 is provided solely to contract with nonprofit corporations to provide diversionary programs and operate and/or contract for work/training release for convicted felons: PROVIDED, That \$1,000,000 of this appropriation is provided solely for Snohomish county pre-trial diversion and the continuation of the alternatives to street crime programs.

(b) \$2,479,000 is provided solely for intensive parole.

(c) \$23,290,000 is provided solely for probation and parole.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 141,532,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The division (or department) of corrections shall present to the legislature by October 12, 1981, a comprehensive institutional educational policy. This report shall explain the basis for selection of educational programs and participation and shall outline program and payment policies for contracting for educational services. The report shall include, but is not limited to, a detailing by month for each institution of the programs, program goals, staffing, costs per offering, and actual and estimated inmate participation.

(b) It is the assumption of the legislature that the appropriation in this subsection initially provides:

(i) \$24,731,000 and 735.7 FTE staff years for the Washington Corrections Center, excluding funds related to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);

(ii) \$38,312,000 and 1,375.5 FTE staff years for the Washington State Penitentiary, excluding funds relating to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);

(iii) \$1,010,000 and 44.0 FTE staff years for the Monroe mental health unit;

(iv) \$24,990,000 and 762.0 FTE staff years for the Washington State Reformatory;

(v) \$8,269,000 and 271.0 FTE staff years for the Purdy Treatment Center for Women;

(vi) \$16,000,000 and 570.0 FTE staff years for the McNeil Island Penitentiary;

(vii) \$9,090,000 and 322.0 FTE staff years for the Special Offenders Center; and

(viii) Funds for other costs associated with honor camps and the Pine Lodge Corrections Center.

(3) PROGRAM SUPPORT

General Fund Appropriation \$ 16,989,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$500,000 is provided solely for individual legal services. There shall be no solicitation of legal action and all informal means of resolving disputes shall be utilized. These funds shall not be used to support class action litigation.

(b) \$4,102,000 and 122.0 FTE staff years are provided solely for costs directly resulting from the decision in *Hoptowit v. Ray*, No. 79-359 (E. D. Wash.): PROVIDED, That no expenditure of funds may be made without the signature of the agency's assistant attorney general on the authorizing document.

(c) \$4,057,000 and 89.0 FTE staff years are provided solely to address population overrun in excess of current bed capacity. Such funds shall be released only with the approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

(d) \$1,200,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(4) If a department of corrections is established by an act of the 1981 regular session of the legislature, the appropriations in this section shall be transferred to the department of corrections. All conditions and limitations as expressed in sections 47 and 48 of this act shall apply to the department of corrections.

(5) Funds may be transferred from program support to institutional services for costs associated with *Hoptowit v. Ray*, No. 79-359 (E. D. Wash.), and population overruns to the extent provided for in this section. ***No other transfers between category appropriations shall be made.***

(6) The department of social and health services, or the department of corrections if it is created during the 1981 regular session of the legislature, shall in conjunction with the office of financial management and the committees on ways and means of the senate and house of representatives develop staff-to-inmate ratios or a system of post assignment for each correctional unit by August 1, 1981. By September 1, 1981, a written report on proposed staffing levels shall be presented to the legislature comparing this staffing to prior biennial levels and discussing its programmatic and fiscal implications.

*Sec. 48. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 49. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

FTE Staff Years—Fiscal Year 1982 810.5

FTE Staff Years—Fiscal Year 1983 811.5

(1) COMMUNITY SERVICES

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 20,562,000 |
| General Fund Appropriation—Federal | \$ | 57,000 |
| Total Appropriation | \$ | 20,619,000 |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,480,000 of the general fund—state appropriation is provided solely for community diagnostic services. A maximum of \$857 per youth may be expended for community diagnostic services.

(b) \$700,000 from the general fund—state appropriation and 20.0 FTE staff years are provided solely for additional group home beds.

(c) \$224,000 and 3.8 FTE staff years are provided solely to establish a special treatment program for violent assault offenders in community programs.

(d) \$175,000 from the general fund—state appropriation and 10.0 FTE staff years are provided solely to increase the bed capacity of state-operated group homes.

(e) \$7,047,000 is provided solely for consolidated local programs. It is the intent of this funding to reduce existing program categorical barriers for funding and services and to support coordinated community-based treatment programs designed to more effectively and efficiently rehabilitate youthful offenders while protecting society. The department of social and health services shall report to the legislature by January 15, 1982, on the services funded under this program and the success of the programs in preventing institutionalization and reducing recidivism.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 35,443,000 |
| General Fund Appropriation—Federal | \$ | 682,000 |
| Total Appropriation | \$ | 36,125,000 |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$428,000 and 12.0 FTE staff years are provided solely for a violent assault offender unit at the Green Hill School.

(b) It is the assumption of the legislature that the appropriations in this subsection initially provide:

(i) \$10,046,000 (including \$9,834,000 from the state general fund) and 379.8 FTE staff years for the Echo Glen Children's Center to operate at least twelve cottages;

(ii) \$8,646,000 (including \$8,456,000 from the state general fund) and 326.0 FTE staff years for the Maple Lane School to operate at full bed capacity;

(iii) \$10,095,000 (including \$9,965,000 from the state general fund) and 327.4 FTE staff years for the Green Hill School to operate at full bed capacity;

(iv) \$4,483,000 (including \$4,393,000 from the state general fund) and 152.0 FTE staff years for the Naselle Youth Camp to operate at full bed capacity; and

(v) \$2,855,000 (including \$2,795,000 from the state general fund) and 82.0 FTE staff years for the Mission Creek Youth Camp to operate at full bed capacity.

(3) PROGRAM SUPPORT

General Fund Appropriation \$ 2,439,000

***NEW SECTION. Sec. 50. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

FTE Staff Years—Fiscal Year 1982 1,808.5

FTE Staff Years—Fiscal Year 1983 1,834.5

(1) COMMUNITY SERVICES

General Fund Appropriation—State \$ 55,684,000

General Fund Appropriation—Federal \$ 14,996,000

General Fund Appropriation—Local \$ 922,000

Total Appropriation \$ 71,602,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$51,010,000 of which \$36,570,000 is from the general fund—state appropriation is provided solely for community mental health services. Of this amount, \$1,150,000 of the general fund—state appropriation is provided solely for 90 new residential treatment facility beds: PROVIDED, That Substitute House Bill No. 353 is passed during the 1981 legislative session: PROVIDED FURTHER, That if Substitute House Bill No. 353 should not pass, the funds provided for these beds shall be transferred to the institutional category of the mental health divisions appropriation. These beds are to be phased in according to the following schedule: 30 beds available January 1, 1982; an additional 30 beds available July 1, 1982; and an additional 30 beds available January 1, 1983. The department of social and health services shall contract for these beds at a rate not exceeding \$35.00 per day. These beds shall serve the chronically mentally ill.

(b) \$20,592,000 of which \$19,114,000 is from the general fund—state appropriation is provided solely for Involuntary Treatment Act costs. Up to \$2,200,000 of the general fund—state appropriation is provided for 60 new evaluation and treatment beds. These beds are for 72-hour and 14-day commitments. All 60 beds shall be available no later than January 1, 1983. The department of social and health services shall contract for these beds at a rate not to exceed \$50.00 per day.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 73,910,000 |
| General Fund Appropriation—Federal | \$ | 4,978,000 |
| Total Appropriation | \$ | 78,888,000 |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$48,259,000, of which \$45,862,000 is from state funds, is provided solely for Western State Hospital. Funds are provided for the operation of up to 95% of the rated bed capacity of this institution. 548.0 FTE staff years are provided for maintenance and support staff.

(b) \$22,375,000, of which \$20,718,000 is from state funds, is provided for Eastern State Hospital. Funds are provided for the operation of up to 95% of the rated bed capacity of this institution. 342.0 FTE staff years are provided for maintenance and support staff.

(c) \$4,856,000, of which \$4,105,000 is from state funds, is provided solely for the PORTAL program at the Northern State facility. The secretary of social and health services shall prepare a report for submittal to the legislature by October 1, 1982, on the feasibility and method for implementing the residential treatment program utilized by PORTAL, in communities around the state.

(d) \$3,399,000, of which \$3,225,000 is from state funds, is provided solely for the child study and treatment center.

(e) Upon completion of the new hospital beds at the state hospitals, the department may, by contract, allow other public agencies to utilize the beds made surplus by the opening of the new facility if those agencies provide the funds to cover the full cost of such operation. The hospital shall account for these patients separately from state-supported patients. The care of these patients shall not be subject to the staff-to-patient ratio required in this act.

(f) The department of social and health services in conjunction with the office of financial management and the legislative budget committee shall develop staff-to-patient ratios for each treatment unit by September 1, 1981. By October 1, 1981, the state hospitals shall operate at these required ratios.

(3) SPECIAL PROJECTS

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 1,514,000 |
| General Fund Appropriation—Federal | \$ | 320,000 |
| Total Appropriation | \$ | 1,834,000 |

The appropriations in this subsection are subject to the following condition or limitation: \$683,000 from the general fund—state appropriation is provided solely for the continuation of the case management projects in Snohomish, King, Pierce, and Clark counties, and such other counties as funds allow: PROVIDED, That each county receiving these funds shall develop a method of funding case management within its 1983-85 grant-in-aid awards.

(4) PROGRAM SUPPORT

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 1,851,000 |
| General Fund Appropriation—Federal | \$ | 549,000 |
| Total Appropriation | \$ | 2,400,000 |

*Sec. 50. was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 51. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

| | |
|--|---------|
| FTE Staff Years—Fiscal Year 1982 | 3,387.5 |
| FTE Staff Years—Fiscal Year 1983 | 3,339.5 |

(1) COMMUNITY SERVICES

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 47,569,000 |
| General Fund Appropriation—Federal | \$ | 11,645,000 |
| Total Appropriation | \$ | 59,214,000 |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,000,000 of which \$1,000,000 is from federal funds is provided solely for the fragile children's program.

(b) The funds appropriated for community services are to be allocated by the department for county services, including developmental disability center funding, on a block grant basis. The block grants shall be awarded each biennial quarter. It shall be a condition of receipt of these funds that no county may take an action which will, in the opinion of the department, lessen the service level provided by state funding. The department shall establish necessary regulations to carry out this subsection.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|-------------|
| General Fund Appropriation—State | \$ | 84,178,000 |
| General Fund Appropriation—Federal | \$ | 49,036,000 |
| Total Appropriation | \$ | 133,214,000 |

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of social and health services in conjunction with the superintendent of public instruction and a legislative study committee shall study the services provided by the School for the Deaf and the School for the Blind. The study shall be prepared in consultation with the parents of students enrolled in these schools as well as members of the deaf and blind community. The study shall include the role these schools play in the provision of education to sensory handicapped pupils in the state. The study shall further include an assessment of the advantages and disadvantages of (i) continuing the operation of the schools; (ii) changing the operation of the schools; and (iii) closing the schools and serving the students through public schools' special programs. The report shall be completed and submitted to the legislature for review by December 30, 1981.

(b) \$6,781,000 is provided solely for the School for the Deaf, of which \$3,356,000 is for fiscal year 1982 and \$3,424,000 is for fiscal year 1983. \$4,679,000 is provided solely for the School for the Blind, of which \$2,316,000 is for fiscal year 1982 and \$2,363,000 is for fiscal year 1983.

(c) It is the assumption of the legislature that the appropriations in this subsection initially provide:

(i) \$32,544,000 and 775.0 FTE staff years for the Fircrest School to operate at a biennial average daily population of 491;

(ii) \$15,264,000 and 386.0 FTE staff years for the Interlake School to operate at a biennial average daily population of 248;

(iii) \$34,237,000 and 801.0 FTE staff years for the Rainier School to operate at a biennial average daily population of 531;

(iv) \$24,651,000 and 574.0 FTE staff years for Lakeland Village to operate at a biennial average daily population of 359;

(v) \$10,020,000 and 243.0 FTE staff years for the Yakima Valley School to operate at a biennial average daily population of 148;

(vi) \$3,921,000 and 94.0 FTE staff years for the Francis Haddon Morgan Children's Center to operate at a biennial average daily population of 55; and

(vii) \$1,117,000 and 23.0 FTE staff years for the Cerebral Palsy Center to operate at a biennial average daily population of 16.

(3) SPECIAL PROJECTS

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 984,000 |
| General Fund Appropriation—Federal | \$ | 2,397,000 |
| Total Appropriation | \$ | 3,381,000 |

(4) PROGRAM SUPPORT

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 3,056,000 |
| General Fund Appropriation—Federal | \$ | 227,000 |
| Total Appropriation | \$ | 3,283,000 |

*Sec. 51. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—NURSING HOMES PROGRAM

| | | |
|--|----|-------------|
| General Fund Appropriation—State | \$ | 175,951,000 |
| General Fund Appropriation—Federal | \$ | 175,951,000 |
| Total Appropriation | \$ | 351,902,000 |

The appropriations in this section are subject to the following condition or limitation: This appropriation assumes passage of Senate Bill No. 3765 and a two-year delay of implementation of chapter 74.46 RCW.

*NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME MAINTENANCE GRANTS PROGRAM

| | | |
|--|----|-------------|
| General Fund Appropriation—State | \$ | 329,489,000 |
|--|----|-------------|

| | | |
|--|----|-------------|
| General Fund Appropriation—Federal | \$ | 342,795,000 |
| Total Appropriation | \$ | 672,284,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) *The department of social and health services shall maintain state payments for grants at the state payment level provided for in chapter 74.08 RCW and this section.*

(2) \$20,000,000 is provided solely for implementation of the consolidated emergency assistance program to provide specifically directed cash or in-kind benefits to meet the specific emergent need(s) of the applicant. Aid may be provided for up to two months in any consecutive twelve-month period to low-income families with children who are ineligible for other state or federal assistance : **PROVIDED, That no more than the value of 60 % of a full AFDC grant shall be allocated in the first month and no more than 100 % of a full AFDC grant in any consecutive twelve-month period.** It is the intent of the legislature that eligibility requirements shall be stricter than AFDC requirements. The department of social and health services shall immediately apply for waivers under Title XI, section 1115 of the federal social security act to allow federal matching funds to be used for the consolidated emergency assistance program as provided for in this section and in chapter 74.04 RCW (Senate Bill No. 4299).

(3) \$53,428,000 of the general fund—state appropriation is provided solely for income maintenance grants for the general assistance—unemployable program.

(4) The department of social and health services shall immediately evaluate federal proposals which are presently legal options to the states and implement those which are found to be cost-effective. **The department of social and health services shall immediately request waivers for federal proposals relating to standard flat deductions for work expenses and child care, earned income disregards, and mandatory work experience programs.** In addition, the department shall seek waivers for any specific federal proposals which are cost-effective and are not now authorized. When waivers are obtained, changes shall be implemented. The department of social and health services shall provide proper notification, in accordance with state and federal laws and regulations, of any changes that are implemented. Furthermore, the department of social and health services shall draft rules to implement enacted changes to Title IV-A of the federal social security act prior to the issuance of federal regulations in order to avoid overexpenditure of state funds.

(5) The department of social and health services shall submit a report no later than November 2, 1981, to the committees on ways and means, social and health services, and human services of the senate and house of representatives detailing the implementation schedule and fiscal and program impact of these changes.

(6) It is the assumption of the legislature that the appropriations in this section initially provide:

- (a) \$44,220,000 from federal funds for energy assistance;
- (b) \$61,220,000 from federal funds for Indochinese refugees;
- (c) \$20,000,000 from the state general fund for the consolidated emergency assistance program;
- (d) \$453,334,000 (including \$219,086,000 from the state general fund) for aid to families with dependent children, with a caseload assumption for fiscal year 1982 of 59,890 cases and a caseload assumption for fiscal year 1983 of 61,797 cases;
- (e) \$31,103,000 from the state general fund for the supplemental security income state supplement;
- (f) \$53,428,000 from the state general fund for general assistance, with a caseload assumption for fiscal year 1982 of 9,075 cases and a caseload assumption for fiscal year 1983 of 9,692 cases;
- (g) \$2,034,000 from the state general fund for supplemental security income—additional requirements;
- (h) \$2,116,000 from the state general fund for burial assistance;
- (i) \$2,361,000 (including \$1,475,000 from the state general fund) for employment and training day-care; and
- (j) \$2,468,000 (including \$247,000 from the state general fund) for work incentive payments.

(7) The department of social and health services shall review service manuals and make changes by September 15, 1981, as necessary to ensure that eligibility standards for income maintenance are as restrictive as is permitted under state and federal law. The department shall provide a summary of the changes on actual and projected cost savings to the committees on ways and means, social and health services, and human services of the senate and house of representatives by November 2, 1981.

*Sec. 53. was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES GRANTS PROGRAM**

| | | |
|--|----|-------------|
| General Fund Appropriation—State | \$ | 137,474,000 |
| General Fund Appropriation—Federal | \$ | 69,318,000 |
| General Fund Appropriation—Local | \$ | 105,000 |
| Total Appropriation | \$ | 206,897,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$42,000,000 of which \$19,566,000 is from federal funds is provided solely for the provision of chore services to persons at risk of institutionalization who meet the eligibility criteria in RCW 74.08.540, and for the support of programs utilizing volunteers to provide chore services. Of that

amount, \$29,200,000 is provided for a limited chore service program in which services are provided solely on an hourly basis, with a monthly lid on chore service hours which may be authorized. \$12,800,000 is provided for chore services to clients in need of attendant care whose services are authorized on a monthly rate basis. The department of social and health services shall immediately seek waivers which allow the use of Title XX funds in a lidded program.

(2) \$1,698,000 is provided solely for the provision of chore services on a case-by-case exception-to-policy basis to severely handicapped persons in need of attendant care whose income exceeds 30% of the state median income but does not exceed 57% of the state median income. Services may be provided under this subsection only to the extent necessary to allow the individual to remain in his or her own home, and no services may be authorized for more than ninety days at any one time. ***The department of social and health services shall not disperse any more than one-eighth of the funds under this subsection in any three-month period.***

(3) \$1,226,000 of the general fund—state appropriation is provided solely for long-term alcoholism beds.

(4) \$14,960,000 of the general fund—state appropriation is provided solely for implementation of the senior citizens services act. At least 7.0% of these funds shall be used to develop and implement programs which utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the state chore service program.

(5) \$1,148,000 of the general fund—state appropriation is provided solely for the victims of domestic violence program.

(6) \$1,335,000 of the general fund—state appropriation, or so much thereof as may be necessary, is provided solely for the migrant day-care program.

(7) \$40,000 of the general fund—state appropriation in this subsection is provided solely to complete the child abuse demonstration project directed by RCW 74.13.200.

(8) It is the assumption of the legislature that the appropriations in this section initially provide:

(a) \$15,851,000 (including \$11,559,000 from the state general fund) for alcoholism grants;

(b) \$5,475,000 (including \$4,590,000 from the state general fund) for detoxification;

(c) \$9,558,000 (including \$3,545,000 from the state general fund) for substance abuse grants;

(d) \$2,500,000 from federal funds for Indochinese refugees;

(e) \$17,642,000 from federal funds for aging services under Title III of the federal older Americans act;

(f) \$14,960,000 from the state general fund for the senior citizens services act;

- (g) \$4,482,000 (including \$2,275,000 from the state general fund) for crisis residential centers;
- (h) \$28,887,000 from the state general fund for congregate care facilities;
- (i) \$45,072,000 (including \$38,120,000 from the state general fund) for foster care payments, with a caseload assumption of 5,433 for fiscal year 1982 and a caseload assumption of 5,327 for fiscal year 1983;
- (j) \$8,931,000 (including \$1,758,000 from the state general fund) for child care payments;
- (k) \$4,816,000 (including \$4,372,000 from the state general fund) for adoption support;
- (l) \$43,698,000 (including \$24,132,000 from the state general fund) for chore services;
- (m) \$1,148,000 from the state general fund for victims of domestic violence;
- (n) \$831,000 (including \$150,000 from the state general fund) for adult day care;
- (o) \$2,537,000 (including \$634,000 from the state general fund) for crisis intervention services;
- (p) \$1,200,000 from the state general fund for adult family homes; and
- (q) \$144,000 from the state general fund for nursing home discharge allowances.

*Sec. 54. was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE GRANTS PROGRAM**

| | | |
|--|----|-------------|
| General Fund Appropriation—State | \$ | 274,462,000 |
| General Fund Appropriation—Federal | \$ | 206,907,000 |
| Total Appropriation | \$ | 481,369,000 |

The appropriations in this section are subject to the following conditions or limitations:

- (1) \$50,000,000 of the general fund—state appropriation is provided solely for the medical care of individuals not eligible for categorical assistance. Eligibility standards and scope of service shall be determined by the department of social and health services.
- (2) \$39,144,000 of the general fund—state appropriation is provided solely for the medical component of the general assistance—unemployable program.
- (3) The legislature supports efforts to maximize the cost benefits of pre-paid risk-sharing contracts in the provision of medical services through health maintenance organizations (HMOs) and individual practice associations (IPAs). The department is directed to seek increased participation of recipients enrolled in these programs. The legislature further supports the

use of a hospital reimbursement system based on prospectively established rates. The department shall cooperate with the hospital commission in determining the possible savings to the state of using such a system.

(4) The department of social and health services shall authorize by rule the service of chiropractors and podiatrists if the service is deemed to be the most cost-effective and appropriate treatment. The department may authorize the use of nurse practitioners where appropriate.

(5) The department of social and health services shall establish by rule a system to insure that these funds are not expended to cover persons who are already covered by private or public programs.

(6) The department of social and health services shall reimburse ophthalmologists and optometrists at the same rate for the performance of identical services.

*Sec. 55. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

| | | |
|--|----|-------------|
| General Fund Appropriation—State | \$ | 30,434,000 |
| General Fund Appropriation—Federal | \$ | 56,635,000 |
| General Fund Appropriation—Local | \$ | 1,473,000 |
| General Fund Appropriation—State and Local Improvements Revolving Account— Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Appropriation | \$ | 10,000,000 |
| 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 | \$ | 19,900,000 |
| Total Reappropriation | \$ | 19,900,000 |
| Total New Appropriation | \$ | 98,542,000 |
| Total Appropriation | \$ | 118,442,000 |
| FTE Staff Years—Fiscal Year 1982 | | 427.0 |
| FTE Staff Years—Fiscal Year 1983 | | 427.0 |

The appropriations in this section are subject to the following condition or limitation: \$40,000 of the general fund—state appropriation is provided solely for an epidemiological study on the incident of multiple sclerosis in Lincoln and Spokane counties.

NEW SECTION. Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 9,648,000 |
| General Fund Appropriation—Federal | \$ | 45,351,000 |
| Total Appropriation | \$ | 54,999,000 |
| FTE Staff Years—Fiscal Year 1982 | | 335.5 |
| FTE Staff Years—Fiscal Year 1983 | | 335.5 |

NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

| | | |
|---|----|-------------|
| General Fund Appropriation—State | \$ | 68,798,000 |
| General Fund Appropriation—Federal | \$ | 44,200,000 |
| General Fund—Institutional Impact Account | | |
| Appropriation | \$ | 600,000 |
| Total Appropriation | \$ | 113,598,000 |
| FTE Staff Years—Fiscal Year 1982 | | 1,417.0 |
| FTE Staff Years—Fiscal Year 1983 | | 1,417.5 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$525,000 of the general fund—institutional impact account appropriation shall be transferred to the department of corrections if a department of corrections is created during the 1981 regular session of the legislature.

(2) If Second Substitute House Bill No. 235 is enacted during the 1981 regular session of the legislature, there shall be transferred to the department of corrections an amount of the general fund—state appropriation and FTE staff years provided in this section, the exact amount to be negotiated by the secretary of social and health services and the secretary of corrections, with the approval of the director of financial management. The transferred appropriation shall not exceed \$4,252,000.

(3) \$4,186,000 of the general fund—state appropriation and 50.0 FTE staff years are provided solely for the integrated systems development project. This project shall include among its top priorities the development of a method for the identification of common client information and the tracking of clients through all human service programs provided by the department of social and and health services. This project is subject to the following conditions:

(a) By January 15, 1982, the department of social and health services shall make reports available to the legislature that analyze client, service delivery, and service cost data across systems containing common client identifier information, including but not limited to Social Service Payment

Systems, Medicaid Management Information Systems, and the Interactive Terminal Input Systems/Client Financial Systems.

(b) \$686,000 of this sum shall be used to: (i) Establish a centralized data administration function; (ii) enhance and establish centralized data security and privacy controls; and (iii) implement a comprehensive data system methodology. By January 15, 1982, the department shall submit a report to the legislature that includes: (i) Plans for including each client, service cost, and service delivery information system in the department's data dictionary; (ii) an approach for unique identifications of individual service recipients, service recipient households, and service recipient families, and for the incorporation of such in each client, service cost, and service delivery information system; and (iii) plans for extracting data from those systems which include unduplicated recipient counts and service histories.

(c) These systems shall meet the following criteria: (i) Contain client, service cost, service delivery, or financial data; and (ii) lend themselves to rapid, flexible, and efficient data extraction and report generation. Those systems containing client information should include unique identifiers of individual recipients, recipient families, and recipient households with confidentiality of patient information and records as provided by state and federal law.

(d) A high priority of projects funded with this appropriation is the mental health information system for institutions and community mental health. This project shall be developed and completed during the 1981-83 biennium.

(4) 19.0 FTE staff years shall be added to fiscal year 1983 for nursing home audits if Substitute Senate Bill No. 3765 is enacted during the 1981 regular session of the legislature.

(5) In addition to any other reporting requirements, the department of social and health services shall report in writing to the committees on ways and means of the senate and house of representatives not later than January 15, 1982, and January 14, 1983, on actions taken to implement the conditions and limitations provided in sections 47 through 60 of this act and on the funds expended in support of each condition or limitation. If a department of corrections is created, it shall provide any reports required under this subsection for the conditions and limitations established in sections 47 and 48 of this act.

(6) The department of social and health services shall perform ongoing random samplings of those individuals affected by the elimination and/or reduction of public assistance programs and chore services as required by this budget. This study shall include the detailing of the following impacts: (a) The extent to which individuals are institutionalized as the result of loss of assistance or service; (b) the number of individuals who were able to find

assistance from private sources to meet basic needs; (c) the number of individuals who became enrolled in another state or locally funded program: PROVIDED, That the department shall make regular reports to the legislature detailing the progress of the projects done under the authority of this section.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

| | | |
|--|----|-------------|
| General Fund Appropriation—State | \$ | 102,812,000 |
| General Fund Appropriation—Federal | \$ | 139,494,000 |
| General Fund Appropriation—Local | \$ | 48,000 |
| Total Appropriation | \$ | 242,354,000 |
| FTE Staff Years—Fiscal Year 1982 | | 4,274.9 |
| FTE Staff Years—Fiscal Year 1983 | | 4,361.3 |

The appropriations in this section are subject to the following conditions and limitations:

(1) 255.0 FTE staff years are provided solely to increase the diversion capabilities of the employment and training program. The department of social and health services shall monitor and determine the net reduction in income maintenance and medical costs as a result of the employment and training program.

(2) The department of social and health services in conjunction with the employment security department shall seek federal funding to support the placement incentive demonstration project.

(3) The department of social and health service in conjunction with the employment security department shall monitor and determine the net reduction in income maintenance and medical costs as a result of the placement incentive demonstration project.

(4) \$350,000 is provided solely for the sexual assault victims program.

(5) The department shall provide necessary assistance in each community service office to ensure that applicants or recipients of general assistance who may qualify for supplemental security income make prompt application for and actively pursue qualification for the supplemental security income program.

(6) \$5,481,000 (of which \$2,741,000 is from federal funds) shall revert to the general fund if Substitute Senate Bill No. 3765 is enacted during the 1981 regular session of the legislature.

(7) \$565,000 (of which \$282,000 is from federal funds) shall be transferred to the department of social and health services—administration and supporting services program if Substitute Senate Bill No. 3765 is enacted during the 1981 regular session of the legislature.

NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 26,532,000 |
| General Fund Appropriation—Federal | \$ | 18,383,000 |
| General Fund Appropriation—Local | \$ | 250,000 |
| Total Appropriation | \$ | 45,165,000 |

The appropriations in this section are subject to the following condition or limitation: These general fund reappropriations shall be for services and supplies not in excess of the unexpended balances of the 1979-1981 appropriations for such purposes.

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF VETERANS AFFAIRS

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 15,263,000 |
| General Fund Appropriation—Local | \$ | 2,496,000 |
| Total Appropriation | \$ | 17,759,000 |
| FTE Staff Years—Fiscal Year 1982 | | 371.1 |
| FTE Staff Years—Fiscal Year 1983 | | 371.1 |

***NEW SECTION. Sec. 62. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY**

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 5,270,000 |
| General Fund Appropriation—Federal | \$ | 28,152,000 |
| Total Appropriation | \$ | 33,422,000 |
| FTE Staff Years—Fiscal Year 1982 | | 85.0 |
| FTE Staff Years—Fiscal Year 1983 | | 85.0 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for City Fair—Seattle.

(2) In anticipation of significant reductions in federal support, the agency shall prepare a contingency expenditure plan which adjusts the allotments to reflect the anticipated loss of federal funds and required state matching funds. This contingency plan shall include necessary program changes and a redefinition of services. As a result of any loss of federal funds, subsequent state matching funds shall be placed in reserve. The contingency plan shall be transmitted to the legislature upon completion.

(3) *\$250,000 of the general fund—state appropriation is provided solely for distribution to border areas within seven air miles of the Canadian border. These moneys shall be disbursed to these communities on the basis of border traffic and historic public impacts of law enforcement problems caused by the border on local budgets. All funds received by Whatcom county under this section shall be spent within the Point Roberts area. As used in this section, "border area" means any incorporated city or town located within seven miles of the Washington-Canadian border and that area of Whatcom county commonly referred to as Point Roberts.*

(4) \$1,891,000 of the general fund—state appropriation is provided solely for the Mt. St. Helens Zone Enforcement/Assistance Project to expedite a coordinated three-county response to an emergency generated by tourist and public response to Mt. St. Helens volcano activity and/or disaster. If necessary, a portion of the funds provided in this subsection may be spent prior to July 1, 1981.

*Sec. 62. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 63. FOR THE HUMAN RIGHTS COMMISSION

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 2,769,000 |
| General Fund Appropriation—Federal | \$ | 517,000 |
| Total Appropriation | \$ | 3,286,000 |
| FTE Staff Years—Fiscal Year 1982 | | 47.2 |
| FTE Staff Years—Fiscal Year 1983 | | 44.5 |

NEW SECTION. Sec. 64. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 35,000 |
| Accident Fund Appropriation | \$ | 2,339,000 |
| Medical Aid Fund Appropriation | \$ | 2,339,000 |
| Total Appropriation | \$ | 4,713,000 |
| FTE Staff Years—Fiscal Year 1982 | | 55.0 |
| FTE Staff Years—Fiscal Year 1983 | | 56.1 |

The appropriations in this section are subject to the following condition or limitation: \$8,000 from the medical aid fund appropriation and \$8,000 from the accident fund appropriation is provided solely for an independent cost analysis of the appeals process to establish a valid method of allocating costs between the various appeals categories. The conclusions of the study shall be based on generally accepted work measurement principles and procedures in determining the allocation of direct and indirect labor costs. This cost allocation study shall be transmitted to the legislature upon completion.

NEW SECTION. Sec. 65. FOR THE WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

| | | |
|--|----|-----------|
| General Fund—Criminal Justice Training | | |
| Account Appropriation | \$ | 5,520,000 |
| FTE Staff Years—Fiscal Year 1982 | | 20.0 |
| FTE Staff Years—Fiscal Year 1983 | | 20.0 |

NEW SECTION. Sec. 66. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 6,523,000 |
| General Fund—Crime Victims' Compensation Account Appropriation | \$ | 160,000 |
| Accident Fund Appropriation—State | \$ | 39,401,000 |
| Accident Fund Appropriation—Federal | \$ | 366,000 |

| | | |
|--|----|------------|
| Electrical License Fund | \$ | 7,381,000 |
| Medical Aid Fund Appropriation | \$ | 33,619,000 |
| Plumbing Certificate Fund | \$ | 283,000 |
| Pressure Systems Safety Fund | \$ | 827,000 |
| Total Appropriation | \$ | 88,560,000 |
| FTE Staff Years—Fiscal Year 1982 | | 1,400.9 |
| FTE Staff Years—Fiscal Year 1983 | | 1,417.0 |

The appropriations in this section are subject to the following conditions and limitations:

(1) General fund expenditures for the building and construction program together with associated indirect cost and salary increase costs shall not exceed general fund revenue from the building and construction program.

(2) \$1,100,000 of the general fund—state appropriation and 37.2 FTE staff years are provided solely for the fiscal year 1982 employment standards and apprenticeship programs. Fiscal year 1983 funding shall be determined on the basis of a legislative budget committee review of the employment standards program within the criteria established in chapter 43.131 RCW and complete a report prior to December 15, 1981. Fiscal year 1983 funding of the apprenticeship program shall be determined on the basis of a legislative study to be completed by January 15, 1982.

(3) \$632,000 of the general fund—state appropriation and 2.0 FTE staff years are provided solely for victims of crime pension benefit payments.

NEW SECTION. Sec. 67. FOR THE BOARD OF PRISON TERMS AND PAROLES

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 2,446,000 |
| FTE Staff Years—Fiscal Year 1982 | | 29.0 |
| FTE Staff Years—Fiscal Year 1983 | | 29.0 |

NEW SECTION. Sec. 68. FOR THE HOSPITAL COMMISSION

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 549,000 |
| General Fund Appropriation—Federal | \$ | 132,000 |
| General Fund—Hospital Commission Ac- | | |
| count Appropriation | \$ | 915,000 |
| Total Appropriation | \$ | 1,596,000 |
| FTE Staff Years—Fiscal Year 1982 | | 20.3 |
| FTE Staff Years—Fiscal Year 1983 | | 19.8 |

The appropriations in this section are subject to the following condition or limitation: The hospital commission shall further review the benefits and possible savings to the state of utilizing a reimbursement system based on prospectively established hospital rates.

NEW SECTION. Sec. 69. FOR THE EMPLOYMENT SECURITY DEPARTMENT

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 2,270,000 |
|--|----|-----------|

| | | |
|--|----|-------------|
| General Fund Appropriation—Federal | \$ | 158,908,000 |
| General Fund Appropriation—Local | \$ | 23,571,000 |
| Administrative Contingency Fund Appropria- tion—Federal | \$ | 2,231,000 |
| Unemployment Compensation Administration Fund Appropriation | \$ | 93,132,000 |
| Total Appropriation | \$ | 280,112,000 |
| FTE Staff Years—Fiscal Year 1982 | | 2,813.1 |
| FTE Staff Years—Fiscal Year 1983 | | 2,759.9 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$900,000 of the general fund—state appropriation is provided solely for work orientation of ex-offenders.
- (2) \$300,000 of the general fund—state appropriation is provided solely for a placement incentive demonstration project to serve AFDC-R recipients who have been on assistance for three consecutive years or more and have been determined to have the most severe barriers to employment.

The goal of this program is to establish a demonstration program that will use performance-based contracts to achieve full-time job placement and ensure long-term job retention. Not more than \$1,000 may be spent per participant and the payment schedule shall be structured to ensure incentive is built-in with twelve-month job retention for a minimum of 50% of the participants. The results of this program will be analyzed and evaluated and a written report will be submitted to the legislature by January, 1983. The report shall also contain comparative analysis of other similar employment and training programs including the employment and training program of the department of social and health services. The employment security department shall cooperate with the department of social and health services in seeking federal funds for this program and in monitoring savings in income maintenance and medical assistance as a result.

NEW SECTION. Sec. 70. FOR THE COMMISSION FOR THE BLIND

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 2,746,000 |
| General Fund Appropriation—Federal | \$ | 5,254,000 |
| Total Appropriation | \$ | 8,000,000 |
| FTE Staff Years—Fiscal Year 1982 | | 71.0 |
| FTE Staff Years—Fiscal Year 1983 | | 70.5 |

NEW SECTION. Sec. 71. FOR THE JAIL COMMISSION

| | | |
|---|----|---------|
| General Fund Appropriation | \$ | 390,000 |
| General Fund—Local Jail Improvement and Construction Account Appropriation | \$ | 511,000 |
| Total Appropriation | \$ | 901,000 |
| FTE Staff Years—Fiscal Year 1982 | | 9.0 |

FTE Staff Years—Fiscal Year 1983 9.0

***NEW SECTION. Sec. 72. FOR THE STATE ENERGY OFFICE**

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 1,300,000 |
| General Fund Appropriation—Federal | \$ | 4,720,000 |
| Total Appropriation | \$ | 6,020,000 |
| FTE Staff Years—Fiscal Year 1982 | | 49.9 |
| FTE Staff Years—Fiscal Year 1983 | | 28.8 |

The appropriations in this section are subject to the following condition or limitation: The appropriations in this section are contingent on the enactment of House Bill No. 402 during the 1981 regular session of the legislature.

*Sec. 72. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 73. FOR THE COLUMBIA RIVER GORGE COMMISSION

| | | |
|--------------------------------------|----|--------|
| General Fund Appropriation | \$ | 76,000 |
|--------------------------------------|----|--------|

NEW SECTION. Sec. 74. FOR THE DEPARTMENT OF ECOLOGY

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 20,093,000 |
| General Fund Appropriation—Federal | \$ | 14,380,000 |
| General Fund—Special Grass Seed Burning | | |
| Research Account Appropriation | \$ | 35,000 |
| General Fund—Reclamation Revolving Account | | |
| Account Appropriation | \$ | 580,000 |
| General Fund—Litter Control Account Ap- | | |
| propriation | \$ | 4,110,000 |
| Stream Gaging Basic Data Fund Appropria- | | |
| tion | \$ | 200,000 |
| General Fund—State and Local Improve- | | |
| ments Revolving Account—Waste Dis- | | |
| posal Facilities: Appropriated pursuant to | | |
| chapter 127, Laws of 1972 ex. sess. (Refer- | | |
| endum 26) | \$ | 54,315,000 |
| General Fund—State and Local Improve- | | |
| ments Revolving Account—Waste Dis- | | |
| posal Facilities: Reappropriation | | |
| (Referendum 26) | \$ | 61,797,000 |
| General Fund—Water Pollution Control Fa- | | |
| cilities Account Appropriation | \$ | 50,000 |
| General Fund—State and Local Improve- | | |
| ments Revolving Account—Water Supply | | |
| Facilities: Appropriated pursuant to chapter | | |
| 128, Laws of 1972 ex. sess. (Referendum | | |
| 27) | \$ | 7,284,000 |

| | | |
|---|----|-------------|
| General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation (Referendum 27) | \$ | 4,700,000 |
| General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. | \$ | 7,358,000 |
| General Fund—Emergency Water Project Revolving Account: Reappropriation | \$ | 6,500,000 |
| General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38) | \$ | 18,095,000 |
| General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39) | \$ | 84,780,000 |
| Total Reappropriation | \$ | 72,997,000 |
| Total New Appropriation | \$ | 211,280,000 |
| Total Appropriation | \$ | 284,277,000 |
| FTE Staff Years—Fiscal Year 1982 | | 509.5 |
| FTE Staff Years—Fiscal Year 1983 | | 512.1 |

The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1981, the department of ecology shall file with the committees on ways and means of the senate and house of representatives a master compilation by project type of those projects proposed for funding during the 1981–83 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each referendum bond issue. The department shall submit updates for the master compilation to the committees on ways and means at six-month intervals during the 1981–83 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 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 of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities.

(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) \$130,000 of the general fund—state appropriation is provided solely to augment current department planned expenditures for the assessment of sources of, and abatement programs for, toxic substances in Commencement Bay and its waterways. Of that amount:

(a) \$90,000 is for field and laboratory studies and activities needed for determining the source or sources of toxic substances in Commencement Bay and its waterways; and

(b) \$40,000 is for collecting and analyzing samples of sediments from any deep water portions of Commencement Bay that have been utilized for waste disposal sites, for the purpose of identifying the nature and extent of the wastes deposited.

(6) \$1,306,000 of the general fund—state appropriation is provided solely for the vehicle emission inspection program.

NEW SECTION. Sec. 75. FOR THE ENVIRONMENTAL HEARINGS OFFICE

| | | |
|--|----|---------|
| General Fund Appropriation | \$ | 658,000 |
| FTE Staff Years—Fiscal Year 1982 | | 7.0 |
| FTE Staff Years—Fiscal Year 1983 | | 7.0 |

NEW SECTION. Sec. 76. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

| | | |
|--|----|-----------|
| General Fund Appropriation—Private/Local | \$ | 3,790,000 |
|--|----|-----------|

| | |
|--|------|
| FTE Staff Years—Fiscal Year 1982 | 23.0 |
| FTE Staff Years—Fiscal Year 1983 | 17.7 |

NEW SECTION. Sec. 77. FOR THE STATE PARKS AND RECREATION COMMISSION

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 27,511,000 |
| General Fund Appropriation—Federal | \$ | 185,000 |
| General Fund Appropriation—Private/Local | \$ | 467,000 |
| General Fund—Trust Land Purchase Account Appropriation | \$ | 5,854,000 |
| General Fund—Winter Recreation Parking Account Appropriation | \$ | 139,000 |
| General Fund—Outdoor Recreation Account Appropriation | \$ | 81,000 |
| General Fund—Snowmobile Account Appropriation | \$ | 555,000 |
| Motor Vehicle Fund Appropriation | \$ | 600,000 |
| Total Appropriation | \$ | 35,392,000 |
| FTE Staff Years—Fiscal Year 1982 | | 553.3 |
| FTE Staff Years—Fiscal Year 1983 | | 553.4 |

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$155,000 is provided solely for continuation of contractual agreements with Grays Harbor and Pacific counties for beach patrol and law enforcement on North Beach, South Beach, and Long Beach.

(2) \$178,000 is provided solely for a manual campsite reservation system.

(3) A maximum of \$239,000 may be expended for a lifeguard program.

(4) A maximum of \$90,000 may be expended for the operation of the Goldendale Observatory.

(5) No moneys appropriated in this section may be expended for an agreement with the department of transportation for maintenance of the restroom at Snoqualmie Pass.

(6) \$870,000 is provided solely for facility maintenance.

(7) \$221,000 is provided solely for law enforcement, including an agreement with the Washington state patrol.

(8) If House Bill No. 386 is not enacted during the 1981 regular session of the legislature, the winter recreation parking account appropriation shall be reduced to \$64,000.

(9) \$100,000 is provided solely to determine the potential long-range alternative uses of the St. Edwards facility. The study shall include all potential uses, including but not limited to recreation. The results of the study shall be reported to the legislature not later than December 1, 1981.

(10) \$196,000 is provided solely for the St. Edwards facility. These moneys shall be expended to put the facility in an operable condition.

(11) \$55,000 is provided solely to implement the recommendations of the Mt. St. Helens recreation and tourism task group for the operation of Seaquest state park tourist information center and various viewpoints and sanitary facilities.

NEW SECTION. Sec. 78. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 344,000 |
| General Fund Appropriation—Federal | \$ | 5,136,000 |
| Total Appropriation | \$ | 5,480,000 |
| FTE Staff Years—Fiscal Year 1982 | | 8.0 |
| FTE Staff Years—Fiscal Year 1983 | | 8.0 |

NEW SECTION. Sec. 79. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

| | | |
|--|----|------------|
| General Fund—Outdoor Recreation Account | | |
| Appropriation | \$ | 29,350,000 |
| FTE Staff Years—Fiscal Year 1982 | | 19.0 |
| FTE Staff Years—Fiscal Year 1983 | | 19.0 |

The appropriation in this section is subject to the following condition or limitation: A maximum of \$1,341,000 may be expended for administration.

***NEW SECTION. Sec. 80. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT**

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 3,550,000 |
| General Fund Appropriation—Federal | \$ | 391,000 |
| Motor Vehicle Fund Appropriation | \$ | 395,000 |
| Total Appropriation | \$ | 4,336,000 |
| FTE Staff Years—Fiscal Year 1982 | | 44.0 |
| FTE Staff Years—Fiscal Year 1983 | | 44.0 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,031,000 of the total appropriation is provided solely for the administration program.*
- (2) \$1,046,000 of the total appropriation is provided solely for the tourism program.*
- (3) \$858,000 of the total appropriation is provided solely for the foreign trade program.*
- (4) \$1,079,000 of the total appropriation is provided solely for the industrial development program.*
- (5) \$322,000 of the total appropriation is provided solely for the small business program.*

*Sec. 80. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 81. FOR THE DEPARTMENT OF FISHERIES

| | | |
|---|----|------------|
| General Fund Appropriation—State | \$ | 38,582,000 |
| General Fund Appropriation—Federal | \$ | 5,777,000 |
| General Fund Appropriation—Private/Local | \$ | 1,873,000 |
| General Fund—Lewis River Hatchery Account Appropriation | \$ | 27,000 |
| Total Appropriation | \$ | 46,259,000 |
| FTE Staff Years—Fiscal Year 1982 | | 600.8 |
| FTE Staff Years—Fiscal Year 1983 | | 607.0 |

The appropriations in this section are subject to the following condition or limitation: \$234,000 of the general fund—state appropriation is provided solely for bait fish and ling cod enhancement efforts.

NEW SECTION. Sec. 82. FOR THE DEPARTMENT OF GAME

| | | |
|--|----|------------|
| General Fund—ORV (Off-Road Vehicle) | | |
| Account Appropriation | \$ | 124,000 |
| Game Fund Appropriation—State | \$ | 28,612,000 |
| Game Fund Appropriation—Federal | \$ | 19,332,000 |
| Game Fund Appropriation—Private/Local | \$ | 2,344,000 |
| Game Fund—Special Wildlife Account Appropriation | \$ | 194,000 |
| Total Appropriation | \$ | 50,606,000 |
| FTE Staff Years—Fiscal Year 1982 | | 740.5 |
| FTE Staff Years—Fiscal Year 1983 | | 772.8 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) A maximum of \$7,504,000 of the total appropriation may be expended in the administration program.
- (2) If House Bill No. 116 is not enacted during the 1981 regular session of the legislature, the game fund—state appropriation shall be reduced to \$22,024,000; the game fund—federal appropriation shall be reduced to \$14,524,000; and the FTE staff years shall be 557.7 for fiscal year 1982 and 558.3 for fiscal year 1983.

NEW SECTION. Sec. 83. FOR THE DEPARTMENT OF NATURAL RESOURCES

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 23,616,000 |
| General Fund Appropriation—Federal | \$ | 1,354,000 |
| General Fund—ORV (Off-Road Vehicle) | | |
| Account Appropriation | \$ | 1,711,000 |
| General Fund—Forest Development Account | | |
| Appropriation | \$ | 16,669,000 |
| General Fund—State Timber Tax Reserve | | |
| Account Appropriation | \$ | 414,000 |

| | | |
|---|----|------------|
| General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation | \$ | 1,878,000 |
| General Fund—Resource Management Cost Account Appropriation | \$ | 49,977,000 |
| Total Appropriation | \$ | 95,619,000 |
| FTE Staff Years—Fiscal Year 1982 | | 1,512.4 |
| FTE Staff Years—Fiscal Year 1983 | | 1,533.5 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,782,000 of the general fund—state appropriation is provided solely for emergency fire suppression. The funds shall also be available for interfund loans with the landowner contingency forest fire suppression account.

(2) \$2,221,000 of the general fund—state appropriation is provided solely for the operation of the Clearwater, Olympic, Larch Mountain, Indian Ridge, Cedar Creek, Maple Lane, Naselle, and Mission Creek Honor Camps.

(3) Up to \$13,000,000 of the resource management cost account appropriation may be substituted by additional forest development account funds in excess of the appropriation. Any funds so replaced shall not be expended for any purpose.

(4) A maximum of \$2,038,000 of the general fund—state appropriation may be expended for the geology and earth resources program.

(5) \$40,000 of the resource management cost account appropriation is provided solely for lake management.

(6) The department of natural resources shall provide a report on the urban lands program to the committees on ways and means of the house of representatives and the senate by December 1, 1981. The report shall include an inventory of urban lands, a management plan for each urban parcel, involvement in land use planning, and any other information necessary for policy determination.

NEW SECTION. Sec. 84. FOR THE DEPARTMENT OF AGRICULTURE

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 9,401,000 |
| General Fund Appropriation—Federal | \$ | 777,000 |
| General Fund—Feed and Fertilizer Account Appropriation | \$ | 29,000 |
| Fertilizer, Agricultural, Mineral and Lime Fund Appropriation | \$ | 358,000 |
| Commercial Feed Fund Appropriation— State | \$ | 311,000 |

| | |
|---|---------------|
| Commercial Feed Fund Appropriation— | |
| Federal | \$ 22,000 |
| Seed Fund Appropriation | \$ 913,000 |
| Nursery Inspection Fund Appropriation | \$ 270,000 |
| Grain and Hay Inspection Fund Appropriation | \$ 17,278,000 |
| Total Appropriation | \$ 29,359,000 |
| FTE Staff Years—Fiscal Year 1982 | 807.4 |
| FTE Staff Years—Fiscal Year 1983 | 814.7 |

The appropriations in this section are subject to the following conditions and limitations:

(1) If House Bill No. 252 is enacted during the 1981 regular session of the legislature, there shall be no hay and grain inspection fund appropriation.

(2) A maximum of \$15,000 of the general fund—state appropriation shall be expended for starling control.

NEW SECTION. Sec. 85. FOR THE DEPARTMENT OF LICENSING

| | |
|--|---------------|
| General Fund Appropriation | \$ 10,492,000 |
| General Fund—Architects' License Account Appropriation | \$ 173,000 |
| General Fund—Opticians' Account Approp- riation | \$ 33,000 |
| General Fund—Optometry Account Approp- riation | \$ 81,000 |
| General Fund—Professional Engineers' Ac- count Appropriation | \$ 478,000 |
| General Fund—Real Estate Commission Ac- count Appropriation | \$ 3,444,000 |
| General Fund—Sanitarians' Licensing Ac- count Appropriation | \$ 20,000 |
| General Fund—Board of Psychological Ex- aminers Account Appropriation | \$ 42,000 |
| Game Fund Appropriation | \$ 148,000 |
| Highway Safety Fund Appropriation | \$ 33,286,000 |
| Motor Vehicle Fund Appropriation | \$ 27,399,000 |
| Total Appropriation | \$ 75,596,000 |
| FTE Staff Years—Fiscal Year 1982 | 1,209.0 |
| FTE Staff Years—Fiscal Year 1983 | 1,205.7 |

The appropriations in this section are subject to the following condition or limitation: The sanitarians' licensing account appropriation is contingent on the enactment of House Bill No. 311 or Senate Bill No. 3314 during the 1981 regular session of the legislature.

NEW SECTION. Sec. 86. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

| | | |
|---|----|------------|
| General Fund Appropriation—State | \$ | 13,697,000 |
| General Fund Appropriation—Federal | \$ | 5,981,000 |
| General Fund—Traffic Safety Education Account Appropriation | \$ | 460,000 |
| Total Appropriation | \$ | 20,138,000 |
| FTE Staff Years—Fiscal Year 1982 | | 266.5 |
| FTE Staff Years—Fiscal Year 1983 | | 266.5 |

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$460,000 may be expended for the state office administration of the traffic safety education program.

(2) The superintendent shall ensure that data reported by school districts for reimbursement purposes is accurate and timely.

NEW SECTION. Sec. 87. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1982 AND 1983

| | | |
|---|----|---------------|
| General Fund Appropriation | \$ | 2,567,881,000 |
| General Fund—State Timber Tax Reserve Account | \$ | 4,000,000 |
| Common School Construction Fund Appropriation | \$ | 52,379,000 |
| Total Appropriation | \$ | 2,624,260,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of this act and compliance with chapter 16, Laws of 1981, the superintendent of public instruction shall ensure that no district provides salary and compensation increases from any fund source whatsoever in excess of those amounts and/or percentages specified in this act: PROVIDED, That the superintendent shall withhold five percent of a district's respective basic education allocation if the school district violates any provision of this act or chapter 16, Laws of 1981 until such time as a school district comes into compliance: PROVIDED FURTHER, That provisions of any contract in force as of the effective date of chapter 16, Laws of 1981, for school years 1981-82 and 1982-83 that conflict with the provisions of this act may continue in effect.

(2) A maximum of \$1,308,315,000 of this appropriation may be expended in fiscal year 1982.

(3)(a) The appropriations in this section and allocation authorized by sections 87 through 91 of this act per annual average full time equivalent

student shall constitute 100% of formula as provided in RCW 28A.41.130 as now or hereafter amended.

(b) If the system-wide staff mix factor exceeds 1.6182, the superintendent of public instruction shall make such adjustments as are required to remain within the amounts generated by the staff mix assumption for the total appropriation.

(4) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) 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.

(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 enrollment 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 K-8 program or 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 K-6 or 1-6 program, an additional one-half of a certificated staff unit.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined 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.

(5) (a) For nonemployee related costs with each certificated staff unit determined under subsection (4) (a), (c), and (d) of this section, there shall be provided a maximum of \$4,684 per staff unit in the 1981-82 school year and a maximum of \$5,166 per staff unit in the 1982-83 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (4)(b) of this section, there shall be provided a maximum of \$8,182 per staff unit in the 1981-82 school year and a maximum of \$8,964 per staff unit in the 1982-83 school year.

(6) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (4) (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.

(7) The superintendent of public instruction shall distribute a maximum of \$565,000 outside of the basic education allocation to school districts for fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; a maximum of \$280,000 for the 1981-82 school year, and a maximum of \$285,000 for the 1982-83 school year.

(8) The general fund—state appropriation contained in this section includes all funds received by the state pursuant to Title 16, section 500, United States Code (federal forest funds) which are distributed to the general fund for the benefit of public schools in accordance with RCW 36.33.110. Within thirty days of receipt within the state treasury, the superintendent of public instruction shall distribute such federal forest funds to each eligible school district in an amount not to exceed that which the district would have received in accordance with the basic education apportionment for the previous year. Funds determined to be in excess of that amount shall be distributed to the county for distribution to the school districts within the county in accordance with RCW 36.33.110: PROVIDED, That if the amount received by any district pursuant to this appropriation is less than the basic education allocation which the district would otherwise receive, the superintendent of public instruction shall allocate from basic education funds to the district an amount equal to the difference between

the amount received under this appropriation and the amount the district would otherwise receive under the basic education act.

(9) The superintendent of public instruction may distribute a maximum of \$250,000 for school district emergencies outside of the basic education allocation.

(10) Not more than \$6,375,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1981-82 school year from the 1980-81 base enrollment level and in the 1982-83 school year from the 1981-82 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1981-82 and 1982-83 school years to such districts on the basis of current school year enrollment plus one quarter of the amount of the enrollment decline from the prior school year level. The superintendent of public instruction, in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by twenty-five percent of the full time equivalent pupil enrollment loss from the previous school year.

NEW SECTION. Sec. 88. SALARY AND COMPENSATION DEFINITIONS

For purposes of sections 87 through 104 of this act, the following definitions apply:

(1) "LEAP Document 2" means the computer tabulation of 1980-81 derived base salaries for basic education certificated staff, 1980-81 average salaries for basic education classified staff and 1981-82 and 1982-83 salary increase percentages which was developed by the legislative evaluation and accountability program committee on April 20, 1981, at 2:02 p.m.

(2) "State-supported staff" means state-funded staff in the following programs: Basic education (program 00), general instructional support (program 94), general support (program 97), secondary vocational education (program 30), handicapped (program 21) exclusive of any staff funded in the block grant program under section 100 of this act, vocational-technical institutes/adult education (programs 47 and 48), state institutions (program 46), educational service districts, and transportation (program 99).

(3) "Incremental fringe benefits" means 7% for certificated staff and 14% for classified staff, which percentage shall be applied to salary increases and is for employer contributions to old age survivor's insurance, workers' compensation, unemployment compensation, and retirement benefits under the public employees' retirement system (chapter 41.40 RCW).

NEW SECTION. Sec. 89. (1) For purposes of determining the 1981-82 and 1982-83 staff mix factor by district for basic education allocation purposes, the following definitions apply:

(a) Basic education certificated staff includes all full time equivalent certificated staff in the following programs:

- (i) Basic education (program 00);
- (ii) Secondary vocational education (program 30);
- (iii) General instructional support (program 94);
- (iv) General support (program 97).

(b) The 1980-81 derived base salary used for basic education allocation purposes shall be that which is specified for each district in LEAP Document 2.

(c) The staff mix factor table developed by the legislative evaluation and accountability program committee (LEAP) (reference LEAP Document 1) in use for school years 1979-80 and 1980-81 shall be employed to calculate each district's base salary and staff mix for basic education certificated staff for 1981-82 and 1982-83.

(2) The 1980-81 basic education average classified salary for allocation purposes shall be that specified for each district in LEAP Document 2 and shall be for all full time equivalent classified staff in the following programs:

- (a) Basic education (program 00);
- (b) Secondary vocational education (program 30);
- (c) General instructional support (program 94);
- (d) General support (program 97).

NEW SECTION. Sec. 90. BASIC EDUCATION ALLOCATION—CALCULATION OF CERTIFICATED STAFF COMPENSATION

(1) Total certificated compensation entitlement for school year 1981-82 for a particular school district shall be the sum of the following:

(a) Maintenance of compensation, calculated using that district's 1980-81 derived base salary established by LEAP Document 2 multiplied by the number of basic education certificated staff units determined pursuant to section 87 of this act multiplied by that district's particular 1981-82 average staff mix factor improved by 7.41%;

(b) The 1981-82 certificated staff salary increase for that district as specified in LEAP Document 2;

(c) Maintenance of insurance benefits at the rate of \$95 per month per certificated full time equivalent staff units determined pursuant to section 87 of this act;

(d) The 1981-82 insurance benefit increases provided in section 92 of this act per certificated staff unit determined pursuant to section 87 of this act.

(2) Total certificated compensation entitlement for school year 1982-83 for a particular school district shall be equal to the sum of the following:

(a) Maintenance of compensation shall be calculated by using that district's 1980-81 derived base salary established by LEAP Document 2 improved by the percentage salary increase specified in LEAP Document 2 for 1981-82 multiplied by the number of basic education staff units determined pursuant to section 87 of this act multiplied by that district's particular 1982-83 average staff mix factor improved by 7.43%;

(b) The 1982-83 certificated staff salary increase for that district as specified in LEAP Document 2;

(c) Maintenance of insurance benefits at the rate of \$95 per month per certificated full time equivalent staff units determined pursuant to section 87 of this act;

(d) The insurance benefit increases per full time equivalent certificated staff unit determined pursuant to section 87 of this act at rates specified in section 92 of this act for the 1981-82 school year and the 1982-83 school year.

NEW SECTION. Sec. 91. BASIC EDUCATION ALLOCATION—CALCULATION OF CLASSIFIED STAFF COMPENSATION

(1) Total 1981-82 basic education classified compensation entitlement for a particular school district shall be the sum of the following:

(a) Maintenance of classified compensation for a particular school district shall be equal to the classified staff units determined pursuant to section 87 of this act multiplied by the 1980-81 average classified salary established by LEAP Document 2 for that district improved by 16.55%;

(b) The 1981-82 classified staff salary increase for that district as specified in LEAP Document 2;

(c) Maintenance of insurance benefits at the rate of \$95 per month per classified full time equivalent staff units determined pursuant to section 87 of this act;

(d) The 1981-82 insurance benefit increases specified in section 92 of this act per full time equivalent classified staff unit determined pursuant to section 87 of this act.

(2) Total 1982-83 basic education classified compensation entitlement for a particular school district shall be the sum of the following:

(a) Maintenance of classified compensation for a particular school district shall be equal to the classified staff units determined pursuant to section 87 of this act multiplied by the 1980-81 average classified salary established in LEAP Document 2 for that district improved by the 1981-82 percentage salary increase specified in LEAP Document 2 for that district improved by 16.55%;

(b) The 1982-83 classified salary increase for that district as specified in LEAP Document 2;

(c) Maintenance of insurance benefits at the rate of \$95 per month per classified full time equivalent staff units determined pursuant to section 87 of this act;

(d) The insurance benefit increases per full time equivalent classified staff unit determined pursuant to section 87 of this act at rates specified in section 92 of this act for the 1981-82 school year and the 1982-83 school year.

***NEW SECTION. Sec. 92. SALARY AND COMPENSATION INCREASES**

General Fund Appropriation \$ 182,988,000

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 shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) A maximum of \$24,936,000 for the 1981-82 school year and a maximum of \$80,977,000 for the 1982-83 school year may be expended for provision of basic education state-supported certificated staff salary increases and concomitant incremental fringe benefits. Percentage salary increases under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 2.

(4) A maximum of \$5,457,000 for the 1981-82 school year and a maximum of \$18,136,000 for the 1982-83 school year may be expended for provision of basic education state-supported classified staff salary increases and concomitant incremental fringe benefits. Percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7)(b) of this section, shall not exceed the percentages specified in LEAP Document 2.

(5) A maximum of \$34,837,000 may be expended for insurance benefit increases for state-supported basic education certificated and classified staff at a rate of \$26 per month per full time equivalent staff unit in 1981-82 and an additional \$16 per month in 1982-83.

(6) A maximum of \$4,930,000 may be expended in fiscal year 1982 and \$13,715,000 for fiscal year 1983 for state-supported staff salary, insurance benefit increases, and concomitant incremental fringe benefits for educational service district staff, institutional education staff (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped program staff (program 21) and transportation staff (program

99), to be distributed at rates and/or percentages not exceeding those specified for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act at a rate of 6.87% in 1981-82 and 7.35% in 1982-83 and insurance benefit increases at the same rate as provided in subsection (5) of this section. Educational service districts, institutional education (program 46) and vocational-technical institutes/adult basic education (programs 47 and 48) shall receive first draw from this appropriation.

(7) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 2 for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) Insurance benefit increases granted employees shall constitute a portion of the salary increase specified in LEAP Document 2 whenever a district's contribution to employee insurance benefits will exceed, by virtue of increases provided in 1981-82 or 1982-83, \$121 per full time equivalent staff unit in 1981-82 and \$137 per full time equivalent staff unit in 1982-83.

(c) Increments granted by school districts to certificated staff 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 which are provided pursuant to LEAP Document 1.

(8) If any provision of chapter 16, Laws of 1981, or LEAP Document 2, or its application to any person or circumstance, is held invalid, the appropriation in this section shall lapse.

*Sec. 92. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 93. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT CONTRIBUTIONS TO THE TEACHERS' RETIREMENT SYSTEM

General Fund Appropriation \$ 286,500,000

The appropriation in this section is subject to the following condition or limitation: The funds appropriated in this section shall be expended only for retirement contributions to the teachers' retirement system (chapter 41.32 RCW). The superintendent shall pay on a quarterly basis the appropriate funds as directed by the department of retirement systems to the teachers' retirement system fund.

NEW SECTION. Sec. 94. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 185,828,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent of public instruction shall not distribute more than \$89,978,000 to local school districts for pupil transportation during the 1981-82 state fiscal year.

(2) A maximum of \$842,000 may be expended for regional transportation coordinators.

(3) A maximum of \$74,000 may be expended for driver training.

(4) (a) If House Bill No. 711 is enacted during the 1981 regular session of the legislature, activities eligible for state reimbursement in the 1982-83 school year are as follows:

(i) Handicapped student transportation;

(ii) Transportation of students to and from the nearest or next-nearest school in accordance with RCW 28A.41.160(1) as amended by Engrossed Substitute House Bill No. 711;

(iii) Costs of acquisition of approved transportation equipment in accordance with RCW 28A.41.160(2);

(iv) Transportation of students to and from two or more locations during the school day when necessary for the student to pursue his or her course of study: PROVIDED, That field trips and extracurricular transportation shall not be funded under this section.

(b) The superintendent of public instruction shall transfer \$6,000,000 from this appropriation to the appropriation provided for block grants in section 100 of this act if Engrossed Substitute House Bill No. 711 is enacted during the 1981 regular session of the legislature and if, on or after October 1, 1982, the superintendent certifies to the governor that its enforcement was not subject to a permanent or preliminary injunction at any time during the previous thirty days.

NEW SECTION. Sec. 95. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 43,134,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) The 1981-82 school year appropriation is based on an enrollment of 9,960 full time equivalent students at a state support level per student of \$2,063, not including salary and insurance benefit increases.

(b) The 1982-83 school year appropriation is based on an enrollment of 10,318 full time equivalent students at a state support level per student of \$2,136, not including salary and insurance benefit increases.

(2) A maximum of \$533,000 of this appropriation may be expended for adult education.

NEW SECTION. Sec. 96. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 7,157,000 |
| General Fund Appropriation—Federal | \$ | 69,744,000 |
| Total Appropriation | \$ | 76,901,000 |

NEW SECTION. Sec. 97. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS

| | | |
|--|----|-------------|
| General Fund Appropriation—State | \$ | 121,294,000 |
| General Fund Appropriation—Federal | \$ | 27,200,000 |
| Total Appropriation | \$ | 148,494,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$68,026,000 of the general fund—state appropriation may be expended in fiscal year 1981–82.

(2) The superintendent of public instruction shall allocate funds in accordance with LEAP Document 3.

(3) Communication disordered, specific learning disabled, and behaviorally disabled students may be served from funds appropriated for the block grant program under section 100 of this act.

NEW SECTION. Sec. 98. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM

| | | |
|---|----|------------|
| General Fund—Traffic Safety Education Account Appropriation | \$ | 13,740,000 |
|---|----|------------|

The appropriation in this section is subject to the following condition or limitation: A maximum of \$446,000 may be expended for traffic safety education coordinators.

NEW SECTION. Sec. 99. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 4,435,000 |
| State Funding Sources | \$ | 3,373,000 |
| Total Appropriation | \$ | 7,808,000 |

The appropriation in this section is subject to the following conditions and limitations:

(1) Educational service districts shall be apportioned funds based upon the following schedule:

| | |
|-----------------------|--------------------------|
| General Fund—State | State Funding Sources |
|-----------------------|--------------------------|

| | | |
|----------------------|-------------------|-------------|
| E.S.D. No. 101 | \$562,000 | \$562,000 |
| E.S.D. No. 105 | \$539,000 | \$269,000 |
| E.S.D. No. 112 | \$453,000 | \$453,000 |
| E.S.D. No. 113 | \$483,000 | \$483,000 |
| E.S.D. No. 114 | \$416,000 | \$208,000 |
| E.S.D. No. 121 | \$396,000 | \$396,000 |
| E.S.D. No. 123 | \$525,000 | \$262,000 |
| E.S.D. No. 171 | \$642,000 | \$321,000 |
| E.S.D. No. 189 | \$419,000 | \$419,000 |
| Total | \$4,435,000 | \$3,373,000 |

(2) School districts in the respective educational service districts shall provide the amounts specified from state funding sources accruing under section 87 of this act on a per capita enrollment basis prior to June 30th of each school year.

(3) Educational service districts may provide additional services, not funded under this section but desired by school districts, by billing the school districts desiring the services for the cost of the services.

(4) 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. 100. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR BLOCK GRANTS

General Fund Appropriation—State..... \$ 109,770,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$46,285,000 may be expended in the 1981–82 school year for provision of programs as delineated in subsection (3) of this section to be distributed on a pro rata basis by the superintendent of public instruction to school districts on the basis of the amount of state funds received by each school district on an annual average full time equivalent enrollment for the 1980–81 school year using the following: Bilingual program; gifted program; urban and rural racially disadvantaged program; remediation program; and state funds received for specific learning disabled students, behaviorally disabled students, and communication disordered students.

(2) A maximum of \$60,289,000 may be expended for the 1982–83 school year to be distributed by the superintendent of public instruction as follows:

(a) One-third of the funds shall be distributed on the basis of each district's annual average full time equivalent enrollment adjusted by the ratio of a district's derived base salary to the state-wide average derived base salary.

(b) The remaining funds shall be distributed on the same basis as funds were distributed in the 1981-82 school year pursuant to subsection (1) of this section.

(3) The funds allocated by this section may be expended by school districts for provision of special instructional programs, including but not limited to: 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; and programs for the specific learning disabled, communication disordered, and behaviorally disordered.

(4) From the dollars allocated per student, the superintendent may charge a state-wide or regional fee to maintain programs of state-wide or regional benefit, provided school boards representing a majority of the population agree to the fee.

(5) \$2,966,000 is provided solely for support of Indochinese refugee educational programs.

(6) The superintendent of public instruction shall contract \$230,000 for services to support an approved gifted program to be conducted at Fort Worden state park.

(7) Salary and benefits increases are included in the funds allocated by this section.

NEW SECTION. Sec. 101. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 15,438,000 |
| General Fund Appropriation—Federal | \$ | 5,560,000 |
| Total Appropriation | \$ | 20,998,000 |

NEW SECTION. Sec. 102. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

| | | |
|--|----|-------------|
| General Fund Appropriation—Federal | \$ | 119,000,000 |
| (a) Elementary and Secondary | | |
| Education Act of 1965 | \$ | 114,660,000 |
| (b) Education of Indian | | |
| Children | \$ | 600,000 |
| (c) Adult Basic Education | \$ | 3,235,000 |
| (d) Career Education | \$ | 505,000 |

NEW SECTION. Sec. 103. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS

| | | |
|--|----|------------|
| General Fund Appropriation—Federal | \$ | 30,034,000 |
|--|----|------------|

NEW SECTION. Sec. 104. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR JULY AND AUGUST PAYMENTS

General Fund Appropriation \$ 706,000

The appropriation in this section is subject to the following condition or limitation: These funds shall be available for the July and August payments for the urban and rural racially disadvantaged program, the gifted program, the remediation program, and the bilingual education program.

NEW SECTION. Sec. 105. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 1,000,000

*NEW SECTION. Sec. 106. HIGHER EDUCATION

The appropriations in sections 107 through 113 of this act are subject to the following conditions and limitations:

(1) The University of Washington shall allocate not less than 755.4 FTE faculty positions and Washington State University shall allocate not less than 344.3 FTE faculty staff positions to departments defined as high cost in the council for postsecondary report #81-1: PROVIDED, That deviations from this subsection are permitted subject to the approval of the office of financial management: PROVIDED FURTHER, That high cost faculty staff position funds may be used to fund activities in the research program upon the review and favorable recommendation by the office of financial management.

(2) No funds may be used for the inauguration or operation of any new degree program until the program has been reviewed and favorably recommended by the council for postsecondary education.

*Sec. 106. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 107. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation—State \$ 398,428,000
General Fund Appropriation—Federal \$ 271,000
Total Appropriation \$ 398,699,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,380,007 is provided solely for the replacement and repair of instructional equipment.

(2) A maximum of \$2,608,000 may be spent for the small school adjustment to Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Walla Walla Community Colleges. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 71.0% base level for each 100 full time equivalent students below the 2,500 full time equivalent student

enrollment level, except that no community college shall be funded in excess of 86.0% of formula.

(3) At least \$227,291 shall be expended for the purchase and maintenance of equipment to access the higher education personnel payroll system.

NEW SECTION. Sec. 108. FOR THE UNIVERSITY OF WASHINGTON

| | | |
|---|----|-------------|
| General Fund Appropriation | \$ | 295,111,000 |
| Accident Fund Appropriation | \$ | 1,027,000 |
| Medical Aid Fund Appropriation | \$ | 1,027,000 |
| University of Washington Building Account | | |
| Appropriation | \$ | 55,355,000 |
| Total Appropriation | \$ | 352,520,000 |

The appropriations in this section are subject to the following condition or limitation: \$1,600,000 is provided solely for family medicine education.

NEW SECTION. Sec. 109. FOR WASHINGTON STATE UNIVERSITY

| | | |
|--|----|-------------|
| General Fund Appropriation | \$ | 186,400,000 |
| Washington State University Building Account | | |
| Appropriation | \$ | 14,000,000 |
| Total Appropriation | \$ | 200,400,000 |

The appropriations in this section are subject to the following condition or limitation: A maximum of \$380,000 may be expended for federal matching purposes for the small business development center.

NEW SECTION. Sec. 110. FOR EASTERN WASHINGTON UNIVERSITY

| | | |
|--|----|------------|
| General Fund Appropriation | \$ | 58,956,000 |
| Eastern Washington University Capital Projects | | |
| Account Appropriation | \$ | 1,666,000 |
| Total Appropriation | \$ | 60,622,000 |

NEW SECTION. Sec. 111. FOR CENTRAL WASHINGTON UNIVERSITY

| | | |
|--|----|------------|
| General Fund Appropriation | \$ | 52,154,000 |
| Central Washington University Capital Projects | | |
| Account Appropriation | \$ | 1,666,000 |
| Total Appropriation | \$ | 53,820,000 |

NEW SECTION. Sec. 112. FOR THE EVERGREEN STATE COLLEGE

| | | |
|----------------------------------|----|------------|
| General Fund Appropriation | \$ | 26,575,000 |
|----------------------------------|----|------------|

NEW SECTION. Sec. 113. FOR WESTERN WASHINGTON UNIVERSITY

| | | |
|----------------------------------|----|------------|
| General Fund Appropriation | \$ | 63,130,000 |
|----------------------------------|----|------------|

| | | |
|--|----|------------|
| Western Washington University Capital Pro- | | |
| jects Account Appropriation | \$ | 1,666,000 |
| Total Appropriation | \$ | 64,796,000 |

NEW SECTION. Sec. 114. FOR THE COMPACT FOR EDUCATION

| | | |
|--------------------------------------|----|--------|
| General Fund Appropriation | \$ | 29,200 |
|--------------------------------------|----|--------|

The appropriation in this section is subject to the following condition or limitation: This appropriation is provided solely for the first fiscal year of the biennium.

NEW SECTION. Sec. 115. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 22,788,000 |
| General Fund Appropriation—Federal | \$ | 3,684,000 |
| Total Appropriation | \$ | 26,472,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) The displaced homemakers program will be continued contingent on passage of House Bill No. 286.
- (2) \$106,000 shall be expended to honor higher education reciprocity agreements with the state of Oregon.

NEW SECTION. Sec. 116. FOR THE PUBLIC BROADCASTING COMMISSION

| | | |
|--|----|---------|
| General Fund Appropriation—State | \$ | 142,000 |
| General Fund Appropriation—Federal | \$ | 8,000 |
| Total Appropriation | \$ | 150,000 |

***NEW SECTION.** Sec. 117. *The office of financial management shall use the allotment process during the 1981–83 biennium to control the funding of the formula portion of the instruction program of all state universities and community colleges. For the purpose of the controls outlined in this section, any reversions shall be calculated on actual formula entitlements at each state university and on average faculty entitlement as assumed in this act for the community college system as a whole. For the purpose of this section, the "contract level" is defined as the level upon which the budget is based. To the extent that an actual enrollment level exceeds the contract level plus an allowable tolerance level, funds related to such excess shall lapse. The allowable tolerances are as follows: University of Washington and Washington State University, 4 percent; Central Washington University, Eastern Washington University, and Western Washington University, 5 percent; and the community colleges as a system, 6 percent. It is the intent of the legislature that enrollments in excess of the allowable tolerances shall not be considered in development of 1983–85 enrollment bases.*

*Sec. 117. was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 118. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 1,930,000 |
| General Fund Appropriation—Federal | \$ | 27,157,000 |
| Total Appropriation | \$ | 29,087,000 |
| FTE Staff Years—Fiscal Year 1982 | | 53.0 |
| FTE Staff Years—Fiscal Year 1983 | | 53.0 |

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) The commission on vocational education shall not require of the state board for community college education or the superintendent of public instruction any report or information which is not expressly required by state or federal law or rules. With any request for information, the commission for vocational education shall note on the request the specific citation of the state or federal requirement which requires the report. The commission shall keep its compliance auditing to the minimum required by federal law or rule.

*Sec. 118. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 119. FOR THE HIGHER EDUCATION PERSONNEL BOARD

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 150,000 |
| Higher Education Personnel Board Service | | |
| Fund Appropriation | \$ | 1,350,000 |
| Total Appropriation | \$ | 1,500,000 |
| FTE Staff Years—Fiscal Year 1982 | | 26.2 |
| FTE Staff Years—Fiscal Year 1983 | | 16.2 |

The appropriations in this section are subject to the following condition or limitation: \$150,000 and 10.0 FTE staff years are provided for developing a classification plan for the common school classified employees. The plan shall be completed no later than June 30, 1982, for use in the 1982–83 school year.

NEW SECTION. Sec. 120. FOR THE STATE LIBRARY

| | | |
|--|----|------------|
| General Fund Appropriation—State | \$ | 7,195,000 |
| General Fund Appropriation—Federal | \$ | 2,147,000 |
| General Fund Appropriation—Private/Local | \$ | 168,000 |
| Washington Library Network Computer System Revolving Fund Appropriation— | | |
| Private/Local | \$ | 5,417,000 |
| Total Appropriation | \$ | 14,927,000 |
| FTE Staff Years—Fiscal Year 1982 | | 169.4 |
| FTE Staff Years—Fiscal Year 1983 | | 169.4 |

The appropriations in this section are subject to the following condition or limitation: \$1,155,000 (of which \$98,000 is from federal funds) of the general fund appropriation, or as much additional funding as is necessary to maintain current service levels and expand the radio reading service to Spokane, shall be expended for the library for the blind and physically handicapped.

***NEW SECTION. Sec. 121. FOR THE WASHINGTON STATE ARTS COMMISSION**

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 1,367,000 |
| General Fund Appropriation—Federal | \$ | 893,000 |
| Total Appropriation | \$ | 2,260,000 |
| FTE Staff Years—Fiscal Year 1982 | | 9.0 |
| FTE Staff Years—Fiscal Year 1983 | | 9.0 |

The appropriations in this section are subject to the following condition or limitation: \$750,000 is provided solely for the cultural enrichment program in the common schools. *Of this amount, not more than \$37,500 shall be expended for administration of the program.*

*Sec. 121. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 122. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

| | | |
|--|----|---------|
| General Fund Appropriation | \$ | 602,000 |
| FTE Staff Years—Fiscal Year 1982 | | 12.0 |
| FTE Staff Years—Fiscal Year 1983 | | 12.0 |

The appropriation in this section is subject to the following condition or limitation: \$30,000 is provided solely for a state historical monument to recognize the World War II internment of Japanese-Americans at the Western Washington fairgrounds in Puyallup. Funds appropriated for this memorial may be expended to the extent that at least twenty-five percent of the total cost of the project authorized is obtained from federal, local, or private sources.

NEW SECTION. Sec. 123. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

| | | |
|--|----|---------|
| General Fund Appropriation | \$ | 505,000 |
| FTE Staff Years—Fiscal Year 1982 | | 11.6 |
| FTE Staff Years—Fiscal Year 1983 | | 11.6 |

NEW SECTION. Sec. 124. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

| | | |
|--|----|---------|
| General Fund Appropriation | \$ | 444,000 |
| General Fund—State Capitol Historical Association Museum Account Appropriation | \$ | 53,000 |
| Total Appropriation | \$ | 497,000 |
| FTE Staff Years—Fiscal Year 1982 | | 8.1 |
| FTE Staff Years—Fiscal Year 1983 | | 8.1 |

NEW SECTION. Sec. 125. FOR THE STATE TREASURER—

TRANSFERS

| | | |
|--|----|------------|
| General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund | \$ | 8,000 |
| General Fund—Criminal Justice Training Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,100,000 | \$ | 1,100,000 |
| General Fund—Investment Reserve Account Appropriation: For transfer to the general fund on or before June 29, 1983, pursuant to chapter 50, Laws of 1969 | \$ | 40,000,000 |
| Motor Vehicle Fund Appropriation: For transfer 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, 1981, through June 30, 1983 | \$ | 3,000,000 |
| Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the utilities and transportation commission for the 1981–1983 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53-.291 | \$ | 697,000 |
| Motor Vehicle Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund | \$ | 40,000 |
| State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1983, an amount up to \$17,794,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1984, for credit to the fiscal year in which earned | \$ | 17,794,000 |
| Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund | \$ | 2,572,000 |
| General Fund—Trust Land Purchase Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$500,000 in excess of the cash requirements in the Trust Land Purchase | | |

Account, as determined by the office of financial management..... \$ 500,000

NEW SECTION. Sec. 126. FOR BELATED CLAIMS

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, 1983, 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 | \$ | 8,590.53 |
| General Fund—Hospital Commission Account | \$ | 51.34 |
| General Fund—Architects' License Account | \$ | 200.00 |
| General Fund—Cemetery Account | \$ | 412.04 |
| General Fund—Forest Development Account | \$ | 14,585.05 |
| General Fund—State Timber Tax Reserve Account | \$ | 1,551.09 |
| General Fund—Professional Engineers' Account | \$ | 154.01 |
| General Fund—Real Estate Commission Account | \$ | 3,688.60 |
| General Fund—Sanitarians' Licensing Account | \$ | 159.20 |
| General Fund—Motor Transport Account | \$ | 10,435.20 |
| General Fund—Resource Management Cost Account | \$ | 29,482.53 |
| General Fund—Litter Control Account | \$ | 7,954.20 |
| General Fund—Traffic Safety Education Account | \$ | 503.34 |
| General Fund—State Board of Psychological Examiners Account | \$ | 1,200.00 |
| General Fund—State Higher Education Construction Account | \$ | 5,470.46 |
| General Fund—Outdoor Recreation Account | \$ | 13,161.55 |
| General Fund—L.I.R. Account Public Recreation Facilities | \$ | 1,529.07 |
| Fertilizer, Agriculture, Mineral, and Lime Fund | \$ | 421.00 |
| Commercial Feed Fund | \$ | 37.00 |
| Seed Fund | \$ | 4,198.00 |

| | | |
|--|----|------------|
| Electrical License Fund | \$ | 1,058.16 |
| State Game Fund | \$ | 40,697.72 |
| Grain and Hay Inspection Fund | \$ | 6,605.00 |
| Highway Safety Fund | \$ | 6,475.99 |
| Motor Vehicle Fund | \$ | 49,641.03 |
| Public Service Revolving Fund | \$ | 11,201.28 |
| Unemployment Compensation Administration Fund | \$ | 1,029.21 |
| State Treasurer's Service Fund | \$ | 5,154.32 |
| Legal Services Revolving Fund | \$ | 789.22 |
| General Administration Facilities and Services Revolving Fund | \$ | 7,060.79 |
| Department of Personnel Service Fund | \$ | 3,463.71 |
| Higher Education Personnel Service Fund | \$ | 420.00 |
| Liquor Revolving Fund | \$ | 4,759.68 |
| Department of Retirement Systems Expense Fund | \$ | 940.01 |
| Accident Fund | \$ | 26,098.02 |
| Medical Aid Fund | \$ | 3,181.21 |
| Plumbing Certificate Fund | \$ | 2.85 |
| Washington Library Network Computer Sys- tem Revolving Fund | \$ | 154.09 |
| Total Appropriation | \$ | 272,516.50 |

NEW SECTION. Sec. 127. 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 July 1, 1981, to June 30, 1983.

SUNDRY CLAIMS

General Fund Appropriations, except as otherwise provided, 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) Architectural Woods, Inc., Payment of interest on judgment \$ 10,338.89
- (2) The Gerald B. Coburn estate, Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund \$ 1,000.00
- (3) Phil Louis Deiro, Payment for personal injuries resulting while confined at Northern State Hospital \$ 28,000.00
- (4) Rudolfo Gutierrez, Payment of expenses in State v. Gutierrez, pursuant to RCW 9.01-.200 \$ 1,230.00

| | | |
|---|----|-----------|
| (5) Don G. Hendrickson, Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund | \$ | 1,736.00 |
| (6) David Hug, Payment of expenses in State v. Hug, pursuant to RCW 9.01.200 | \$ | 4,053.00 |
| (7) Martin Buchanan | \$ | 782.64 |
| Richard Czyhold | \$ | 669.31 |
| James F. Farrel | \$ | 178.80 |
| Dean Farrens | \$ | 3,085.29 |
| Arne Filan | \$ | 6,786.75 |
| Leon Filan | \$ | 473.58 |
| Elie Ganguet | \$ | 251.71 |
| Morris Ganguet Farms, Inc. | \$ | 809.43 |
| Earnest Katsel | \$ | 423.00 |
| Andrew Lyons | \$ | 132.76 |
| Donald D. Meiners | \$ | 2,967.58 |
| Schwerin Farms, Inc. | \$ | 464.40 |
| Howard Smith | \$ | 567.45 |
| Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund. | | |
| (8) Foster, Pepper and Riviera Trust Account, Payment of costs in Seattle School District v. State | \$ | 5,346.71 |
| (9) Melvina A. Shafer, Payment for personal property stolen during liquor store robbery: PROVIDED, That payment shall be made from the Liquor Revolving Fund. | \$ | 1,129.13 |
| (10) Jeremiah B. Sexton, Payment for personal property stolen during liquor store robbery: PROVIDED, That payment shall be made from the Liquor Revolving Fund. | \$ | 1,100.00 |
| (11) J. C. Dellinger, Payment for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund | \$ | 3,564.00 |
| (12) Better Building Supply Corp., Payment of Stipulation # 78-2-00277-1 | \$ | 16,463.00 |
| (13) Garland Sponburgh | \$ | 10,303.82 |
| Jack C. Hood | \$ | 14,491.98 |
| Leroy M. Hittle | \$ | 14,491.98 |
| Don Eldridge | \$ | 14,491.98 |
| Payment of legal fees incurred in the defense of court actions brought against them while performing their duties as members of | | |

the state liquor control board: PROVIDED, That payment shall be made from the Liquor Revolving Fund.

- (14) Penelope A. Morgan, Payment for compensation as a victim of crime, notwithstanding late filing of claim \$ 20,160.00
- (15) Ruth Hammond, Payment of vehicle license refund for destroyed vehicle. \$ 39.58
- (16) Malcolm Seater O'Brien, Payment of a judgment in State v. O'Brien, pursuant to RCW 9.01.200 \$ 3,416.00
- (17) Eugene Victor Fischer, In settlement of all claims for expenses in State v. Fischer, pursuant to RCW 9.01.200 \$ 10,000.00
- (18) Donald W. Rustvold, Payment of expenses in City of Bellevue v. Donald W. Rustvold, pursuant to RCW 9.01.200 \$ 1,400.00
- (19) The Evergreen State College, Reimbursement of interest and court costs paid in Architectural Woods, Inc. v. State of Washington \$ 12,097.00
- (20) Department of Social and Health Services, Payment for claims outstanding submitted to the department after the 60-day statutory limit: PROVIDED, That such claims shall be paid at 50.0% of their approved value: PROVIDED FURTHER, That \$60,957 shall be from federal sources \$ 1,171,124.00

NEW SECTION. Sec. 128. No appropriations contained in this act shall be used for payment of contributions to the public employees' retirement system in excess of amounts necessary to offset the cost of benefits earned during the 1981-83 biennium. The director of the department of retirement systems shall establish contribution rates pursuant to chapter 41.40 RCW consistent with this section: PROVIDED, That the director may establish contribution rates for political subdivisions which include an allowance for the cost of any post-retirement adjustment granted in the 1981 regular session of the legislature under chapter 41.40 RCW.

NEW SECTION. Sec. 129. 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, 1981.

NEW SECTION. Sec. 130. Whenever allocations are made from the governor's emergency 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. 131. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest, transfers, and interest on registered warrants, 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. 132. 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. 133. Any portion of a state fund appropriation for the specific purpose of matching federal funds which is not required to qualify for federal funds shall lapse at the end of the respective fiscal year. This section does not apply to the department of social and health services.***

*Sec. 133. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 134. To obtain maximum interagency use of aircraft, the aeronautics division in the department of transportation, in accordance with chapter 39.34 RCW, is hereby authorized to lease, purchase, or otherwise acquire suitable aircraft which shall be utilized for the purposes of the department of transportation and also by other state agencies which have a need for an aircraft to carry out agency assigned responsibilities: PROVIDED, That the department of transportation is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance, and make such other provisions as necessary to provide aircraft and related services for multi-agency use: PROVIDED FURTHER, That in order to achieve economy in the use of the appropriations contained within this act, no state agency may purchase or otherwise acquire an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the department of

transportation and without prior approval of the director of financial management.

NEW SECTION. Sec. 135. Unless prohibited by federal law, the receipt of federal or other funds which are not anticipated in the appropriation bill enacted by the legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources. The portion of a state fund appropriation which is replaced by federal or other receipts shall lapse. This section does not apply to the department of social and health services.

***NEW SECTION.** Sec. 136. *Any programs which are supported in whole or in part by federal funds shall not receive any additional state funds for the programs in the event that federal funds are reduced or eliminated for the program. This section does not apply to the department of social and health services.*

*Sec. 136. was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 137. (1) Funds appropriated under this act for both years of the fiscal biennium shall be initially allotted so that the total allotments for the first fiscal year do not exceed fifty percent of the total appropriation, unless the director of financial management determines that greater allotments for the first fiscal year are required by special circumstances. *Allotments may be revised as provided in RCW 43.88.110, but the portion of an appropriation which has been initially allotted for the first fiscal year shall lapse at the end of the first fiscal year.*

(2) This section does not apply to allotments for agencies headed by elective officials.

*Sec. 137. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 138. Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(1) "Provided solely" means that the specified amount may be spent only for the specified purpose. Unless otherwise stated in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(2) "Lapse" means the termination of authority to spend an appropriation or portion of an appropriation.

(3) "FTE" means full time equivalent. FTE staff years specified in this act shall not be exceeded except with the written authorization of the director of financial management. The director of financial management shall grant authority to exceed specified FTE staff years only in cases of severe unanticipated need and shall report each authorization to the legislative budget committee, the legislative evaluation and accountability program committee, and the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 139. Any rate increases proposed for the legal services revolving fund or the general administration facilities and services revolving fund, or any change in the method of calculating changes from those funds, shall be subject to approval by the director of financial management prior to implementation.

NEW SECTION. Sec. 140. 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. 141. 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 24, 1981.

Passed the House April 23, 1981.

Approved by the Governor May 19, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 19, 1981.

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

"I am returning herewith without my approval as to several provisions ESSB 3636 entitled:

"AN ACT Adopting the Budget."

The provisions I have vetoed and the reasons therefore are as follows:

1. Special Appropriations

In Section 14, on page 9, lines 2 and 3, I have vetoed the reference item "in sections 110 through 116 of this act." The phrase should have referenced sections 107 through 113. This appears to be a clerical error and the intent of the proviso is sufficiently clear without the reference.

2. Insurance Commissioner

On page 17, Section 29 I have vetoed the proviso on lines 17, 18, and 19 that reads "The appropriation in this section is subject to the following condition or limitation: A maximum of \$1,000 may be expended for the continuing education program."

RCW 48.17.150 (2) requires that the Insurance Commissioner promulgate and administer a continuing education program. If the \$1,000 limitation is not removed, it is not possible to administer an effective program. Therefore, the restrictive language is removed.

3. Department of Social and Health Services

On page 27, Section 47, I have vetoed subparagraphs (b) and (c) of Subsection (4) which establish a requirement that "for each month that the Department operates without a completed contingency plan, 0.75 percent of the General Fund-State appropriations will be placed in reserve status."

I support the need for a contingency departmental expenditure plan to reflect the anticipated loss of federal funds. I accept the parameters of change as established by the legislature and the required report prior to implementation. However, the requirement that General Funds be placed in reserve for each month for failure to have a completed contingency plan seems to add unnecessary complexity to the

already difficult task of planning for the reduction of federal funding — particularly since detailed information will not be available from the federal level until long after the next biennium begins. Furthermore, it is not entirely clear if the percentage of General Funds to be placed in reserve relates to the entire departmental appropriation or to the program involved.

4. Adult Corrections

On page 29, I have vetoed the sentence on lines 28 and 29 in Subsection (5) of Section 48 that reads "No other transfers between category appropriations shall be made." This provision is not consistent with Section 47, Subsection (2) which provides for the transfer of funds between categories. Transfers between categories may be necessary to reallocate resources upon completion of the reorganization plan to establish a separate Department of Corrections. In addition, it is imperative that the Secretary of Corrections have maximum management flexibility to meet rapidly changing demands on the corrections system. Changes in population characteristics may very well result in the need to modify programs and shift funds.

5. Mental Health Program

On page 33 and 34, Section 50, I have vetoed Subsection (2) (f):

"The Department of Social and Health Services in conjunction with the Office of Financial Management and the Legislative Budget Committee shall develop staff-to-patient ratios for each treatment unit by September 1, 1981. By October 1, 1981, the state hospitals shall operate at these required ratios."

The October 1 staffing ratio implementation date is unrealistic. This schedule does not provide adequate time for executive consideration of the programmatic and fiscal implications of the proposed standards and it precludes such a review by the legislature. I am, however, requesting a report on staffing ratios to be prepared by the Department and OFM. It is to be comparable to the study required in Section 48, Subsection (2) (b) for Adult Corrections. It is to include a comparison between the proposed staffing and prior biennial staffing levels as well as a discussion of the programmatic and fiscal implications of the new standards.

6. Developmental Disabilities Program

On pages 34 and 35, Section 51, I have vetoed Subsection (1) (b) which directs that:

"The funds appropriated for community services are to be allocated by the department to county services including developmental disability center funding, on a block grant basis . . ."

It would be administratively unworkable to apply the block grant mechanism to all programs within the Community Services category. Furthermore, the language of the enabling legislation (SSB 4299) for this budget indicates that it is legislative intent to confine this type of funding to Developmental Disability Centers. Deletion of the subsection will eliminate this confusion.

7. Income Maintenance Program

On page 37, Section 53, I have vetoed Subsection (1) which provides that the Department "shall maintain state payments for grants at the state payment level provided for in Chapter 74.08 RCW and this section."

This section requires the Department to maintain payments for income maintenance grants at a level which reflects the aggregate appropriation level for the Income Maintenance program. Such an approach would be far too restrictive in this period of economic uncertainty and could prevent the Department from imposing a rateable reduction in the event that overall revenues are insufficient to support biennial appropriations.

On page 37, Section 53, Subsection (2) I have vetoed the sentence, starting on line 19, that reads: "Provided that no more than the value of 60 percent of a full

AFDC grant shall be allocated in the first month and no more than 100 percent of a full AFDC grant in any consecutive twelve-month period.

These limitations are arbitrary and unnecessarily restrictive and will conflict with the intent of the program which is to meet specific emergent needs of the applicants.

On page 38, Section 53, I have vetoed the portion of Subsection (4), beginning on line 2, that reads:

"The Department of Social and Health Services shall immediately request waivers for federal proposals relating to standard flat deductions for work expenses and child care, earned income disregards, and mandatory work experience programs.

The Department intends to pursue federal waivers when it is cost-effective to do so. However, the determination of which waivers to request should only be made after careful consideration of alternatives. It should not be restricted by the programs or time period mandated in this proviso.

On page 39, Section 53, I have vetoed Subsection (7), which requires the Department to establish a procedure to ensure that eligibility standards are as restrictive as is permitted under state and federal law.

While I do not object to a detailed review of service manuals or to changes in eligibility standards, this should be done only after the extent of pending federal reductions is known. The deadline date of September 15, 1981 is inconsistent with the timing of anticipated federal reductions.

8. Community Social Services Grants Program

On page 40, Section 54, I have vetoed the last sentence of Subsection (2), beginning on line 16, which requires that the Department "shall not disperse any more than one-eighth of the funds under this subsection in any three month period."

The intent of Subsection (2) is to provide funds for exceptional Chore Service cases as a measure in the possible prevention of institutionalization. Exceptional cases are not experienced on precise schedules. Actual reimbursement results from the payment of proper bills, not from providing services. Disbursements generally lag behind service, further complicating adherence to a strict disbursement schedule.

9. Department of Social and Health Services - Medical Assistance Program

On page 42, Section 55 I have vetoed Subsection (4) which requires the Department to authorize chiropractic and podiatry services when it is the most cost-effective and appropriate treatment. This section will lead to a substantial amount of litigation and fair hearings regarding the general and case-by-case application of these criteria. Additionally, no funds were provided to the Department for these services and other legislation has been provided that specifically prohibits provision of these services by the Department.

On page 43, Section 55, I have vetoed Subsection (6) which requires the Department to reimburse ophthalmologists and optometrists at the same rate for the performance of identical services. Although many of the services performed are similar from a procedural standpoint, the legal liability to the ophthalmologist is much greater because of the more comprehensive nature of required medical training and certification. If let stand, this proviso would lead to a reduction in the availability of ophthalmological services to state patients.

10. Planning and Community Affairs Agency

On page 49, I have vetoed Subsection (3) of Section 62 that provides \$250,000 of the General Fund-State appropriation for assistance to Canadian border areas. I have signed into law Substitute House Bill 257 which also provides \$250,000 for the same purpose. The language is nearly identical in both instances. This veto will

avoid a duplication of appropriations for financial assistance to Canadian border areas.

11. State Energy Office

On page 53, Section 72, I have vetoed the condition that makes the appropriations in this section contingent on "enactment of House Bill 402 during the 1981 regular session of the legislature." This proviso made funding for the State Energy Office contingent on passage of a bill reinstating the agency under the provisions of the Sunset Act. However, another bill, ESSB 4085, was selected by the legislature to serve as the vehicle to reinstate the State Energy Office. Therefore, I have vetoed this proviso in order to preserve legislative intent to provide for the continued operation of the State Energy Office.

12. Department of Commerce and Economic Development

On pages 59 and 60, Section 80, I have vetoed all of the language relating to condition of limitations beginning on line 31, page 59 and concluding on page 60, line 8. The language, which specifies an expenditure level by program is overly restrictive for an agency such as the Department of Commerce and Economic Development: The language, in effect, does not provide the Department the flexibility necessary programmatically to respond to a continually changing economic and business environment.

13. Salary and Compensation Increase (K-12)

On page 74, Section 92, I have vetoed Subsection (8) which directs that:

"If any provision of Chapter 16, Laws of 1981, or LEAP Document 2, or its application to any person or circumstance, is held invalid, the appropriation in this section shall lapse."

Given the extreme complexities associated with salary and compensation policies in our school system, it is almost assured that the application of LEAP Document 2 on some individual person or circumstances will be invalid. I believe it is inappropriate to punish school employees, particularly those that adhered to the legislative guidelines over the past four years, if there is an error on the part of the legislature.

14. Higher Education

On page 80, Section 106 I have vetoed that part of Subsection (1) which reads as follows:

"The University of Washington shall allocate not less than 755.4 FTE faculty positions and Washington State University shall allocate not less than 344.3 FTE faculty staff positions to departments defined as high cost in the council for post-secondary report 81-1: PROVIDED, That deviations from this subsection are permitted subject to approval of the Office of Financial Management: PROVIDED FURTHER, That".

The number of faculty positions identified in this sub-section are in error. More importantly, however, is the implication that the higher education funding formula is a spending plan. The funding formula was never intended as a spending plan but rather a distribution model, the funding formulas must be reconstructed as I have recommended in my budget proposal.

15. Enrollment Contract Levels

On page 83 and 84 I have vetoed Section 117.

This section imposes a financial penalty if institutions of higher education accept more students than funded in the budget. Such restrictions discourage efficiency in higher education and reduces the educational opportunities in the state.

16. Commission for Vocational Education

On page 84, Section 118, I have vetoed Subsection (2) which states:

"The commission on vocational education shall not require of the state board for community college education or the superintendent of public instruction any report or information which is not expressly required by state or federal law or rules. With any request for information, the commission for vocational education shall note on the request the specific citation of the state or federal requirement which requires the report. The commission shall keep its compliance auditing to the minimum required by federal law or rule."

One of my goals as Governor is to reduce needless paperwork and reporting requirements and I will take every reasonable step necessary to attain this goal. Therefore, it is inappropriate and unnecessary to single out any particular agency in this fashion.

17. Washington State Arts Commission

On page 85, Section 121, I have vetoed the sentence that reads: "Of this amount, not more than \$37,500 shall be expended for administration of the program."

This is an unrealistic restriction on the management of the Commission.

18. Matching Federal Funds

I have vetoed Section 133 on page 94. This section requires that state funds appropriated to match anticipated federal funds must lapse if not required to qualify for federal funds. The Department of Social and Health Services is exempted from this restriction.

In these times when the federal budget is in such a state of flux compared to the assumptions upon which the appropriation act was based, I feel it is critical that the executive have the maximum flexibility to respond to changing conditions. I believe the legislature gave partial recognition to this position by exempting the Department of Social and Health Services from the restriction; that same condition should apply to all programs.

19. Federal Funding Loss

I have vetoed Section 136 on page 95. This section provides that no additional state funds be provided to programs which are supported in whole or in part by federal funds, in the event that federal funds are reduced or eliminated for the program. The Department of Social and Health Services is exempted from this requirement.

While this kind of provision may be appropriate for those programs that are wholly funded from federal funds, there are many programs that have shared funding between federal and other sources. If all anticipated federal funds do not materialize, the state must have the capability to maintain essential programs from state funds. I believe the legislature gave partial recognition to this position by exempting the Department of Social and Health Services from the restrictions; that same condition should apply to all programs.

20. Appropriation Lapsing

I have vetoed the last sentence in Sub-section (1) of Section 137 on pages 95 and 96. This sentence requires that the unexpended portion of the initial first year allotment shall lapse at the end of the first year regardless of any revisions that may have occurred subsequent to that initial allotment for the first year.

This requirement can effectively negate the purpose of the allotment amendment authority granted by RCW 43.88.110 and cause funds needed during the second year of the biennium to be unavailable to meet planned program needs. It is unrealistic to assume that the initial expenditure estimates for a 24 month period can be developed as accurately as required by this proviso.

With the exceptions of the aforementioned sections, which I have vetoed, ESSB 3636 is approved."

CHAPTER 341

[House Bill No. 677]

PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM—GOVERNOR'S
EMERGENCY POWERS

AN ACT Relating to the Puget Sound ferry and toll bridge system; adding a new section to chapter 47.60 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 47.60 RCW a new section to read as follows:

The governor is authorized to take such actions as may be necessary to insure the continued operation of the Puget Sound ferry and toll bridge system under any emergency circumstances which threaten the continued operation of the system. In the event of such an emergency, the governor may assume all the powers granted by law to the transportation commission and department of transportation with respect to the ferry system. In addition, notwithstanding the provisions of chapters 47.60 and 47.64 RCW, the governor may contract with any qualified persons for the operation of the Washington state ferry system, or any part thereof, or for ferry service to be provided by privately owned vessels. Administrative costs to the office of the governor incurred in the exercise of this authority shall be reimbursed by the department.

NEW SECTION. Sec. 2. 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. 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 April 24, 1981.

Passed the Senate April 26, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 342

[Engrossed Substitute Senate Bill No. 4283]

MOTOR VEHICLES—FUEL TAX, RATE, ALCOHOL TAX CREDIT—LICENSE
FEE—FERRY TOLLS—STATE PATROL FUNDING

AN ACT Relating to transportation; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 223, chapter 158, Laws of 1979 and RCW 82.36.010; amending section 6, chapter 317, Laws of 1977 ex. sess. as amended by section 224, chapter 158,

Laws of 1979 and RCW 82.36.025; amending section 3, chapter 131, Laws of 1980 and RCW 82.36.225; amending section 4, chapter 131, Laws of 1980 and RCW 82.38.085; amending section 46.16.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.060; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 3, chapter 103, Laws of 1973 and RCW 46.68.030; amending section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325; amending section 46.68.130, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1974 ex. sess. and RCW 46.68.130; adding new sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; providing an effective date; and declaring an emergency.

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

Section 1. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 223, chapter 158, Laws of 1979 and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas, or liquid, by whatsoever name such gasoline, gas or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licensing;

(6) "Director" means the director of licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "Weighted average retail sales price of motor vehicle fuel" means the average retail sales price excluding any federal excise tax of the several grades of motor vehicle fuel (other than special fuels taxed pursuant to chapter 82.38 RCW) sold by service stations throughout the state (less any state excise taxes on the sale, distribution, or use thereof) weighted to reflect the quantities sold at each different price;

(16) "Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW, as now or hereafter amended, for any designated fiscal period, whether or not such amounts are actually received by the department of licensing. The phrase does not include fines or penalties assessed for violations;

(17) "Fiscal year" means a twelve-month period ending June 30th;

(18) "Fiscal half-year" means a six-month period ending June 30th or December 31st;

(19) "State personal income" means the dollar amount published as total personal income of persons in the state for the calendar year by the United States department of commerce or its successor agency;

(20) "State personal income ratio" for any calendar year means that ratio expressed in percentage terms that is the sum of one hundred percent, plus seventy percent of the percentage increase or decrease in state personal income for the calendar year under consideration as compared to state personal income for the immediately preceding calendar year;

(21) "Motor vehicle fund revenue" means all state taxes, fees, and penalties deposited in the motor vehicle fund and all other state revenue required by statute to be deposited in the motor vehicle fund, but does not include (a) moneys derived from nonfuel tax sources which are deposited directly in the several accounts, (b) interest deposited directly in the several accounts within the motor vehicle fund, (c) federal funds, (d) proceeds from

the sale of bonds, or (e) reimbursements to the motor vehicle fund for services performed by the department of transportation for others.

Sec. 2. Section 6, chapter 317, Laws of 1977 ex. sess. as amended by section 224, chapter 158, Laws of 1979 and RCW 82.36.025 are each amended to read as follows:

(1) (a) During the fifth month of each fiscal half-year ending June 30th and December 31st of each year, the department of licensing shall compute a motor vehicle fuel tax rate to the nearest one-half cent per gallon of motor vehicle fuel by multiplying ~~((twenty-one and one-half))~~ ten percent times the weighted average retail sales price of motor vehicle fuel, per gallon, sold within the state in the third month of such fiscal half-year. The department of licensing shall determine the weighted average retail sales price of motor vehicle fuel by state-wide sampling and survey techniques designed to reflect such prices for the third month of such fiscal half-year. The department shall establish reasonable guidelines for its sampling and survey methods.

(b) Subject to provisions of subsections (2) and (3) of this section the excise tax rate computed in the manner provided in subsection (1) of this section shall apply to the sale, distribution, or use of motor vehicle fuel beginning the fiscal half-year following computation of the rate and shall remain in effect for each succeeding fiscal half-year until a subsequent computation requires a change in the rate. For the first fiscal half-year after ~~((July 1, 1977))~~ June 30, 1981, the motor vehicle fuel tax shall be ~~((eleven))~~ thirteen and one-half cents per gallon.

(2) (a) The motor vehicle fuel tax rate for any fiscal half-year shall not exceed ~~((twelve))~~ sixteen cents per gallon nor exceed a rate as computed in this subsection.

(b) Each fiscal half-year at the time the department of licensing computes the excise tax rate for the ensuing fiscal half-year of a ~~((biennium))~~ fiscal year, the department shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other state revenues which will accrue to the motor vehicle fund during the ~~((full biennium))~~ fiscal year. The estimated total aggregate motor vehicle fuel tax revenues for the ~~((biennium))~~ fiscal year shall include those revenues ~~((which have accrued to the motor vehicle fund for the half-year or half-years of the biennium that have then elapsed plus revenues))~~ which the department determines will accrue during the ~~((remaining))~~ two fiscal half-years of the ~~((biennium))~~ fiscal year, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the ~~((remaining))~~ two fiscal half-years of the ~~((biennium))~~ fiscal year shall be at the same volume as during the fiscal half-year last ended, adjusted however for the historic variations in sales, distribution, and use according to half-yearly periods and for projected trends, and at the weighted average retail sales price of motor vehicle fuel as last determined by the department of licensing. The estimated total of all other state

revenues to accrue to the motor vehicle fund during the ~~((biennium))~~ fiscal year shall include those revenues (other than the aggregate motor vehicle fuel tax revenues) ~~((which have accrued to the motor vehicle fund for the half-year or half-years of the biennium that have then elapsed plus revenues))~~ which the department of transportation with the concurrence of the office of financial management determines will accrue during the ~~((remaining))~~ two fiscal half-years of the ~~((biennium))~~ fiscal year, assuming that collections of such revenues for the ~~((remaining))~~ two fiscal half-years of the ~~((biennium))~~ fiscal year shall be at the same level as during the fiscal half-year just ended, adjusted however for historic variations in collections according to half-yearly periods and for projected trends, ~~((and shall include state revenues in the motor vehicle fund balance as of the end of the prior biennium as certified by the state treasurer, less an appropriate minimum balance for the biennium as determined by the department of transportation with the concurrence of the office of financial management and))~~ but shall not include the proceeds of the sale of bonds ((but shall not include)), reimbursements to the motor vehicle fund for services performed by the department of transportation for others, moneys derived from nonfuel tax sources which are deposited directly in the several accounts within the motor vehicle fund, interest deposited directly in the several accounts within the motor vehicle fund, nor federal funds.

(c) ~~((If the estimated biennial aggregate motor vehicle fuel tax revenues as computed in paragraph (b) of this subsection, exceed the total of all appropriations, reappropriations, and transfers of state revenues from the motor vehicle fund for the biennium (less the estimated total of all other state revenues which will accrue to the motor vehicle fund during the biennium as computed in paragraph (b) of this subsection) by more than five percent thereof, the rate of the motor vehicle fuel tax (computed as provided in subsection (1) of this section) shall be reduced by one-half cent increments, commencing at the beginning of the ensuing fiscal half-year, as may be necessary to reduce such estimated total revenues for the full biennium to within the total of such appropriations, reappropriations, and transfers plus five percent thereof))~~ If the estimated aggregate motor fuel tax revenues plus all other state revenues which will accrue to the motor vehicle fund during a fiscal year as computed in (b) of this subsection exceed the motor vehicle fund revenue limit in the fiscal year as computed in (d) of this subsection, the rate of motor fuel tax (computed as provided in subsection (1) of this section) shall be reduced by one-half cent increments, commencing at the beginning of the ensuing fiscal half-year, as may be necessary to reduce the estimated total revenues for the fiscal year to within the motor vehicle fund revenue limit.

(d) The motor vehicle fund revenue limit for any fiscal year shall be the previous fiscal year's motor vehicle fund revenue limit multiplied by the average state personal income ratio for the three calendar years immediately

preceding the beginning of the fiscal year for which the limit is being computed. For purposes of computing the motor vehicle fund revenue limit for the fiscal year ending June 30, 1981, the phrase "the previous fiscal year's motor vehicle fund revenue limit" means the motor vehicle fund revenue collected in the fiscal year ending June 30, 1979, multiplied by the average state personal income ratio for the calendar years 1976, 1977, and 1978.

~~(3) ((a)) Notwithstanding any other provisions of this section the excise tax rate for any fiscal half-year shall not be less than ((nine)) twelve cents per gallon ((nor less than the rate as computed in this subsection:~~

~~(b) Each fiscal half-year at the time the department of licensing computes the excise tax rate for the ensuing fiscal half-year of a fiscal year, the department shall estimate the total aggregate motor vehicle fuel tax revenues which will accrue to the motor vehicle fund during such fiscal year in the same manner that such revenues are estimated for a full biennium. If such estimated aggregate motor vehicle fuel tax revenues for the fiscal year are less than an amount equal to the aggregate motor vehicle fuel tax revenues collected during the fiscal year ending June 30, 1973, increased by six percent per year compounded annually for each year which has elapsed from June 30, 1973, to June 30th of the fiscal year for which estimated aggregate motor vehicle fuel tax revenues were computed, the department shall increase the rate of the excise tax by one-half cent increments, but not to exceed a total excise tax of twelve cents per gallon, commencing at the beginning of the ensuing fiscal half-year as necessary to produce estimated aggregate motor vehicle fuel tax revenues for such fiscal year as great as such revenues collected during the 1973 fiscal year increased by six percent per year compounded annually from June 30, 1973, to June 30th of the fiscal year for which such minimum half-yearly tax rate is being computed.~~

~~(4) (a) Except as otherwise provided in paragraph (b) of this subsection, if the department of transportation receives notification that unanticipated federal funds in excess of one million dollars above appropriations of federal funds from the motor vehicle fund for a biennium will be received for expenditure during that biennium, the department of transportation shall give notice of the amount of such unanticipated funds to the department of licensing which shall include such amount in the computation of the estimated total of all other state revenues to accrue during the biennium under paragraph (b) of subsection (2) of this section for purposes of computing the maximum rate of motor vehicle fuel tax as provided in this section.~~

~~(b) Upon receipt by the department of transportation of notification that unanticipated federal funds in excess of one million dollars above appropriations of federal funds from the motor vehicle fund for a biennium will be received for expenditure during that biennium, if the department of transportation determines that such funds or any part thereof may not legally or operationally be substituted for purposes for which state motor vehicle fund moneys have been appropriated, or determines that substitution of such~~

~~federal funds for state funds would delay the construction of needed highway improvements, the department of transportation shall forthwith notify the governor and the standing committees on transportation of the house and senate of its determination. If both the governor and the standing committees concur in the department of transportation's determination, the unanticipated federal funds shall not be considered by the department of licensing in computing the estimated total of all other state revenues to accrue during the biennium under paragraph (b) of subsection (2) of this section).~~

(4) Notwithstanding any other provision of this section, the maximum tax rate which may be applied during any fiscal year shall not exceed the tax rate in effect on June 30 of the prior fiscal year plus two cents per gallon.

(5) The legislative transportation committee shall study and analyze each biennium the financial condition of the motor vehicle fund and accounts thereof with particular emphasis on RCW 82.36.010 and 82.36.025.

NEW SECTION. Sec. 3. There is added to chapter 82.36 RCW a new section to read as follows:

To encourage the production and use of alcohol as an alternative motor fuel, it is the intent of the legislature that the tax credit provided in RCW 82.36.225 be reflected in the retail price of alcohol blended fuels to make these fuels competitive with other fuels.

Sec. 4. Section 3, chapter 131, Laws of 1980 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.

NEW SECTION. Sec. 5. There is added to chapter 82.36 RCW a new section to read as follows:

The department shall enforce the provisions of this chapter and may adopt and enforce reasonable rules relating to the administration and enforcement thereof.

NEW SECTION. Sec. 6. There is added to chapter 82.38 RCW a new section to read as follows:

To encourage the production and use of alcohol as an alternative motor fuel, it is the intent of the legislature that the tax credit provided in RCW

82.38.085 be reflected in the retail price of alcohol blended fuels to make these fuels competitive with other fuels.

Sec. 7. Section 4, chapter 131, Laws of 1980 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.

Sec. 8. Section 46.16.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.060 are each amended to read as follows:

(1) Except 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 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 (~~Such license fee shall be in the sum of thirteen dollars and forty cents, and such renewal fee shall be in the sum of nine dollars and forty cents~~) in the amounts specified in subsection (2) of this section, and 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. 9. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 3, chapter 103, Laws of 1973 and RCW 46.68.030 are each amended to read as follows:

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 annually by the transportation commission to correspond with changes in the consumer price index for the city of Seattle pursuant to RCW 47.60.325. 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.

Sec. 10. Section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325 are each amended to read as follows:

(1) So long as moneys in the Puget Sound ferry operations account in the motor vehicle fund are appropriated for maintenance and operation of the Washington state ferries, tolls for use of ferries shall be stabilized at current rates except as otherwise authorized in subsections (2) ~~((and))~~, (3), and (4) of this section.

(2) The ~~((Washington toll bridge authority))~~ transportation commission may from time to time pursuant to periodic reviews of its ferry toll schedules, adjust tolls for different classes of users and uses including commutation rates and volume discounts to eliminate inequities, or respond to changing economic factors.

(3) Each year the ~~((authority))~~ commission shall review the ~~((February))~~ January consumer price index of the United States department of labor for the city of Seattle, or if the index for Seattle has been discontinued, then for the nearest city to Seattle, to ascertain the amount of any increase

or decrease in relation to the same index for the previous (~~February, taking into consideration the provisions of RCW 47.60.530. Changes in~~) January. Tolls (~~(if any;)~~) shall be adjusted by not less than such increase or decrease and shall be rounded to the nearest multiple of five cents. The adjusted tolls (~~(if any;)~~) shall become effective on May 1st of the same year.

(4) Notwithstanding any other provision of this section, the commission may increase ferry tolls at any time during a biennium if the projected total of maintenance and operating costs of the Washington state ferries for the biennium exceeds the sum of appropriated and nonappropriated revenues available to fund these costs, including revenues from toll adjustments under subsection (3) of this section.

Sec. 11. Section 46.68.130, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1974 ex. sess. and RCW 46.68.130 are each amended to read as follows:

The net tax amount distributed to the state in the manner provided by RCW 46.68.100, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are properly appropriated and reappropriated for expenditure for costs of collection and administration thereof, shall be expended, subject to proper appropriation and reappropriation, solely for highway purposes of the state, including the purposes of RCW 47.30.030. For the purposes of this section, the term "highway purposes of the state" does not include those expenditures of the Washington state patrol heretofore appropriated or reappropriated from the motor vehicle fund.

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 July 1, 1981. This act shall only take effect upon the passage of Senate Bills No. 3669 and 3699, and if Senate Bills No. 3669 and 3699 are not both enacted by the 1981 regular session of the legislature this amendatory act shall be null and void in its entirety.

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 Senate April 26, 1981.

Passed the House April 26, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 343

[Substitute House Bill No. 711]

SCHOOL TRANSPORTATION COSTS

AN ACT Relating to school transportation costs; and amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.160.

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

Section 1. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.160 are each amended to read as follows:

Reimbursement for transportation costs shall be in addition to the basic education allocation. Transportation costs shall be reimbursed as follows:

(1) School districts shall be reimbursed up to one hundred percent of the operational costs for established bus routes for the transportation of students to and from common schools as recommended by the educational service district superintendent or his or her designee, and as approved by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible; PROVIDED FURTHER, That commencing on September 1, 1982, no school district shall be reimbursed under this section for any portion of the cost to transport any student, except handicapped children as defined under RCW 28A.13.010, as now or hereafter amended, to or from any school other than one which is geographically located nearest or next-nearest to the student's place of residence within the district offering the appropriate grade level, course of study, or special academic program as designated by the local school board; PROVIDED FURTHER, That notwithstanding the provisions of section 94 of Engrossed Substitute Senate Bill No. 3636, any moneys not reimbursed to a school district for transportation costs pursuant to this subsection shall be allocated to the school district for block grants under section 100 of Engrossed Substitute Senate Bill No. 3636; PROVIDED FURTHER, That the superintendent of public instruction, when so requested by the appropriate educational service district superintendent or his or her designee, may waive the requirements of this 1981 provision, if natural geographic boundaries or safety factors would make this provision unworkable and/or more costly to the district or to the state; and

(2) Costs of acquisition of approved transportation equipment shall be reimbursed up to one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible; PROVIDED FURTHER, That reimbursements for the acquisition of

approved transportation equipment received by school districts shall be held within the general fund exclusively for the future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW 28A.41.170 and chapter 28A.65 RCW.

Passed the House April 24, 1981.

Passed the Senate April 22, 1981.

Filed in Office of Secretary of State May 19, 1981, without the Governor's signature.

CHAPTER 344

[Engrossed Senate Bill No. 3359]

STATE FERRY SYSTEM EMPLOYMENT—APPROPRIATION

AN ACT Relating to the ferry system; amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050; amending section 47.64.010, chapter 13, Laws of 1961 as amended by section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010; adding a new section to chapter 41.06 RCW; adding a new section to chapter 47.60 RCW; adding new sections to chapter 47.64 RCW; repealing section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325; repealing section 47.64.030, chapter 13, Laws of 1961, section 34, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.030; prescribing penalties; making an appropriation; and declaring an emergency.

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

Section 1. Section 47.64.010, chapter 13, Laws of 1961 as amended by section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010 are each amended to read as follows:

Words and phrases used in this chapter shall have the meaning in this chapter ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

(1) (~~"Washington toll bridge authority" and "authority," "toll bridge authority" shall be used herein interchangeably and shall~~) "Department" means the Washington (~~(toll bridge authority)~~) department of transportation as now, or as hereafter constituted by law, or such board, commission, authority, or officers as shall succeed to its duties;

(2) "Commission" means public employment relations commission;

(3) "Ferry" (~~(shall)~~) means any ferry, ferry system, wharves, or terminals constructed or acquired under the authority of the Washington (~~(toll bridge authority)~~) department of transportation;

(4) "Employee" (~~(shall)~~) means any person employed aboard ferries, wharves, or terminals acquired or constructed under the authority of the Washington (~~(toll bridge authority)~~) department of transportation.

NEW SECTION. Sec. 2. There is added to chapter 47.64 RCW a new section to read as follows:

(1) The department shall employ such persons as are necessary for the safe and efficient operation of the state ferry system in accordance with the state-wide marine classification and compensation plan adopted by the state personnel board pursuant to section 7 of this act. The department may allocate and reallocate positions within the classification plan as it deems necessary.

(2) The transportation commission shall adopt personnel rules for the employees of the ferry system governing hours, working conditions, recruitment, appointment, promotion, demotion, discipline, dismissal and all other personnel matters which are within the discretion of the commission, and not determined by the classification and compensation plan. The department shall administer the personnel rules so adopted, and shall from time to time propose to the commission such changes to the rules as are in the best interests of the public.

(3) The public employment relations commission shall adjudicate all complaints, grievances, and disputes concerning labor arising out of the operation of the ferry system in the best interests of the efficient operation of the ferry system in accordance with the authority vested in it by chapters 41.56 and 41.58 RCW. The commission shall conclusively determine labor disputes arising out of the application of personnel policies by the department and all other personnel matters over which the department may lawfully exercise discretion. In adjudicating disputes, the commission shall take into consideration that though an individual employee shall be free to decline to associate with his fellow employees, it is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing who shall represent him in all respects before the commission.

NEW SECTION. Sec. 3. There is added to chapter 47.64 RCW a new section to read as follows:

(1) For purposes of efficient, dependable, and equitable personnel management, the provisions of this chapter and the state-wide maritime classification and compensation plan adopted by the state personnel board shall apply, after the effective date of this act, to the employees of the Washington state ferries.

(2) The employees of Washington state ferries under this chapter shall continue to have the right to affiliate with the employees' existing unions or other employee organizations of their choice and shall have the right to bargain collectively with the department of transportation regarding grievance procedures and all personnel matters over which the department of transportation may lawfully exercise discretion.

(3) This chapter shall not affect the provisions of any existing collective bargaining agreement entered into prior to the effective date of this act, or any order of the public employment relations commission issued prior to the effective date of this act.

(4) Each employee of the Washington state ferries shall remain subject to the classification and compensation provisions of the applicable collective bargaining agreement in effect on the effective date of this act, until the termination of the collective bargaining agreement and thereafter until the employee's position has been duly classified and incorporated into the state-wide maritime classification and compensation plan by the state personnel board and department of personnel.

(5) No permanent employee of the Washington state ferries may be required to pass a competitive examination to retain the position held by the employee on the effective date of this act, or held by the employee on the termination date of a collective bargaining agreement in force on the effective date of this act which governs the conditions of employment of the employee, whichever date is later.

NEW SECTION. Sec. 4. There is added to chapter 47.64 RCW a new section to read as follows:

(1) It is unlawful for any employee of the Washington state ferry system or any employee organization, representing such employees, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike.

(2) "Strike" means concerted action in failing to report for duty, the wilful absence from one's position, the stoppage of work, slowdown, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purposes of inducing, influencing, or coercing a change in the conditions or compensation or the rights, privileges, or obligations of employment.

(3) If an employee, a group of employees, an employee organization or any officer, agent, or representative of any employee organization engages in a strike in violation of subsection (1) of this section or if there is a clear, real, and present danger that such a strike is imminent, the state of Washington may file suit to restrain or enjoin the strike in the superior court having proper jurisdiction and proper venue of such actions in accordance with superior court civil rules.

(4) In the event of any violation or imminently threatened violation of subsection (1) of this section, any citizen domiciled within the jurisdictional boundaries of the state of Washington who is or may be affected by the violation may petition the superior court for the county in which the violation occurs for a restraining order or an injunction in accordance with superior court civil rules. The plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public interest.

(5) If an injunction to enjoin a strike issued pursuant to this section is not promptly complied with, on the application of the plaintiff, the court

shall immediately hear contempt proceedings in accordance with superior court civil rules.

(a) An employee organization found to be in contempt of court for violating an injunction against a strike shall be fined an amount deemed appropriate by the court. In determining the appropriate fine, the court shall objectively consider the extent of lost services and the particular nature and position of the employee group in violation. In no event may the fine exceed two thousand five hundred dollars for each calendar day that the violation is in progress.

(6) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(7) The court may receive and collect any fines imposed pursuant to this section and disburse such funds pursuant to law.

NEW SECTION. Sec. 5. There is added to chapter 47.60 RCW a new section to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, including the Hood Canal bridge, the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing fiscal year. The commission on or before April 1st shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing twelve-month period commencing May 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, May 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

(a) The amount of subsidy available to the ferry system for maintenance and operation;

(b) The time and distance of ferry runs;

(c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;

(d) The efficient distribution of traffic between cross-sound routes;

(e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;

(f) The effect of proposed fares in increasing walk-on and vehicular passenger use;

(g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;

(h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected toll revenues from the ferry system, together with the appropriation from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries, will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

Sec. 6. Section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions, which shall be paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: **PROVIDED**, That this administrative service charge for state employees shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: **PROVIDED**, (~~That nothing herein shall be a limitation on employees employed~~

~~under chapter 47.64 RCW. PROVIDED FURTHER,))~~ That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the board for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

NEW SECTION. Sec. 7. There is added to chapter 41.06 RCW a new section to read as follows:

(1) The state personnel board shall adopt and from time to time revise a state-wide marine classification and compensation plan for all positions in the Washington state ferry system, based on an investigation and analysis of the duties and responsibilities of each such position, which shall be accomplished generally in the manner prescribed in RCW 41.06.140 through 41.06.165. The plan shall be forwarded to the transportation commission and department of transportation for their use, and the department may allocate and reallocate positions within the classification plan as it deems necessary for the efficient operation of the ferry system.

(2) In each even-numbered year the department of personnel shall prepare a comprehensive salary and fringe benefit survey plan for ferry system employees, generally in the manner prescribed by RCW 41.06.140 through 41.06.165. The plan shall be forwarded to the transportation commission for its use in preparing the department of transportation budget for submission to the legislature, and a copy of the data and supporting documentation shall be submitted to the legislative transportation committee.

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.

NEW SECTION. Sec. 9. There is appropriated to the department of personnel for the biennium ending June 30, 1983, from the motor vehicle fund, the sum of twenty thousand dollars or so much thereof as may be necessary, to prepare recommendations to the state personnel board for the classification of the positions of employees of the Washington state ferries in accordance with section 7 of this act.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325; and

(2) Section 47.64.030, chapter 13, Laws of 1961, section 34, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.030.

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.

Passed the Senate April 25, 1981.

Passed the House April 25, 1981.

Filed in Office of Secretary of State May 19, 1981, without the Governor's signature.

CHAPTER 345

[Senate Bill No. 3356]

IRRIGATION DISTRICTS—ELECTIONS—ENERGY CONSERVATION

AN ACT Relating to irrigation districts; amending section 2, chapter 171, Laws of 1941 as last amended by section 1, chapter 68, Laws of 1963 and RCW 87.03.075; amending section 8, page 675, Laws of 1889-90 and RCW 87.03.100; and adding a new section to chapter 87.03 RCW.

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

Section 1. Section 2, chapter 171, Laws of 1941 as last amended by section 1, chapter 68, Laws of 1963 and RCW 87.03.075 are each amended to read as follows:

Voting in an irrigation district shall be by ballot. Ballots shall be of uniform size and quality, provided by the district, and for the election of directors shall contain only the names of the candidates who have filed with the secretary of the district a declaration in writing of their candidacy, or a petition of nomination as hereinafter provided, not ~~((less than twenty days before the day of the election))~~ later than five o'clock p.m. on the first Monday in November. Ballots shall contain space for sticker voting or for the writing in of the name of an undeclared candidate. A person filing a declaration of candidacy, or petition of nomination as hereinafter provided, shall designate therein the position for which he is a candidate. No ballots on any form other than the official form shall be received or counted.

In any election for directors where the number of votes which may be received will have no bearing on the length of the term to be served, the candidates for the position of director, in lieu of filing a declaration of candidacy hereunder, shall file with the secretary of the district a petition of nomination signed by at least ten qualified electors of the district, or of the division if the district has been divided into director divisions, not ~~((less than twenty days before the day of election))~~ later than five o'clock p.m. on the first Monday in November. If, after the expiration of the date for filing

petitions of nomination, it appears that only one qualified candidate has been nominated thereby for each position to be filled it shall not be necessary to hold an election, and the board of directors shall (~~within fifteen days after expiration of the date for filing petitions of nomination~~) at their next meeting declare such candidate elected as director. The secretary shall immediately make and deliver to such person a certificate of election signed by him and bearing the seal of the district. The procedure set forth in this paragraph shall not apply to any other irrigation district elections.

Sec. 2. Section 8, page 675, Laws of 1889-90 and RCW 87.03.100 are each amended to read as follows:

As soon as all the votes are read off and counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk[s], judge[s], and the inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots (~~shall be strung upon a cord or thread by the inspector during the counting thereof, in the order in which they are entered upon the tally lists by the clerk, and said ballots~~), together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector, in the presence of the judges and clerks, and endorsed "Election returns of [naming the precinct] precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

NEW SECTION. Sec. 3. There is added to chapter 87.03 RCW a new section to read as follows:

Any irrigation district engaged in the distribution of energy is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of residential structures in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy in such structures pursuant to an energy conservation plan adopted by the irrigation district if the cost per unit of energy saved or produced by the use of such materials and equipment is less than the cost per unit of energy produced by the next least costly new energy resource which the irrigation district could

acquire to meet future demand. Except where otherwise authorized, such assistance shall be limited to:

(1) Providing an inspection of the residential structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment.

(2) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the irrigation district, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards.

(3) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation.

(4) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner.

(5) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed one hundred twenty months in length.

Passed the Senate April 25, 1981.

Passed the House April 16, 1981.

Filed in Office of Secretary of State June 5, 1981, without the Governor's signature.

Note: Secretary of State letter of transmittal is as follows:

"Pursuant to RCW 44.20.020 the Secretary of State hereby certifies to you as Chapter 345, Laws of 1981, Enrolled Senate Bill 3356.

You will note that a certified Enrolled Senate Bill 3356 was received twice by the Secretary of State. The first certificated enrolled bill was received by the Secretary of State on May 14, 1981, after signature by the Governor. The bill was duly assigned chapter number "208", Laws of 1981. Subsequently, on June 5, 1981, the Secretary of State received another certificate of enrollment for Senate Bill 3356. According to a transmittal communication from the Governor's office, the later certificated enrolled bill contains a "new" section, Section 3, which was in fact passed by the Legislature but which was omitted from the original certificated enrolled bill, apparently by oversight. The second certificated enrolled bill has been duly assigned chapter number "345", Laws of 1981.

Each certificate of enrollment appears on its face to be a regular and valid certificate. We do not believe it is appropriate for the Office of Secretary of State, in carrying out the ministerial filing responsibilities under the Constitution and Chapter 44.20 RCW, to go behind the certificate or to determine the validity or effect of the receipt of two certificates of enrollment for Senate Bill 3356. Therefore, having received two certificates, each apparently valid on its face, we have duly forwarded each item to you, pursuant to RCW 44.20.020."

WASHINGTON LAWS

1981 FIRST EXTRAORDINARY SESSION

CHAPTER 1

[Substitute House Bill No. 339]

OPERATING AGENCIES—INDEBTEDNESS, INTEREST RATES—
PARTICIPANTS' REPAYMENT PLANS

AN ACT Relating to operating agencies; amending section 43.52.250, chapter 8, Laws of 1965 as amended by section 1, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.250; amending section 43.52.3411, chapter 8, Laws of 1965 and RCW 43.52.3411; amending section 43.52.343, chapter 8, Laws of 1965 and RCW 43.52.343; adding a new section to chapter 43.52 RCW; and declaring an emergency.

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

Section 1. Section 43.52.250, chapter 8, Laws of 1965 as amended by section 1, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.250 are each amended to read as follows:

As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

"District" means a public utility district as created under the laws of the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"City" means any city or town in the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"Canada" means Canada or any province thereof.

"Operating agency" or "joint operating agency" means a municipal corporation created pursuant to RCW 43.52.360, as now or hereafter amended.

"Public utility" means any person, firm or corporation, political subdivision or governmental subdivision including cities, towns and public utility districts engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy.

"Revenue bonds or warrants" means bonds, notes, bond anticipation notes, warrants, certificates of indebtedness, commercial paper, refunding or renewal obligations, payable from a special fund or revenues of the utility properties operated by the joint operating agency.

Sec. 2. Section 43.52.3411, chapter 8, Laws of 1965 and RCW 43.52.3411 are each amended to read as follows:

For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include

funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for the repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state. However, for revenue bonds or warrants issued by an operating agency, the provisions under RCW 54.24.030 relating to additional or alternate methods for payment may be made a part of the contract with the holders of any revenue bonds or warrants of an operating agency. The board may authorize the managing director or the treasurer of the operating agency to sell revenue bonds or warrants maturing one year or less from the date of issuance, and to fix the interest rate or rates on such revenue bonds or warrants with such restrictions as the board shall prescribe.

Sec. 3. Section 43.52.343, chapter 8, Laws of 1965 and RCW 43.52.343 are each amended to read as follows:

All bonds issued by an operating agency shall be sold and delivered in such manner, at such rate or rates of interest and for such price or prices and at such time or times as the board shall deem in the best interests of the operating agency, whether by negotiation or to the highest and best bidder after such advertising for bids as the board of the operating agency may deem proper: PROVIDED, That the board may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as it may deem most advantageous to its own interests.

NEW SECTION. Sec. 4. There is added to chapter 43.52 RCW a new section to read as follows:

Any municipal corporation, cooperative or mutual which has entered into a contract with an operating agency to participate in the construction or acquisition of an energy plant as defined in chapter 80.50 RCW shall annually adopt a plan for the repayment of its contractual share of any operating agency obligation which matures prior to the planned operation of the plant. The manner of adoption of the plan shall be subject to the laws regarding approval of rates of the municipal corporation, cooperative or mutual.

The plan shall include the effect of the means of repayment on its financial condition, its customers' rates, its other contractual rights and obligations, and any other matter deemed useful by the participant.

Each such participating municipal corporation, cooperative or mutual shall include a statement of the extent of its contractual obligation to any operating agency in an annual financial report.

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 House April 28, 1981.

Passed the Senate April 28, 1981.

Approved by the Governor May 8, 1981.

Filed in Office of Secretary of State May 8, 1981.

CHAPTER 2

[Reengrossed Substitute Senate Bill No. 3765]

NURSING HOMES

AN ACT Relating to nursing homes; amending section 4, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.580; amending section 7, chapter 177, Laws of 1980 and RCW 74.46-.070; amending section 12, chapter 177, Laws of 1980 and RCW 74.46.120; amending section 46, chapter 177, Laws of 1980 and RCW 74.46.460; amending section 49, chapter 177, Laws of 1980 and RCW 74.46.490; amending section 53, chapter 177, Laws of 1980 and RCW 74.46.530; amending section 81, chapter 177, Laws of 1980 and RCW 74.46-.810; amending section 90, chapter 177, Laws of 1980 (uncodified); amending section 94, chapter 177, Laws of 1980 and RCW 74.46.901; amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120; amending section 1, chapter 244, Laws of 1977 ex. sess. as last amended by section 5, chapter 184, Laws of 1980 and RCW 18.51.310; amending section 3, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.007; amending section 2, chapter 117, Laws of 1951 as last amended by section 1, chapter 108, Laws of 1973 1st ex. sess. and RCW 18.51.010; amending section 6, chapter 117, Laws of 1951 as last amended by section 1, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.050; amending section 7, chapter 117, Laws of 1951 as last amended by section 10, chapter 228, Laws of 1979 ex. sess. and RCW 18.51.060; amending section 16, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.065; amending section 4, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.190; amending section 5, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.200; amending section 6, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51-.210; amending section 11, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.240; amending section 2, chapter 175, Laws of 1975 1st ex. sess. and RCW 18.51.300; amending section 35A.70.070, chapter 119, Laws of 1967 ex. sess. as amended by section 42, chapter 141, Laws of 1979 and RCW 35A.70.070; adding a new section to chapter 18.51 RCW; adding a new section to chapter 74.09 RCW; creating a new section; repealing section 3, chapter 117, Laws of 1951, section 2, chapter 160, Laws of 1953 and RCW

18.51.020; repealing section 15, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51-.055; repealing section 5, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.590; repealing section 83, chapter 177, Laws of 1980 and RCW 74.46.830; providing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 74.09 RCW a new section to read as follows:

(1) The nursing home auditing and cost reimbursement system of the department of social and health services shall be governed by this section until implementation of chapter 74.46 RCW. The department shall reimburse nursing homes on the basis of the following cost centers: Patient care, food, administration and operations, and property.

(2) The department shall reimburse the patient care cost center at the January 1, 1981, reimbursement rate, as adjusted for inflation.

(a) In addition, the reimbursement shall be enhanced by three million dollars for the first year of the biennium and by five million dollars for the second year of the biennium. These enhancements shall be apportioned among the nursing homes proportionately based on the patient care cost center for each nursing home.

(b) For the purpose of nursing assistant certification, the department shall reimburse at a rate of thirty cents for each medicaid patient day for the first year of the biennium and at a rate of thirty-three cents, as adjusted for inflation, for each medicaid patient day for the second year of the biennium. This is in addition to the January 1, 1981, reimbursement rate.

(3) Reimbursement for the food cost center shall be at the January 1, 1981, reimbursement rate, adjusted for inflation.

(4) The administration and operations cost center consists of two components:

(a) The wages for all employees, other than nursing service personnel and administrators and assistant administrators, shall be reimbursed at the January 1, 1981, rate as adjusted for inflation.

(b) Reimbursement for administration and operations, including all items not specified in subsections (2), (3), (4)(a), (5), and (6) of this section, shall not exceed the eighty-fifth percentile of the costs of all reporting facilities, not including any funds shifted pursuant to subsection (8) of this section, as adjusted for inflation, except that the nursing home facilities may be grouped by factors, other than ownership or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

(5) The return on net invested equity for each facility shall be determined by utilizing medicare rules and regulations.

(6) Property cost center reimbursement for both leased and owner-operated facilities shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed

by the department of social and health services, recognizing factors which may be significant, including location, age, and type of facility. Rental costs of leased facilities other than those operating as intermediate care facilities for the mentally retarded, and depreciation and interest costs of owner-operated facilities, for leases or mortgages entered into prior to July 1, 1979, shall be reimbursed to the extent they do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state medicaid plan, and adjusted for any approved capitalized additions or replacements, except that any leased facility which has operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, shall be reimbursed to the extent that the property costs exceed the upper limit of the multiple regression formula.

(7) The patient personal needs allowance limitation shall be thirty-three dollars and fifty cents.

(8) For settlement purposes only, for calendar years 1981, 1982, and 1983, a nursing home may shift among cost centers an amount not greater than twenty percent of the reimbursement rate of the cost center into which the shift is being made. Shifts may be made among the cost centers. However, shifts may not be made into the property cost center. The department shall monitor on a random basis the extent and patterns of shifting between cost centers authorized by this section. The department shall report to the legislature on its findings required by this section prior to February 15th of each year.

(9) Audits shall be conducted by the department and settlements shall be calculated by cost center only.

(10) The department may adjust reimbursement rates to reflect required increases in staffing levels and capital improvements.

(11) Any reference in this section to a January 1, 1981, reimbursement rate includes any adjustment resulting from a rate appeal and its final resolution, but shall not include any adjustment resulting from litigation on reimbursement rates prior to June 30, 1981, or the procedures by which they were established.

(12) References in this section to adjustments for inflation mean adjustments of 5.0 percent for rates effective July 1, 1981, through December 31, 1981; 5.2 percent for rates effective January 1, 1982, through June 30, 1982; 4.35 percent for rates effective July 1, 1982, through December 31, 1982; and 4.35 percent for rates effective January 1, 1983, through June 30, 1983.

Sec. 2. Section 4, chapter 260, Laws of 1977 ex. sess. and RCW 74.09-.580 are each amended to read as follows:

The nursing home payment system under this chapter shall provide for individually-based or class-based rates which shall be the maximum reimbursement for each nursing home for the period for which the rates are assigned.

(1)(a) Beginning with the settlements for calendar year 1981, the nursing home shall submit a preliminary settlement report simultaneously with the annual cost report.

(b) Within ninety days after receipt of the reports by the secretary, the department shall submit a proposed settlement report by cost center to the nursing home which fully substantiates disallowed costs, refunds, underpayments, and/or adjustments to the preliminary settlement report.

(c) The proposed settlement shall provide the basis for a schedule to correct overpayments and underpayments.

(2) Operators of nursing homes shall refund all portions of payments received which exceed actual audited costs and all portions of payments received which are attributable to unreasonable or nonallowable costs as determined by federal or state regulations.

Sec. 3. Section 7, chapter 177, Laws of 1980 and RCW 74.46.070 are each amended to read as follows:

(1) The office of financial management shall, within seventy-five days after April 4, 1980, engage a consultant through competitive bids who will develop the following:

(a) A uniform chart of accounts;

(b) A standard cost report form, including financial statements which shall be in conformity with generally accepted accounting principles and such regulatory requirements established by this section as well as any relevant federal regulatory requirements;

(c) Regulatory reporting and accounting provisions which may be required; and

(d) Regulatory auditing provisions which may be required.

(2) Such consultant will develop the items specified in subsection (1) of this section:

(a) In cooperation with an advisory committee to be composed of representatives of the office of financial management, the legislature, the department, the office of the state auditor, the Washington society of certified public accountants, and the providers of nursing home services; and

(b) In a manner which will achieve the principles stated in RCW 74.46.030 and 74.46.100.

(3) Such consultant shall provide ongoing financial consulting assistance to the patient task force created in section 86 of this act. The patient classification system and standard hours for each classification established by the task force must tie to the uniform chart of accounts, standard cost reports,

and financial statements to allow the independent certified public accountant to express an opinion on the statement of expenditures presented in the annual cost report.

(4) Such consultant will complete the development of the items specified in subsection (1) of this section not later than October 1, 1980. The secretary will adopt rules and regulations necessary to implement the consultant's product not later than December 31, 1980, for use in the ~~((1981))~~ 1983 reporting year.

Sec. 4. Section 12, chapter 177, Laws of 1980 and RCW 74.46.120 are each amended to read as follows:

Certified audits of the cost reports and patient trust accounts shall be conducted in accordance with the provisions of this chapter, as follows:

(1) The annual cost report of each contractor and the patient trust accounts under his control will be audited prior to submission to the department by an independent certified public accountant, licensed according to the provisions of chapter 18.04 RCW, who shall be engaged by the office of financial management through competitive bids. The office of financial management shall cause to be published a request for qualifications from independent certified public accountants. The office of financial management shall then select those independent certified public accountant firms which have qualified to participate in the competitive bid process through a request for proposals: PROVIDED, That during fiscal year ~~((1982))~~ 1984, for one hundred percent of the contractors, cost reports and patient trust accounts shall be audited: PROVIDED FURTHER, That during fiscal year ~~((1983))~~ 1985, for up to one hundred percent of the contractors, cost reports and patient trust accounts shall be audited. The requirements contained in this subsection shall not be required after June 30, ~~((1983))~~ 1985;

(2) Upon request of the secretary; and

(3) Upon termination of a contract.

Sec. 5. Section 46, chapter 177, Laws of 1980 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 from the prior reporting year, program changes, economic trends and conditions, and/or administrative review provided by RCW 74.46.780 and 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, ~~((1982))~~ 1984, such contractor's prospective rate effective July 1, ~~((1982))~~ 1984, will be determined utilizing his reported allowable costs for calendar year ~~((1981))~~ 1983.

(4) All prospective reimbursement rates for ((1983)) 1985 and thereafter shall be determined utilizing the prior year's audited cost reports.

Sec. 6. Section 49, chapter 177, Laws of 1980 and RCW 74.46.490 are each amended to read as follows:

(1) The food cost center shall include all costs for bulk and raw food and beverages purchased for the dietary needs of medical care recipients.

(2) The food cost reimbursement rate for each facility shall be computed as follows:

$FR = (TFC/TPD) 1.15$, where

FR = the facility food cost center reimbursement rate;

TFC = the total of all reporting facilities' food cost center costs; and

TPD = the total patient days for the prior year of all reporting facilities.

(3) Unless extended by law for an additional period of time, on and after July 1, ((1984)) 1986, the food cost reimbursement rate for each facility shall be computed as follows:

$FR = (TFC/TPD)$, where

FR = the facility food cost center reimbursement rate;

TFC = the total of all reporting facilities' food cost center costs; and

TPD = the total patient days for the prior year of all reporting facilities.

Sec. 7. Section 53, chapter 177, Laws of 1980 and RCW 74.46.530 are each amended to read as follows:

(1) The department shall first establish a total state-wide return on investment pool for use in determining individual facility return on investment allowances.

(a) In establishing the total state-wide return on investment pool the department shall determine the sum of net invested funds as of the end of the most recent reporting period of all facilities participating in the medical care program.

(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) The sum of net invested funds shall then be multiplied by 1.4 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed calendar quarter prior to rate-setting to establish the total state-wide return on investment pool.

(2) 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 1.07 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed quarter prior to rate-setting, 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 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 reimbursement 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 five 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)(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.

(iii) Such percentage amounts shall be calculated so that the variable return allowance plus the financing allowance times the total patient days for each facility, when summed for all facilities, shall be as close in amount to the total state-wide return on investment pool as is practical; except that, such percentage amounts for equivalent groups of facilities as determined in subparagraph (2)(b)(ii) of this section shall be no less than the percentage amounts as calculated pursuant to this subsection on July 1, ((1982)) 1984.

(c) 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.

(d) 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 RCW 74.46.530(2)(c), the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, (~~(1980)~~) 1982, as determined by the department of general administration through an appraisal procedure, 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 subparagraph (2)(d)(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 RCW 74.46.530(2)(c) 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.

(3) In the event that the department of health, education and welfare 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 both total state-wide return on investment pool and 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.

(4) Each biennium, beginning in (~~(1983)~~) 1984, 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. 8. Section 81, chapter 177, Laws of 1980 and RCW 74.46.810 are each amended to read as follows:

The department, pursuant to RCW 74.09.560, shall be responsible for the completion of all audits for cost reports covering all periods through December 31, (~~(1980)~~) 1982.

Sec. 9. Section 90, chapter 177, Laws of 1980 (uncodified) is amended to read as follows:

The following acts or parts of acts are each repealed:

(1) Section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550;

(2) Section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560;

(3) Section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570;
and

(4) Section 4, chapter 260, Laws of 1977 ex. sess., section 2 of this 1981 act and RCW 74.09.580(; and

~~(5) Section 5, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.590~~)).

Sec. 10. Section 94, chapter 177, Laws of 1980 and RCW 74.46.901 are each amended to read as follows:

(1) Sections 2, 7, 83, 85, 86, and 91 of ~~((this act))~~ chapter 177, Laws of 1980 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))~~ on April 4, 1980.

(2) Section 27 of ~~((this act))~~ chapter 177, Laws of 1980 shall take effect on July 1, 1980.

(3) Sections 3, 4, 5, 6, 8, 9, 11, and 12 of ~~((this act))~~ chapter 177, Laws of 1980 shall take effect on July 1, ~~((1981))~~ 1983.

(4) All other sections of ~~((this act))~~ chapter 177, Laws of 1980 shall take effect on July 1, ~~((1982))~~ 1984, which shall be "the effective date of this act" where that term is used in ~~((this act))~~ chapter 177, Laws of 1980.

Sec. 11. Section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120 are each amended to read as follows:

The department shall purchase necessary physician and dentist services by contract or "fee for service." The department shall purchase hospital care by contract or by all inclusive day rate, or at a reasonable cost based on a ratio of charges to cost. Any hospital when requested by the department shall supply such information as necessary to justify its rate, charges or costs. All additional services provided by the hospital shall be purchased at rates established by the department after consultation with the hospital. The department shall purchase nursing home care by contract. The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which ~~((recognize relevant cost related factors for department of social and health services patients, including but not limited to the scope or level of services or care, requirements of staff, and physical plant, and a reasonable rate of return on investment; said formula))~~ comply with section 1 of this act. The regulations shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.

All other services and supplies provided under the program shall be secured by contract.

Sec. 12. Section 1, chapter 244, Laws of 1977 ex. sess. as last amended by section 5, chapter 184, Laws of 1980 and RCW 18.51.310 are each amended to read as follows:

~~(1) ((No later than September 30, 1977, the secretary shall implement and operate a patient assessment system whereby the characteristics of patients supported by the department under RCW 74.09.120, as now or hereafter amended, shall be computerized for the purpose of assisting in the setting of reimbursement for nursing homes in accordance with the documented needs of the client population in each home and for the provision of statistical and summary information for use by the department and the legislature.~~

~~(2))~~ (2)) No later than December 31, 1980, the department shall adopt revised licensing standards for nursing homes. The licensing standards shall be suitable for implementing the civil penalty system authorized under this chapter, chapter 74.42 RCW, and chapter ~~((177 (Senate Bill No. 3250), Laws of 1980, if enacted))~~ 74.46 RCW.

~~((3))~~ (2) The department, the board of health, the school of medicine, the University of Washington, and the schools of nursing within the state shall jointly submit to the legislature, not later than December 20, 1980, alternative methods of identifying and measuring the results of services delivered by the nursing home.

~~((4))~~ (3) No later than July 1, 1981, the department shall adopt all those regulations which meet all conditions necessary to fully implement the civil penalty system authorized by this chapter, chapter 74.42 RCW, and chapter ~~((177 (Senate Bill No. 3250), Laws of 1980, if enacted))~~ 74.46 RCW.

NEW SECTION. Sec. 13. If any part of sections 1 through 12 of this act is found by an agency of the federal government to be in conflict with federal requirements which are a prescribed condition to the receipt of federal funds by the state, the conflicting part of sections 1 through 12 of this act is hereby declared inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of sections 1 through 12 of this act in their application to the agencies concerned. If any portion of sections 1 through 12 of this act is found to be in conflict with federal requirements which are a prescribed condition to the receipt of federal funds, the secretary of social and health services, to the extent that the secretary finds it to be consistent with the general policies and intent of chapters 18.51, 74.09, and 74.46 RCW, may adopt such rules as are necessary to resolve a specific conflict and which meet minimum federal requirements. In

addition, the secretary shall submit to the next regular session of the legislature a summary of the specific rule changes made and recommendations for statutory resolution of the conflict.

Sec. 14. Section 3, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.007 are each amended to read as follows:

It is the intent of the legislature in enacting this 1975 amendatory act to establish (1) a system for the imposition of prompt and effective sanctions against nursing homes in violation of the laws and regulations of this state relating to patient care; (2) an inspection and reporting system to insure that nursing homes are in compliance with state statutes and regulations pertaining to patient care; and (3) a ~~((provisional licensing))~~ mechanism to insure that ~~((full term))~~ licenses are issued ~~((only))~~ to or retained by only those nursing homes that meet state standards ~~((relating to patient care: PROVIDED, That no sanction shall be imposed by the department until the department has informed the owner and administrator of the nursing home about the rules and regulations required to be followed to avoid penalties and until the department has granted a reasonable amount of time to the owner and administrator of the nursing home to correct the condition which would result in the penalty))~~ for resident health and safety.

Sec. 15. Section 2, chapter 117, Laws of 1951 as last amended by section 1, chapter 108, Laws of 1973 1st ex. sess. and RCW 18.51.010 are each amended to read as follows:

(1) "Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions

of this chapter: PROVIDED, That any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560(~~(-)~~) and 71.12.570(~~(- and 71.12.580)~~)).

(2) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(3) "Secretary" means the secretary of the department of social and health services.

(4) (~~"Board" means the state board of health.~~

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

~~((6) "Approved health department" means any city, county, city-county or district health department which holds a certificate of approval under this chapter.))~~

NEW SECTION. Sec. 16. There is added to chapter 18.51 RCW a new section to read as follows:

Inspections of nursing homes by local authorities shall be consistent with the requirements of chapter 19.27 RCW, the state building code. Findings of a serious nature shall be coordinated with the department and the state fire marshal for determination of appropriate actions to ensure a safe environment for nursing home residents.

Sec. 17. Section 6, chapter 117, Laws of 1951 as last amended by section 1, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.050 are each amended to read as follows:

Upon receipt of an application for license, the department(~~(-or the department and the approved health department jointly,))~~ shall issue a license (~~(or a provisional license)~~) if the applicant and the nursing home facilities meet the requirements established under this chapter. (~~(At the time of)~~) Prior to the issuance or renewal of the license (~~(or provisional license)~~), the licensee shall pay a license fee of (~~(fifteen)~~) one hundred dollars plus (~~(one)~~) two dollars per bed (~~(capacity)~~) per year(~~(-but in no event shall the total exceed one hundred dollars)~~). No fee shall be required of government operated institutions. (~~(When the license or provisional license is issued jointly by the department and an approved health department, the license fee shall be paid to the approved health department.))~~) All licenses issued under the provisions of this chapter shall expire on a date to be set by the (~~(board)~~) department, but no license issued pursuant to this chapter shall exceed twelve months in duration: PROVIDED, That when the annual license renewal date of a previously licensed nursing home is set by the (~~(board)~~) department on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. When a change of ownership occurs, the entity becoming the

licensed operating entity of the facility shall pay the full licensing fee for the facility at the time of application for the license. The previously determined date of license expiration shall not change.

All applications and fees for renewal of the license and for change of ownership licenses shall be ((made)) submitted to the department not later than thirty days prior to the date of expiration of the license or the date of the proposed change of ownership. Each license shall be issued only ((for the premises)) to the operating entity and those persons named in the license application((, and no license shall be)). The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable ((except with the written approval of the department)). Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 18. Section 7, chapter 117, Laws of 1951 as last amended by section 10, chapter 228, Laws of 1979 ex. sess. and RCW 18.51.060 are each amended to read as follows:

The department is authorized to deny, suspend, or revoke a license ((or provisional license)) or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation in any case in which it finds that the applicant, or licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:

(1) Failed or refused to comply with the requirements of this chapter or the standards, rules and regulations established hereunder; or

(2) 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

(3) 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; or

(4) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the nursing home; or

(5) Wilfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter; or

(6) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or the standards, rules, and regulations promulgated hereunder; or

(7) Failed to report patient abuse or neglect in violation of chapter 70-.124 RCW; or

(8) Fails to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after such assessment becomes final: PROVIDED, That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in RCW 18.51.260 or include in the report required pursuant to RCW 18.51.270 during any period in which it has not reasonably implemented and funded its cost-related reimbursement system for public patients.

Sec. 19. Section 16, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.065 are each amended to read as follows:

All orders of the department denying, suspending, or revoking the license or ~~((provisional license, and/or))~~ assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested. All hearings hereunder and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter 34.04 RCW.

Sec. 20. Section 4, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.190 are each amended to read as follows:

Any person may request an inspection of any nursing home subject to licensing under this chapter in accordance with the provisions of this chapter by giving notice to the department of an alleged violation of applicable requirements of state law. ~~((Any such notice shall be in writing signed by))~~ The complainant ((and shall set forth with reasonable particularity the matters complained of)) shall be encouraged to submit a written, signed complaint following a verbal report. The substance of the complaint shall be provided to the licensee no earlier than at the commencement of the inspection. Neither the substance of the complaint provided the licensee nor any copy of the complaint or record published, released, or otherwise made available to the licensee shall disclose the name of any individual complainant or other person mentioned in the complaint, except the name or names of any duly authorized officer, employee, or agent of the department conducting the investigation or inspection pursuant to this chapter, unless such complainant specifically requests the release of such name or names.

Sec. 21. Section 5, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.200 are each amended to read as follows:

Upon receipt of a complaint, the department shall ~~((assign an inspector to))~~ make a preliminary review of the complaint ~~((and shall notify the complainant of the name of such inspector))~~. Unless the department determines that the complaint is wilfully intended to harass a licensee or is without any reasonable basis, or unless the department has sufficient information that corrective action has been taken, it shall make an on-site ~~((inspection))~~ investigation within a reasonable time after the receipt of the complaint or

otherwise ensure complaints are responded to. In either event, the complainant shall be promptly informed of the department's proposed course of action. If the complainant requests the opportunity to do so, the complainant or his representative, or both, may be allowed to accompany the inspector to the site of the alleged violations during his tour of the facility, unless the inspector determines that the privacy of any patient would be violated thereby.

Sec. 22. Section 6, chapter 99, Laws of 1975 1st ex. sess. and RCW 18-.51.210 are each amended to read as follows:

(1) Any duly authorized officer, employee, or agent of the department may enter and inspect any nursing home, including, but not limited to, interviewing residents and reviewing records, at any time to enforce any provision of this chapter. Inspections conducted pursuant to complaints filed with the department shall be conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection conducted pursuant to this chapter unless previously and specifically authorized by the secretary or required by federal law.

(2) Any public employee giving such advance notice in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

(3) In any hearing held pursuant to this chapter, it shall be a defense to a violation relating to the standard of care to be afforded public patients to show that the department does not provide ((sufficient)) reasonable funds to meet the cost of reimbursement standard allegedly violated.

Sec. 23. Section 11, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.240 are each amended to read as follows:

The ((board)) department may prescribe by regulations that any licensee or applicant desiring to make specific types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Sec. 24. Section 2, chapter 175, Laws of 1975 1st ex. sess. and RCW 18.51.300 are each amended to read as follows:

Unless specified otherwise by the ((board)) department, a nursing home shall retain and preserve all records which relate directly to the care and treatment of a patient for a period of no less than ten years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

If a nursing home ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

The ~~((board))~~ department shall by regulation define the type of records and the information required to be included in the records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.

Sec. 25. Section 35A.70.070, chapter 119, Laws of 1967 ex. sess. as amended by section 42, chapter 141, Laws of 1979 and RCW 35A.70.070 are each amended to read as follows:

Every code city may exercise the powers authorized and shall perform the duties imposed upon cities of like population relating to the public health and safety as provided by Title 70 RCW and, without limiting the generality of the foregoing, shall: (1) Organize boards of health and appoint a health officer with the authority, duties and functions as provided in chapter 70.05 RCW, or provide for combined city-county health departments as provided and in accordance with the provisions of chapter 70.08 RCW; (2) contribute and participate in public health pooling funds as authorized by chapter 70.12 RCW; (3) perform the functions and provide health precautions at seaports as required by chapter 70.16 RCW; (4) procure pesthouses and to provide quarantines and miscellaneous other health precautions as authorized by chapter 70.20 RCW; (5) control and provide for treatment of venereal diseases as authorized by chapter 70.24 RCW; (6) provide for the care and control of tuberculosis as provided in chapters 70.28, 70.30, 70.32, and 70.54 RCW; (7) participate in health districts as authorized by chapter 70.46 RCW; (8) exercise control over water pollution as provided in chapter 35.88 RCW; (9) for all code cities having a population of more than twenty thousand serve as a primary district for registration of vital statistics in accordance with the provisions of chapter 70.58 RCW and RCW 43.20A.630; (10) enforce the provisions of chapter 70.70 RCW relating to the control of shoddy; (11) observe and enforce the provisions relating to fireworks as provided in chapter 70.77 RCW; (12) enforce the provisions relating to swimming pools provided in chapter 70.90 RCW; (13) enforce the provisions of chapter 18.20 RCW when applicable; (14) perform the functions relating to mentally ill prescribed in chapters 72.06 and 71.12 RCW; (15) cooperate with the state department of social and health services in mosquito control as authorized by RCW 70.22.060; and (16) inspect nursing homes as authorized by ~~((RCW 18.51.020))~~ section 16 of this 1981 act.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 117, Laws of 1951, section 2, chapter 160, Laws of 1953 and RCW 18.51.020;

(2) Section 15, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.055;

(3) Section 5, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.590; and

(4) Section 83, chapter 177, Laws of 1980 and RCW 74.46.830.

NEW SECTION. Sec. 27. 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. Sections 1, 2, 3, and 10 through 26 of this act shall take effect on July 1, 1981. Section 4 of this act shall take effect on July 1, 1983. Sections 5 through 9 of this act shall take effect on July 1, 1984.

NEW SECTION. Sec. 28. 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 28, 1981.

Passed the House April 28, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 3

[Second Reengrossed Substitute Senate Bill No. 3797]

JOINT OPERATING AGENCIES, NUCLEAR POWER PLANTS—EXECUTIVE BOARD

AN ACT Relating to operating agencies; amending section 43.52.370, chapter 8, Laws of 1965 as amended by section 7, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.370; amending section 43.52.375, chapter 8, Laws of 1965 and RCW 43.52.375; amending section 1, chapter 220, Laws of 1979 ex. sess. and RCW 43.52.378; and adding new sections to chapter 43.52 RCW.

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

Section 1. Section 43.52.370, chapter 8, Laws of 1965 as amended by section 7, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.370 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall

serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: **PROVIDED**, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency as is provided in RCW 43.52.290: **PROVIDED**, That the per diem compensation to any member shall not exceed five thousand dollars in any year except for board members who are elected to serve on an executive board established under section 2 of this 1981 act, in which case per diem compensation to any member shall not exceed ten thousand dollars in any year.

(2) If an operating agency is constructing a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the powers and duties of the board of directors are limited to the following:

(a) Final authority on any decision of the operating agency to purchase, acquire, construct, or sell any power plants, works, and facilities;

(b) Acceptance or rejection of bids or offers for bonds and the sale and issuance of bonds: PROVIDED, That the board may delegate this authority to the executive board;

(c) Appointment of a treasurer under RCW 43.52.375;

(d) Election of members to the executive board under section 2 of this 1981 act;

(e) Approve annual budgets submitted by the executive board; and

(f) Select, appoint, and establish the compensation of the outside directors as provided in section 2 of this 1981 act.

All other powers and duties of the operating agency are vested in the executive board established under section 2 of this 1981 act.

NEW SECTION. Sec. 2. There is added to chapter 43.52 RCW a new section to read as follows:

(1) With the exception of the powers and duties of the board of directors described in RCW 43.52.370(2), the management and control of an operating agency constructing a nuclear power plant under a site certification agreement under chapter 80.50 RCW is vested in an executive board established under this subsection and consisting of eleven members.

(a) Seven members of the executive board shall be elected to four-year terms by the board of directors from among the members of the board of directors. The board of directors may provide by rule for the composition of the seven members of the executive board elected from among the members of the board of directors so as to afford fair representation which reflects the member public utility districts' and cities' participation in the joint operating agency's projects. The board of directors may also provide by rule for the removal of a member of the executive board, including the outside directors. Members of the board of directors may be elected to serve successive terms on the executive board.

(b) Four members of the executive board shall be outside directors and shall be selected and appointed by the board of directors. The outside directors shall:

(i) Serve four-year terms on the executive board. However, of the initial members of the executive board, the board of directors shall choose by lot two outside directors to serve two-year terms and two to serve four-year terms. Thereafter, all outside directors shall be appointed for four-year terms. All outside directors are eligible for reappointment;

(ii) Receive per diem compensation and travel expenses on the same basis as the seven members elected from the board of directors. The outside directors may be paid additional compensation as established by the board of directors;

(iii) Not be an officer or employee of, or in any way affiliated with, the Bonneville power administration or any electric utility conducting business in the states of Washington, Oregon, Idaho, or Montana;

(iv) Not be involved in the financial affairs of the operating agency as an underwriter or financial adviser of the operating agency or any of its members or any of the participants in any of the operating agency's plants; and

(v) Be representative of policy makers in business, finance, or science or be recognized experts in the construction or management of such facilities as the operating agency is constructing or operating.

(c) The president of the board of directors shall be a nonvoting member of the executive board and shall serve as the presiding officer of the executive board.

(2) Nothing in this chapter shall be construed to mean that an operating agency is in any manner an agency of the state.

(3) The eleven members of the executive board shall be selected with the objective of establishing an executive board which has the resources to effectively carry out its responsibilities. To the extent reasonably possible, the membership and operation of the executive board should be patterned after boards of directors of large private corporations.

(4) The executive board shall adopt rules for the conduct of its meetings and the carrying out of its business. All proceedings shall be by motion or

resolution and shall be recorded in the minute book, which shall be a public record.

(5) With respect to any operating agency existing on the effective date of this act to which the provisions of this section are applicable:

(a) The board of directors shall elect seven members to the executive board no later than sixty days after the effective date of this act; and

(b) The board of directors shall select and appoint the initial outside directors and the executive board shall hold its organizational meeting no later than ninety days after the effective date of this act and the powers and duties prescribed in RCW 43.52.375, 43.52.378, and this section shall devolve upon the executive board at that time.

(6) The executive board shall select and employ a managing director of the operating agency and may delegate to the managing director such authority for the management and control of the operating agency as the executive board deems appropriate. The managing director's employment is terminable at the will of the executive board.

(7) Any executive board created under this section shall cease to function upon the initiation of regular operations of the nuclear power plant over which it has exercised construction management powers and duties. If the operating agency is constructing two or more nuclear power plants simultaneously, the executive board shall cease exercising all powers as to each plant as it becomes operational.

Sec. 3. Section 43.52.375, chapter 8, Laws of 1965 and RCW 43.52.375 are each amended to read as follows:

The board of each joint operating agency shall by resolution appoint a treasurer. If the joint operating agency is constructing a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the appointment of the treasurer shall be on the recommendation of the executive board established under section 2 of this 1981 act. Before entering upon his duties the treasurer shall give bond to the operating agency, with a surety company authorized to write such bonds in this state as surety, in an amount which the board finds by resolution will protect the operating agency against loss, conditioned that all funds which he receives as such treasurer will be faithfully kept and accounted for and for the faithful discharge of his duties. The amount of such bond may be decreased or increased from time to time as the board may by resolution direct. The board shall also appoint an auditor and may require him to give a bond with a surety company authorized to do business in the state of Washington in such amount as it shall by resolution prescribe, conditioned for the faithful discharge of his duties. If the joint operating agency is constructing a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the auditor shall be appointed by the executive board. The premiums on the

bonds of the auditor and the treasurer shall be paid by the operating agency. The board may provide for coverage of said officers and other persons on the same bond.

All funds of the joint operating agency shall be paid to the treasurer and shall be disbursed by him only on warrants issued by the auditor upon orders or vouchers approved by the board: PROVIDED, That the board by resolution may authorize the executive committee or executive board to approve or disapprove vouchers presented to defray salaries of employees and other expenses of the operating agency arising in the usual and ordinary course of its business and expenses incurred by the executive committee or executive board in the performance of such duties as the operating agency may authorize it to perform. All moneys of the operating agency shall be deposited forthwith by the treasurer in such depositories, and with such securities as are designated by rules of the board. The treasurer shall establish a general fund and such special funds as shall be created by the board, into which he shall place all money of the joint operating agency as the board by resolution or motion may direct.

Sec. 4. Section 1, chapter 220, Laws of 1979 ex. sess. and RCW 43.52-.378 are each amended to read as follows:

The executive board (~~(of directors)~~) of any operating agency constructing (~~(or operating a thermal)~~) a nuclear power plant under a site certification agreement issued pursuant to chapter 80.50 RCW shall appoint an administrative auditor. The administrative auditor shall be deemed an officer under chapter 42.23 RCW. The appointment of the administrative auditor shall be in addition to the appointment of the auditor for the issuance of warrants and other purposes as provided in RCW 43.52.375. The executive board shall retain a qualified firm or firms to conduct performance audits, including such engineering expertise as the executive board deems necessary, which is in fact independent and does not have any interest, direct or indirect, in any contract with the operating agency other than its employment hereunder. No member or employee of any such firm shall be connected with the operating agency as an officer, employee, or contractor. The administrative auditor and the firm or firms shall be independently and directly responsible to the executive board (~~(of directors)~~) of the operating agency. The executive board shall require a firm to conduct continuing audits of the methods, procedures and organization used by the operating agency to control costs, schedules, productivity, contract amendments, project design and any other topics deemed desirable by the executive board. The executive board may also require a firm to analyze particular technical aspects of the operating agency's projects and contract amendments. The firm or firms shall provide advice to the executive board in its management and control of the operating agency. At least once each year, the firm or firms shall prepare and furnish a report of its actions and recommendations to the executive board for the purpose of enabling it to attain

the highest degree of efficiency in the management and control of any thermal power project under construction or in operation. The administrative auditor shall assist the firm or firms in the performance of its duties. The administrative auditor and the firm or firms shall consult regularly with the executive board and furnish any information or data to the executive board which the administrative auditor, firm, or executive board deems helpful in accomplishing the purpose above stated. The administrative auditor shall perform such other duties as the executive board shall prescribe to accomplish the purposes of this section.

In addition to the powers and duties conferred by chapter 44.28 RCW, the legislative budget committee shall evaluate such management audits as to adequacy and effectiveness of procedure and shall consult with and make reports and recommendations to the executive board. The operating agency shall reimburse the legislative budget committee for all costs of furnishing such services.

The operating agency shall file a copy of each firm's reports, and the legislative budget committee shall file a copy of each of its reports or recommendations in a timely manner, prepared in accordance with this section, with the respective chairmen of the senate and house energy and utilities committees. Upon the concurrent request of the chairmen of the senate or house energy and utilities committees, the operating agency shall report to the committees on a quarterly basis.

NEW SECTION. Sec. 5. There is added to chapter 43.52 RCW a new section to read as follows:

Upon the concurrent request of the chairmen of the committees on energy and utilities of the senate and house of representatives, the executive board shall report to the committees on a semi-annual basis. The purpose will be to furnish reports on project schedules, budgets, progress, and other matters deemed relevant by the committees.

Passed the Senate April 28, 1981.

Passed the House April 28, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 4

[ENGROSSED SUBSTITUTE SENATE BILL NO. 3972] JOINT OPERATING AGENCIES—NUCLEAR PROJECT STUDY— APPROPRIATION

AN ACT Relating to joint operating agencies; creating new sections: making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature believes that the new authority granted in the 1981 amendment of RCW 43.52.250 and 43.52.3411 requires a prudent review of the status of those nuclear projects which are in the early stages of construction and financing on the effective date of this act. Therefore, the study prescribed in section 2 of this act is authorized, to examine project financing, estimate the amount necessary to finance, assess the need for financing the projects, as compared to cost-effective alternatives, and determine the electric rate impacts of the projects to be financed. The legislature directs that an independent study shall be made of the feasibility of completion and operation of the Washington Public Power Supply System (WPPSS) Nuclear Projects Nos. 4 and 5, which are the least advanced in construction of the five WPPSS projects.

NEW SECTION. Sec. 2. The study shall include, but not be limited to the following:

(1) Determine the need for WPPSS Nuclear Projects Nos. 4 and 5; estimate the average firm and interruptible electric energy demand over a ten-year period to include fiscal year 1988 in the Pacific Northwest region, as defined by Public Law 96-501; identify and quantify all resources that are expected to be available to meet such electric energy demand over a ten-year period to include fiscal year 1988 with and without WPPSS Nuclear Projects Nos. 4 and 5. Resources shall include conservation measures not yet implemented but which will be implemented by 1988. The study shall indicate the band of uncertainty associated with the estimates;

(2) Assess financing support of construction of WPPSS Nuclear Projects Nos. 4 and 5; evaluate whether money can be made available as needed to support plant construction; evaluate financing factors, including interest and inflation rates between now and expected completion of the plants, national monetary policy during this interval, and market reaction to WPPSS financing arrangements;

(3) The ultimate cost and schedule of WPPSS Nuclear Projects Nos. 4 and 5; estimate the expected completion dates, assuming financing will be available; estimate the total construction cost for completion (a) with no delays, (b) with a two-year deferral, and (c) with a ten-year deferral; include replacement power costs in deferral cases; identify the sum of all plant construction costs for WPPSS Nuclear Projects Nos. 4 and 5 as of March 31, 1982;

(4) The cost of power from WPPSS Nuclear Projects Nos. 4 and 5; estimate the cost of power to be produced by each plant throughout the predicted period of plant operation for each of the cases in subsection (3) of this section;

(5) The expected power rates; estimate average electric power rates in a representative group of participating utilities for the period specified in subsection (1) of this section in both actual and 1979 dollars, selected for variety in utility size and extent of participation in WPPSS Nuclear Projects

Nos. 4 and 5; perform this evaluation for each of the cases in subsection (3) of this section and identify the impact of outside power purchases occasioned by the deferrals;

(6) The outside market for WPPSS Nuclear Projects Nos. 4 and 5 power; evaluate the availability of out-of-region markets for any surplus energy; estimate the probable sales rates;

(7) The cost-effectiveness of alternatives to WPPSS Nuclear Projects Nos. 4 and 5; compare with WPPSS Nuclear Projects Nos. 4 and 5 the cost-effectiveness of reliable available alternatives, considering all life-cycle costs, timing of availability and options for disposition of uncompleted plants including consideration of appropriate cancellation and close-out charges and salvage value; and

(8) Analysis of the cost impact of a temporary power supply deficit as compared to a temporary power supply surplus.

NEW SECTION. Sec. 3. The legislature intends that the study described in section 2 of this act shall be managed and conducted by an independent research unit, recognized both for expertise in the evaluation of electric energy supply and demand in the Pacific Northwest, particularly the process of electric generation by nuclear fission, and for objectivity in past research. The joint Washington energy research center of the University of Washington and Washington State University shall conduct this study through its affiliate office of applied energy studies of Washington State University. A study director shall be appointed by Washington State University. The study director shall contract with nationally recognized expert and disinterested consultants as needed for expeditious completion of the study. WPPSS shall cooperate fully in providing necessary information and documents as required by the study director. The legislative budget committee shall monitor the fiscal administration of the study described in section 2 of this act and may require adherence to such fiscal practices as are appropriate to the needs of the state and the intent of this section and section 2 of this act.

NEW SECTION. Sec. 4. The study director shall consult with representatives who may be designated by WPPSS, the Pacific Northwest Utilities Conference Committee, the investor-owned utility which is part-owner of WPPSS Nuclear Project No. 5, and the direct service industries served by the Bonneville power administration during the development of the study analyses. These representatives shall provide liaison, information and other resources, and may arrange support services, as requested by the study director, to assist in the timely completion of the study. The study director shall not be limited, however, in his contact with these organizations to the representatives designated in this section: PROVIDED, That the study director shall give prior notice to the designated representative of any contact with the organization.

NEW SECTION. Sec. 5. The study required by section 2 of this act shall be conducted under the supervision of a steering committee. The steering committee shall be limited to no more than nine individuals, one of whom may be appointed by the WPPSS executive committee, one of whom may be appointed by the publicly-owned utilities participating in the projects, one of whom may be appointed by the investor-owned utility which is part-owner of WPPSS Nuclear Project No. 5, and the rest of whom shall be appointed jointly by the chairmen of the senate and house energy and utilities committees, and all of whom shall be experts in one or more fields related to energy, electric utilities, public works construction, business, or municipal finance.

Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

The supervisory functions of the steering committee shall be exercised and are limited as follows:

(1) Approve selection of consultants submitted by the study director by no later than July 10, 1981, or, for any consultant selected after July 10, 1981, within two weeks of the study director's notification of the selection to the steering committee. If the selection is not approved by the appropriate deadline, the legislative subcommittee created under section 6 of this act shall approve the selection;

(2) Receive and review a study plan to be prepared by the study director no later than June 15, 1981;

(3) Meet regularly with the study director, to receive progress reports;

(4) Suggest actions to preserve the study schedule established in the study plan and provide technical advice as appropriate in the development of the study analysis;

(5) Review and comment upon drafts of the study elements, as they are completed; and

(6) Evaluate study conduct and report to the 1982 regular session of the forty-seventh legislature regarding the professional quality of study analyses. The committee may include in its report an explanation of the differences and agreements between the assumptions and findings used and stated in the study report as compared to those assumptions and findings used and stated by the electric utility industry in the Pacific Northwest in planning power supply.

NEW SECTION. Sec. 6. (1) There is created to fulfill the purposes of this act a special legislative subcommittee of eight members to be appointed by the president of the senate and the speaker of the house of representatives from the members of the energy and utilities committees or their successors. The subcommittee shall include from each house:

(a) The chairman of the energy and utilities committee or the chairman's designee, and one other member of the majority caucus; and

(b) Two members of the minority caucus.

(2) The special legislative subcommittee shall:

- (a) Review the progress of the study under section 2 of this act;
- (b) Serve as a clearinghouse for any concerns expressed by the study director or by the steering committee created under section 5 of this act; and
- (c) Advise the study director.

NEW SECTION. Sec. 7. The study required by section 2 of this act is needed as expeditiously as possible and shall be completed by March 15, 1982. The study director shall report periodically upon the concurrent request of the chairmen of the subcommittee created under section 6 of this act regarding study progress and preliminary findings and shall provide a draft report to the legislature by January 31, 1982.

A full report of the findings and recommendations in the study shall be submitted by the office of applied energy studies of the Washington energy research center to the governor, the speaker of the house of representatives, the president of the senate, the chairmen of the energy and utilities committees of the senate and house of representatives, the managing director and the president of the board of directors of the Washington Public Power Supply System, and the governing body of each participant in the projects.

NEW SECTION. Sec. 8. There is hereby appropriated to Washington State University the sum of one million five hundred thousand dollars or so much thereof as is necessary for the 1981-1983 biennium from the state general fund to be used for the sole purpose of paying the costs of conducting the study under section 2 of this act.

NEW SECTION. Sec. 9. The Washington Public Power Supply System shall reimburse the state general fund in the amount of one million five hundred thousand dollars or so much thereof as is paid from the state general fund to Washington State University for the sole purpose of conducting the study which is the subject of section 2 of this act and such reimbursement shall be made to the state general fund upon completion of the study, but in no event later than June 30, 1982. The moneys reimbursed shall be considered part of the costs of construction of WPPSS Nuclear Projects Nos. 4 and 5.

Under no circumstances may any investor-owned utility which is part-owner of WPPSS Nuclear Projects Nos. 4 and 5 be required to pay more than a share of the cost of the study to be determined based on proportionate ownership of the projects.

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.

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.

Passed the Senate April 28, 1981.

Passed the House April 28, 1981.

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CHAPTER 5

[Reengrossed Substitute Senate Bill No. 3206]

LIQUOR CONTROL

AN ACT Relating to intoxicating liquor; amending section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 140, Laws of 1980 and RCW 66.04.010; amending section 71, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 6, Laws of 1961 ex. sess. and RCW 66.08.024; amending section 68, chapter 62, Laws of 1933 ex. sess. and RCW 66.08.080; amending section 56, chapter 62, Laws of 1933 ex. sess. and RCW 66.08.130; amending section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 166, chapter 151, Laws of 1979 and RCW 66.08.180; amending section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 217, chapter 158, Laws of 1979 and RCW 66.16.040; amending section 4, chapter 67, Laws of 1949 as last amended by section 4, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.20.190; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 33, chapter ... (SHB 101), Laws of 1981 and RCW 66.24.010; amending section 23-U added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 11, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.025; amending section 24-A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 2, chapter 204, Laws of 1973 1st ex. sess. and RCW 66.24.210; amending section 23-B added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.240; amending section 23-E added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.250; amending section 23-G added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.260; amending section 24, chapter 62, Laws of 1933 ex. sess. as amended by section 30, chapter 173, Laws of 1965 ex. sess. and RCW 66.24.290; amending section 2, chapter 263, Laws of 1957 as amended by section 1, chapter 112, Laws of 1969 ex. sess. and RCW 66.24.410; amending section 23-T added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 6, chapter 5, Laws of 1949 and RCW 66.24.450; amending section 1, chapter 55, Laws of 1967 as last amended by section 5, chapter 9, Laws of 1977 ex. sess. and RCW 66.24.490; amending section 52, chapter 62, Laws of 1933 ex. sess. as amended by section 7, chapter 174, Laws of 1935 and RCW 66.28.090; amending section 34, chapter 62, Laws of 1933 ex. sess. and RCW 66.44.100; amending section 93, chapter 62, Laws of 1933 ex. sess. as amended by section 16, chapter 174, Laws of 1935 and RCW 66.44.180; amending section 3, chapter 49, Laws of 1965 and RCW 66.44.292; amending section 36-A added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 245, Laws of 1943 and RCW 66.44.310; amending section 82.08.150, chapter 15, Laws of 1961 as last amended by section 1, chapter 204, Laws of 1973 1st ex. sess. and RCW 82.08.150; amending section 82.08.160, chapter 15, Laws of 1961 as amended by section 12, chapter 21, Laws of 1969 ex. sess. and RCW 82.08.160; amending section 23-D added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.140; amending section 23-A added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.150; amending section 1, chapter 13, Laws of 1970 ex. sess. and RCW 66.24.160; amending section 23-C added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 1, chapter 172, Laws of 1939 and RCW 66.24.170; amending section 23-K added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 2, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.200; amending section 9, chapter 21, Laws of

1969 ex. sess. and RCW 66.24.204; amending section 10, chapter 21, Laws of 1969 ex. sess. as amended by section 13, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.206; amending section 23-F added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 14, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.270; amending section 23-I added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.24.310; amending section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter 9, Laws of 1977 ex. sess. and RCW 66.24.320; amending section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 2, chapter 9, Laws of 1977 ex. sess. and RCW 66.24.330; amending section 23-O added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter ... (ESB 3057), Laws of 1981 and RCW 66.24.340; amending section 23-P added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 5, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.350; amending section 23-Q added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 6, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.360; amending section 23-R added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter ... (SSB 3060), Laws of 1981 and RCW 66.24.370; amending section 23-S added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 17, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.380; amending section 2, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.395; amending section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 87, Laws of 1979 and RCW 66.24.420; amending section 9, chapter 178, Laws of 1969 ex. sess. as amended by section 18, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.500; amending section 12, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.24.510; amending section 1, chapter 38, Laws of 1969 ex. sess. and RCW 66.44.340; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.44 RCW; creating a new section; repealing section 39, chapter 62, Law of 1933 ex. sess. and RCW 66.20.130; repealing section 53, chapter 62, Laws of 1933 ex. sess. and RCW 66.20.135; repealing section 54, chapter 62, Laws of 1933 ex. sess. and RCW 66.20.137; repealing section 35, chapter 62, Laws of 1933 ex. sess. and RCW 66.44.110; providing an effective date; and declaring an emergency.

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

Section 1. Section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 140, Laws of 1980 and RCW 66.04.010 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title any such

beverage, including ale, stout and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer."

(3) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

(4) "Board" means the liquor control board, constituted under this title.

(5) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(6) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(7) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(8) "Distiller" means a person engaged in the business of distilling spirits.

(9) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(10) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(11) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

(12) "Fund" means 'liquor revolving fund.'

(13) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(14) "Imprisonment" means confinement in the county jail.

(15) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not,

containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

(16) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(17) "Malt liquor" means beer, strong beer, ale, stout and porter.

(18) "Package" means any container or receptacle used for holding liquor.

(19) "Permit" means a permit for the purchase of liquor under this title.

(20) "Person" means an individual, copartnership, association, or corporation.

(21) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(22) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(23) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(24) "Regulations" means regulations made by the board under the powers conferred by this title.

(25) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(26) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

(27) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(28) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding ~~((seventeen))~~ twenty-four percent of alcohol by ~~((weight))~~ volume.

(29) "Store" means a state liquor store established under this title.

(30) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(31) "Vendor" means a person employed by the board as a store manager under this title.

(32) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(33) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(34) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than ~~((seventeen))~~ twenty-four percent of alcohol by ~~((weight))~~ volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding ~~((seventeen))~~ twenty-four percent of alcohol by ~~((weight))~~ volume.

(35) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(36) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

Sec. 2. Section 71, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 6, Laws of 1961 ex. sess. and RCW 66.08.024 are each amended to read as follows:

The state auditor shall audit the books, records, and affairs of the board annually: PROVIDED, That the total annual cost of such audit shall not exceed the sum of ~~((ten))~~ thirty thousand dollars. The board shall pay to the state treasurer for the credit of the state auditor, out of the liquor revolving fund, the sum of ~~((ten))~~ thirty thousand dollars a year, or so much thereof as is necessary, to defray the costs of such audits. The board may provide for additional audits by certified public accountants ~~((the total annual cost of which shall not exceed the sum of five thousand dollars))~~. All such audits shall be public records of the state. The payment of the audits

provided for in this section shall be paid as provided in RCW 66.08.026 for other administrative expenses.

Sec. 3. Section 68, chapter 62, Laws of 1933 ex. sess. and RCW 66.08-.080 are each amended to read as follows:

Except as provided by chapter 42.18 RCW, no member of the board and no employee of the board shall have any interest, directly or indirectly, in the manufacture of liquor or in any liquor sold under this title, or derive any profit or remuneration from the sale of liquor, other than the salary or wages payable to him in respect of his office or position, and shall receive no gratuity from any person in connection with such business.

Sec. 4. Section 56, chapter 62, Laws of 1933 ex. sess. and RCW 66.08-.130 are each amended to read as follows:

For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this title, the board, or any person appointed by it in writing for the purpose, may inspect the books and records of

- (1) any manufacturer;
- (2) any license holder;
- (3) any drug store holding a permit to sell on prescriptions;
- (4) the freight and express books and records and all waybills, bills of lading, receipts and documents in the possession of any common carrier doing business within the state, containing any information or record relating to any goods shipped or carried, or consigned or received for shipment or carriage within the state. Every manufacturer, license holder, drug store holding a permit to sell on prescriptions, and common carrier, and every owner or officer or employee of ((such common carrier)) the foregoing, who neglects or refuses to produce and submit for inspection any book, record or document referred to in this section when requested to do so by the board or by a person so appointed by it shall be guilty of a violation of this title.

NEW SECTION. Sec. 5. Marked increases in state and national consumption make it evident that our developing wine grape industry has a bright future. To help assure its success the legislature concludes that Washington State University should provide a sound research, extension, and resident instruction base for both wine grape production and the processing aspects of the wine industry.

Sec. 6. Section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 166, chapter 151, Laws of 1979 and RCW 66.08.180 are each amended to read as follows:

Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08-.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title: AND PROVIDED

FURTHER, That all license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees shall every three months be disbursed by the board to the University of Washington and to Washington State University for medical and biological research only, in such proportions as shall be determined by the board after consultation with the heads of said state institutions: AND PROVIDED FURTHER, That when the allocations in any biennium to the University of Washington and Washington State University shall amount to a total of one million dollars, the entire allocation for the remainder of the biennium shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085, as now or hereafter amended: AND PROVIDED FURTHER, That twenty percent of the total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370, as such sections are now or hereafter amended, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085, as now or hereafter amended: AND PROVIDED FURTHER, That one-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with section 7 of this 1981 act. The director of financial management shall prescribe suitable accounting procedure to insure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

NEW SECTION. Sec. 7. There is added to chapter 28B.30 RCW a new section to read as follows:

Revenues received from RCW 66.08.180 for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry by Washington State University shall be administered by the College of Agriculture. When formulating or changing plans for programs and research, the College of Agriculture shall confer with representatives of the Washington Wine Society.

Sec. 8. Section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 217, chapter 158, Laws of 1979 and RCW 66.16.040 are each amended to read as follows:

Except as otherwise provided by law, an employee in a state liquor store or agency may sell liquor to any person of legal age to purchase alcoholic beverages and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of ((his)) age, such person shall be required to present any one of the following officially issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

(1) Liquor control authority card of identification of any state or province of Canada.

(2) Driver's license, instruction permit or identification card of any state or province of Canada, or "identocard" issued by the Washington state department of licensing pursuant to RCW 46.20.117.

(3) United States active duty military identification.

(4) Passport.

(5) Merchant Marine identification card issued by the United States Coast Guard.

The board may adopt such regulations as it deems proper covering the acceptance of such cards of identification.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash.

Sec. 9. Section 4, chapter 67, Laws of 1949 as last amended by section 4, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.20.190 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee or store employee of such card of identification, the licensee or store employee who is still in doubt about the true age of the holder shall require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his card of identification thereon. Such statement shall be upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the licensee or store employee at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card shall be subject to examination by any peace officer or agent or employee of the board at all times. The certification card shall also contain in bold-face type ((~~an affidavit~~)) a statement stating that the signer understands that conviction for unlawful purchase of alcoholic beverages or misuse of the certification card may result in criminal penalties including imprisonment or fine or both.

Sec. 10. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 33, chapter ... (SHB 101), Laws of 1981 and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for

considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind may be issued to:

~~(a) ((A person who is not a citizen of the United States, except when the privilege is granted by treaty;~~

~~(b)))~~ (b)) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

~~((c) A person who has been convicted of a felony within five years prior to filing his application;~~

~~(d)))~~ (b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

~~((e)))~~ (c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

~~((f)))~~ (d) A corporation, unless ~~((all of the officers thereof are citizens of the United States))~~ it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may request the appointment of administrative law judges under chapter 34... RCW (sections 1 through 12 of ~~((this 1981 act))~~ chapter ... (SHB 101), Laws of 1981) who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees ~~((at the rate of four dollars per day, plus ten cents per mile each way))~~ and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.04.105, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by

contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

~~(5) (Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. PROVIDED, That the foregoing expiration date shall not apply to class A, B, C, D, or H licenses issued for premises located on the site of any world exposition approved by the Bureau of International Expositions held in this state, and such licenses shall be valid without renewal for a period of two hundred days from and including the opening day of such exposition, or from and including such earlier date specified by the applicant.))~~
The board shall assign to each business an expiration date for all licenses or certificates of approval covered by this title. Following the assignment, unless sooner canceled, every license or certificate of approval issued by the board shall expire at midnight of the last day of the month on the twelfth month subsequent to issue.

(a) Each business shall be assigned a license or certificate of approval expiration date according to the schedule following below in this subsection. Fees for such licenses or certificates of approval shall be charged at full annual rate as outlined in chapter 66.24 RCW. The board shall prorate license or certificate of approval fees as necessary to implement the reassignment of expiration dates and to maintain the date assignment of each.

(i) New applicants; last day of the month of approval and issuance.

(ii) Existing business; distributed evenly on a monthly basis throughout the year.

(iii) New businesses; expiration date shall be adjusted as required to conform to a date simultaneous to the majority of the applicant's business branches.

(iv) Supplemental license(s); shall expire on the same date as the master.

(b) The board will consider requests from applicants for exceptions to assigned renewal dates. Approval shall be at the discretion of the board.

(c) All applications shall be submitted with a full year's fee for the type of license or certificate of approval for which the type of application is intended.

(d) All licenses or certificates of approval presently issued and covered under this title unless sooner discontinued or canceled shall be assigned not later than July 1, 1983, a license expiration date.

(e) Licenses issued under the provisions of RCW 66.24.310, as now or hereafter amended, are excluded from provisions of this subsection and unless sooner canceled shall expire at midnight of the thirtieth day of June of the fiscal year for which issued.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the county legislative authority, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the county legislative authority or the official or employee(;) selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW, as now or hereafter amended. Upon the granting of a license under this title the board shall ~~((cause))~~ send a duplicate of the license ~~((to be transmitted))~~ or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions: **PROVIDED**, That the board shall issue no beer retailer license class A, B, ~~((or))~~ D, or E or wine retailer license class C or F or class H license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any church, parochial, or tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for license, unless the board shall receive written notice from an official representative or representatives of

the schools and/or churches within five hundred feet of said proposed licensed premises, indicating to the board that there is no objection to the issuance of such license because of proximity to a school or church. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

Sec. 11. Section 23-U added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 11, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.025 are each amended to read as follows:

(1) The holder of one or more licenses may assign and transfer the same to any qualified person under such rules and regulations as the board may prescribe: PROVIDED, HOWEVER, That no such assignment and transfer shall be made which will result in both a change of licensee and change of location; the fee for such assignment and transfer shall be ~~((thirty-five))~~ seventy-five dollars: PROVIDED, FURTHER, That no fee will be charged for transfer to the surviving spouse only of a deceased licensee if the parties were maintaining a marital community and the license was issued in the names of one or both of the parties.

(2) The proposed sale of more than ten percent of the outstanding and/or issued stock of a licensed corporation or any proposed change in the officers of a licensed corporation must be reported to the board, and board approval must be obtained before such changes are made. A fee of seventy-five dollars will be charged for the processing of such change of stock ownership and/or corporate officers.

Sec. 12. Section 24-A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 2, chapter 204, Laws of 1973 1st ex. sess. and RCW 66.24.210 are each amended to read as follows:

There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of ~~((seventy-five))~~ twenty and one-fourth cents per ~~((wine gallon))~~ liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such ~~((gallonage))~~ tax. The tax herein provided for may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on ~~((gallonage))~~ wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall ~~((report all sales to~~

~~the board~~) on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner ~~(,at such times)~~ and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel ~~(his)~~ the license until all taxes are paid.

Sec. 13. Section 23-B added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.240 are each amended to read as follows:

There shall be a license to brewers to manufacture malt liquors, fee per annum to be ~~((based on current fiscal year's production at the rate of fifty dollars per thousand barrels, with a minimum fee of two hundred fifty))~~ two thousand dollars, such license fee to be collected and paid under such rules and regulations as the board shall prescribe.

Sec. 14. Section 23-E added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.250 are each amended to read as follows:

There shall be a license to beer wholesalers to sell beer, manufactured within or without the state, to licensed wholesalers and/or to holders of beer retailer's licenses, and to export the same from the state; fee ~~((two hundred fifty))~~ five hundred dollars per annum for each distributing unit.

Sec. 15. Section 23-G added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.260 are each amended to read as follows:

(1) It shall be unlawful for any person, firm or corporation, to import beer into the state of Washington or to transport or cause the same to be transported into the state of Washington for sale therein, unless such person, firm or corporation, has obtained from the Washington state liquor control board and have in force a beer importer's license. The license fee for such beer importer's license shall be ~~((ten))~~ sixty dollars per annum;

(2) The beer importer's license herein provided for shall authorize the holder thereof to sell beer imported, or transported, or caused to be transported thereunder to licensed beer wholesalers within the state and to export the same from the state. Every person, firm or corporation, licensed as a beer importer, shall establish and maintain a principal office within the state, at which shall be kept proper records of all beer imported into the state, under his, their, or its license. No beer importer's license shall be granted to a nonresident of the state, nor to a corporation whose principal place of business is outside the state, until such applicant has established such principal office within the state as hereinbefore provided, and has designated a statutory agent within the state upon whom service can be made;

(3) Every beer importer's license issued under this title shall be subject to all conditions and restrictions imposed by this title, or by the rules and regulations of the board.

Sec. 16. Section 24, chapter 62, Laws of 1933 ex. sess. as amended by section 30, chapter 173, Laws of 1965 ex. sess. and RCW 66.24.290 are each amended to read as follows:

Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of ~~((one))~~ two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of ~~((one))~~ two dollars and ~~((fifty))~~ sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

The above tax shall not apply to "strong beer" as defined in this title.

Sec. 17. Section 2, chapter 263, Laws of 1957 as amended by section 1, chapter 112, Laws of 1969 ex. sess. and RCW 66.24.410 are each amended to read as follows:

(1) "Spirituous liquor," as used in RCW 66.24.400 to 66.24.470, as now or hereafter amended, inclusive, means "liquor" as defined in RCW 66.04.010(16), except "wine" and "beer" sold as such.

(2) "Restaurant" as used in RCW 66.24.400 to 66.24.470, as now or hereafter amended, inclusive, means an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: PROVIDED, That such establishments shall be approved by the board and that the board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders or such food and victuals as sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition.

(3) "Hotel," "clubs," "wine" and "beer" are used in RCW 66.24.400 to 66.24.470, as now or hereafter amended, inclusive, with the meaning given in chapter 66.04 RCW: PROVIDED, That any such hotel shall be provided with special space and accommodations where, in consideration of payment, food is habitually furnished to the public: PROVIDED FURTHER, That the board shall be satisfied that such hotel is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders, sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition.

Sec. 18. Section 23-T added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 6, chapter 5, Laws of 1949 and RCW 66.24.450 are each amended to read as follows:

No club shall be entitled to a class H license:

(1) ~~Unless such club ((had been in operation at least three years prior to December 2, 1948, or, the club, being thereafter formed, had))~~ has been in continuous operation for at least one year immediately prior to the date of its application for such license;

(2) Unless the club premises be constructed and equipped, conducted, managed, and operated to the satisfaction of the board and in accordance with this title and the regulations made thereunder;

(3) Unless the board shall have determined pursuant to any regulations made by it with respect to clubs, that such club is a bona fide club; it being the intent of this section that license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide club, where the sale of liquor is incidental to the main purposes of the club, as defined in RCW 66.04.010(5)((;

~~(4) Each club holding a club license under this section prior to its amendment by this act [1949 c 5 § 6] shall have a period of six months, from and after December 2, 1948, to apply for and obtain a class H license. From and after six months after December 2, 1948, each club license granted under this section prior to its amendment by this act [1949 c 5 § 6]~~

~~shall be null and void. The board shall reserve a sufficient number of class H licenses to license each club which has been in operation for one year prior to December 2, 1948: PROVIDED, That such club qualifies therefor under the provisions of this title).~~

Sec. 19. Section 1, chapter 55, Laws of 1967 as last amended by section 5, chapter 9, Laws of 1977 ex. sess. and RCW 66.24.490 are each amended to read as follows:

There shall be a retailer's license to be designated as a class I license; this shall be a special occasion license to be issued to the holder of a class H license to extend his privilege of selling and serving spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, to members and guests of a society or organization on special occasions at a specified date and place when such special occasions of such groups are held on premises other than ~~((a)) the class H licensed premises and for consumption on the premises of such outside location.~~ The holder of such special occasion license shall be allowed to remove from his liquor stocks at his licensed class H premises, liquor for sale and service at such special occasion locations: ~~PROVIDED, ((That such special license shall be issued only when the facilities of class H licensees in the particular city or county are not suitable and adequate to accommodate the number of persons attending such special occasion: AND PROVIDED FURTHER,))~~ That the Washington state liquor control board may issue banquet permits when such groups prefer to provide their own liquor under such a permit rather than avail themselves of sale and service of liquor by the holder of a class I license. Such special class I license shall be issued for a specified date and place and upon payment of a fee of twenty-five dollars per day.

Sec. 20. Section 52, chapter 62, Laws of 1933 ex. sess. as amended by section 7, chapter 174, Laws of 1935 and RCW 66.28.090 are each amended to read follows:

(1) All licensed premises used in the manufacture, storage, or sale of liquor, or any premises or parts of premises used or in any way connected, physically or otherwise, with the licensed business, and/or any premises where a banquet permit has been granted, shall at all times be open to inspection by any liquor enforcement officer, inspector or peace officer.

(2) Every person, being on any such premises and having charge thereof, who refuses or fails to admit ~~((a)) a liquor enforcement officer,~~ inspector or peace officer demanding to enter therein in pursuance of this section in the execution of his/her duty, or who obstructs or attempts to obstruct the entry of such liquor enforcement officer, inspector or officer of the peace, or who refuses to allow a liquor enforcement officer, and/or an inspector to examine the books of the licensee, or who refuses or neglects to make any return required by this title or the regulations, shall be guilty of a violation of this title.

Sec. 21. Section 34, chapter 62, Laws of 1933 ex. sess. and RCW 66.44.100 are each amended to read as follows:

Except as permitted by this title, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a misdemeanor, and on conviction therefor shall be fined not more than ~~((ten))~~ one hundred dollars.

Sec. 22. Section 93, chapter 62, Laws of 1933 ex. sess. as amended by section 16, chapter 174, Laws of 1935 and RCW 66.44.180 are each amended to read as follows:

Every person guilty of a violation of this title for which no penalty has been specifically provided shall be liable, on conviction, for a first offense to a penalty of not more than ~~((three))~~ five hundred dollars, or to imprisonment for not more than two months, ~~((with or without hard labor,))~~ or both; for a second offense to imprisonment for not more than six months ~~((; with or without hard labor))~~; and for a third or subsequent offense to imprisonment for not more than one year ~~((; with or without hard labor))~~. If the offender convicted of an offense referred to in this section is a corporation, it shall for a first offense be liable to a penalty of not more than ~~((two))~~ five thousand dollars, and for a second or subsequent offense to a penalty of not more than ~~((three))~~ ten thousand dollars, or to forfeiture of its corporate license, or both.

Every justice of the peace and magistrate shall have concurrent jurisdiction with superior court judges of the state of Washington of all violations of the provisions of this title and may impose any punishment provided therefor.

Sec. 23. Section 3, chapter 49, Laws of 1965 and RCW 66.44.292 are each amended to read as follows:

The Washington state liquor control board shall furnish ~~((a certified transcript))~~ notification of any hearing or hearings held, wherein any licensee or his employee is found to have sold liquor to a minor, to the prosecuting attorney of the county in which the sale took place, upon which the prosecuting attorney may formulate charges against said minor or minors for such violation of ~~((this act))~~ RCW 66.44.290 as may appear. ~~((The transcript shall not be admissible in evidence at the trial upon any such charges, except to impeach or contradict the testimony of a witness.))~~

Sec. 24. Section 36-A added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 245, Laws of 1943 and RCW 66.44.310 are each amended to read as follows:

(1) Except as otherwise provided by RCW 66.44.316 and 66.44.350, it shall be a misdemeanor,

(a) To serve or allow to remain on the premises of any tavern, or cocktail lounge portion of any class H licensed premises, any person under the age of twenty-one years;

(b) For any person under the age of twenty-one years to enter or remain on the premises of any tavern, or cocktail lounge portion of any public class H licensed premises;

(c) For any person under the age of twenty-one years to represent his age as being twenty-one or more years for the purpose of securing admission to, or remaining on the premises of, any tavern or cocktail lounge portion of any class H licensed premises.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify the various licensees, as taverns or otherwise, within the meaning of this title, except bona fide restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public.

Sec. 25. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 1, chapter 204, Laws of 1973 1st ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of ~~((ten))~~ fifteen percent of the selling price~~(, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04 RCW, any sale for resale to the holder of a class C, class F, class H or combined class C and class F license issued by the Washington state liquor control board)).~~ The tax imposed in this subsection shall apply to all such sales ~~((of spirits, or strong beer))~~ including sales by the Washington state liquor stores and agencies, ~~((including))~~ but excluding sales to class H licensees. ~~((The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this section.))~~

(2) There is levied and shall be collected ~~((from and after the first day of April, 1959, an additional))~~ a tax upon each ~~((retail))~~ sale of spirits, or strong beer in the original package at the rate of ~~((five))~~ ten percent of the selling price~~(, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04 RCW. The additional tax imposed in this paragraph shall apply to the sale of spirits, or strong beer by the))~~ on sales by Washington state liquor stores and agencies~~(, excluding sales))~~ to class H licensees. ~~((The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this paragraph.))~~

(3) There is levied and shall be collected ~~((from and after the first day of July, 1971,))~~ an additional tax upon each retail sale of spirits in the original package at the rate of ~~((four cents per fluid ounce or fraction thereof contained in such original package, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04~~

~~RCW)) one dollar and seventy-two cents per liter. The additional tax imposed in this ((paragraph)) subsection shall apply to ((the sale of spirits)) all such sales including sales by ((the)) Washington state liquor stores and agencies, and including sales to class H licensees. ((The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph. On or before the twenty-fifth day of each month beginning with the month of July, 1961, the Washington state liquor control board shall remit to the state department of revenue, to be deposited with the state treasurer, all moneys collected by it under this paragraph during the preceding month on sales made and subject to this paragraph. Upon receipt of such moneys the state treasurer shall deposit them in the state general fund and the provisions of RCW 82.08.160 and 82.08.170, and the provisions of chapter 66.08 RCW relating to deposits, apportionment and distribution, shall have no application to the collections under this paragraph.))~~

(4) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

(5) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

(6) As used in this section, the terms, "spirits," ("wine,") "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 26. Section 82.08.160, chapter 15, Laws of 1961 as amended by section 12, chapter 21, Laws of 1969 ex. sess. and RCW 82.08.160 are each amended to read as follows:

~~((+)) On or before the ((fifteenth)) twenty-fifth day of each month ((beginning with the month of June, 1955, the Washington state liquor control board)), all taxes collected under RCW 82.08.150 during the preceding month shall ((remit)) be remitted to the state department of revenue, to be deposited with the state treasurer((; all moneys collected by it under this chapter during the preceding month on sales made in state liquor stores and agencies)). Upon receipt of such moneys the state treasurer shall credit sixty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) and one hundred percent of the sums collected and remitted under RCW 82.08.150(3) to the state general fund and thirty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) to a fund which is hereby created to be known as the "liquor excise tax fund."~~

~~((2) On or before the fifteenth day of each month beginning with the month of August, 1969, all moneys collected during the preceding month on sales of wine, other than that collected by the Washington state liquor control board, pursuant to subsection (1) of RCW 82.08.150, as now or hereafter amended, shall be deposited with the state treasurer and credited by him as follows: Sixty percent of the sums so deposited shall be credited to the state general fund and forty percent of the sums so deposited shall be credited to the liquor excise tax fund.))~~

NEW SECTION. Sec. 27. There is added to chapter 62, Laws of 1933 ex. sess. and to chapter 66.44 RCW a new section to read as follows:

No person shall knowingly or wilfully resist or oppose any state, county, or municipal peace officer, or liquor enforcement officer, in the discharge of his/her duties under Title 66 RCW, or aid and abet such resistance or opposition. Any person who violates this section shall be guilty of a violation of this title and subject to arrest by any such officer.

Sec. 28. Section 23-D added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.140 are each amended to read as follows:

There shall be a license to distillers, including blending, rectifying and bottling; fee ~~((one))~~ two thousand dollars per annum: **PROVIDED**, That the board shall license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of ~~((ten))~~ twenty dollars per annum: **PROVIDED**, **FURTHER**, That the board shall license stills used and to be used solely and only for laboratory purposes in any school, college or educational institution in the state, without fee: **PROVIDED**, **FURTHER**, That the board shall license stills which shall have been duly licensed as fruit and/or wine distilleries by the federal government, used and to be used solely as fruit and/or wine distilleries in the production of fruit brandy and wine spirits, at a fee of ~~((fifty))~~ two hundred dollars per annum.

Sec. 29. Section 23-A added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.150 are each amended to read as follows:

There shall be a license to manufacturers of liquor, including all kinds of manufacturers except those licensed as distillers, brewers, wineries, and domestic wineries, authorizing such licensees to manufacture, import, sell, and export liquor from the state; fee ~~((two hundred fifty))~~ five hundred dollars per annum.

Sec. 30. Section 1, chapter 13, Laws of 1970 ex. sess. and RCW 66.24.160 are each amended to read as follows:

A liquor importer's license may be issued to any qualified person, firm or corporation, entitling the holder thereof to import into the state any liquor other than beer or wine; to store the same within the state, and to sell

and export the same from the state; fee (~~((three))~~) six hundred dollars per annum. Such liquor importer's license shall be subject to all conditions and restrictions imposed by this title or by the rules and regulations of the board, and shall be issued only upon such terms and conditions as may be imposed by the board. No liquor importer's license shall be required in sales to the Washington state liquor control board.

Sec. 31. Section 23-C added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 1, chapter 172, Laws of 1939 and RCW 66.24.170 are each amended to read as follows:

~~((†))~~ There shall be a license to domestic wineries; fee to be computed only on the ~~((gallonage))~~ liters manufactured: ~~((Twenty-five))~~ One hundred ~~((gallons))~~ thousand liters or less per year, ~~((fifteen))~~ one hundred dollars per year; ~~((over twenty-five hundred gallons to ten thousand gallons per year, thirty dollars per year; over ten thousand gallons to twenty-five thousand gallons per year, fifty dollars per year;))~~ over ~~((twenty-five))~~ one hundred thousand ~~((gallons))~~ liters to seven hundred fifty thousand ~~((gallons))~~ liters per year, ~~((seventy-five))~~ four hundred dollars per year; ~~((over fifty thousand gallons to one hundred thousand gallons per year, one hundred and twenty-five dollars per year; over one hundred thousand gallons to two hundred thousand gallons per year, two hundred dollars per year;))~~ and over ~~((two hundred))~~ seven hundred fifty thousand ~~((gallons to five hundred thousand gallons))~~ liters per year, ~~((two hundred and fifty))~~ eight hundred dollars per year ~~((; for each five hundred thousand gallons or fraction thereof over five hundred thousand gallons, an additional one hundred and fifty dollars per year))~~.

Any applicant for a domestic winery license shall, at the time of filing application for license, accompany such application with a license fee based upon a reasonable estimate of the amount of wine ~~((gallonage))~~ liters to be manufactured by such applicant. Persons holding domestic winery licenses shall report annually at the end of each fiscal year, at such time and in such manner as the board may prescribe, the amount of wine manufactured by them during the fiscal year. If the total amount of wine manufactured during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall pay such additional license fee as may be unpaid in accordance with the schedule provided in this section.

~~((2))~~ There shall be a license to wineries, other than domestic wineries; fee to be computed and paid upon the same basis and subject to the same requirements as domestic wineries:)

Sec. 32. Section 23-K added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 2, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.200 are each amended to read as follows:

There shall be a license to wine wholesalers to sell wine, manufactured within or without the state, to licensed wholesalers and/or to holders of

wine retailer's licenses and to export the same from the state; fee ((two hundred fifty)) five hundred dollars per annum for each distributing unit.

Sec. 33. Section 9, chapter 21, Laws of 1969 ex. sess. and RCW 66.24-.204 are each amended to read as follows:

(1) It shall be unlawful for any person, firm or corporation, to import wine into the state of Washington or to transport or cause the same to be transported into the state of Washington for sale therein, unless such person, firm or corporation, has obtained from the Washington state liquor control board and have in force a wine importer's license. The license fee for such wine importer's license shall be ((thirty)) sixty dollars per annum;

(2) The wine importer's license herein provided for shall authorize the holder thereof to sell wine imported, or transported, or caused to be transported thereunder to licensed wine wholesalers within the state and to export the same from the state. Every person, firm or corporation, licensed as a wine importer, shall establish and maintain a principal office within the state, at which shall be kept proper records of all wine imported into the state, under his, their, or its license. No wine importer's license shall be granted to a nonresident of the state, nor to a corporation whose principal place of business is outside the state, until such applicant has established such principal office within the state as hereinbefore provided, and has designated a statutory agent within the state upon whom service can be made;

(3) Every wine importer's license issued under this title shall be subject to all conditions and restrictions imposed by this title, or by the rules and regulations of the board.

Sec. 34. Section 10, chapter 21, Laws of 1969 ex. sess. as amended by section 13, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.206 are each amended to read as follows:

No wine wholesaler nor wine importer shall purchase any wine not manufactured within the state of Washington by a winery holding a license as a manufacturer of wine from the state of Washington, and/or transport or cause the same to be transported into the state of Washington for resale therein, unless the winery or manufacturer of such wine, or the licensed importer of wine produced outside the United States, has obtained from the Washington state liquor control board a certificate of approval, as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such winery, manufacturer, or licensed importer of wine produced outside the United States, shall have made a written agreement with the board to furnish to the board, on or before the ((tenth)) twentieth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of wine sold or delivered to each licensed wine importer, or imported by the licensed importer of wine produced outside the United States, during the preceding month, and shall further have agreed with the board, that such wineries, manufacturers, or

licensed importers of wine produced outside the United States, and all general sales corporations or agencies maintained by them, and all of their trade representatives and agents, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such winery, manufacturer, or licensed importer of wine produced outside the United States, shall, after obtaining such certificate, fail to submit such report, or if such winery, manufacturer, or licensed importer of wine produced outside the United States, or general sales corporations or agencies maintained by them, or their trade representatives or agents, shall violate the terms of such agreement, the board shall, in its discretion, suspend or revoke such certificate: PROVIDED, HOWEVER, That such certificates of approval shall ~~((be issued))~~ only ~~((for))~~ authorize the holder thereof to ship or import into the state of Washington specifically named designated and identified types of wine which conform to the provisions of RCW 66.28.110 and for which the liquor control board has issued a certificate of label approval. The Washington state liquor control board shall not certify wines labeled with names which may be confused with other nonalcoholic beverages, whether manufactured or produced from a domestic winery or imported, nor wines which fail to meet quality standards established by the board.

The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be ~~((fifty))~~ one hundred dollars per annum, which sum shall accompany the application for such certificate.

Sec. 35. Section 23-F added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 14, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.270 are each amended to read as follows:

(1) Every person, firm or corporation, holding a license to manufacture malt liquors within the state of Washington, shall, on or before the ~~((tenth))~~ twentieth day of each month, furnish to the Washington state liquor control board, on a form to be prescribed by the board, a statement showing the quantity of malt liquors sold for resale during the preceding calendar month to each beer wholesaler within the state of Washington;

(2) No beer wholesaler nor beer importer shall purchase any beer not manufactured within the state of Washington by a brewer holding a license as a manufacturer of malt liquors from the state of Washington, and/or transport or cause the same to be transported into the state of Washington for resale therein, unless the brewer or manufacturer of such beer or the licensed importer of beer produced outside the United States has obtained from the Washington state liquor control board a certificate of approval, as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall

have made a written agreement with the board to furnish to the board, on or before the ((~~tenth~~)) twentieth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of beer sold or delivered to each licensed beer importer or imported by the licensed importer of beer produced outside the United States during the preceding month, and shall further have agreed with the board, that such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States and all general sales corporations or agencies maintained by such brewers or manufacturers or importers, and all trade representatives or agents of such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States, and of such general sales corporations and agencies, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall, after obtaining such certificate, fail to submit such report, or if such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States or general sales corporation or agency maintained by such brewers or manufacturers or importers, or any representative or agent thereof, shall violate the terms of such agreement, the board shall, in its discretion, suspend or revoke such certificate;

(3) The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be ((~~fifty~~)) one hundred dollars per annum, which sum shall accompany the application for such certificate.

Sec. 36. Section 23-I added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.24.310 are each amended to read as follows:

(1) No person shall canvass for, solicit, receive, or take orders for the purchase or sale of liquor, nor contact any licensees of the board in goodwill activities, unless such person shall be the accredited representative of a person, firm, or corporation holding a certificate of approval issued pursuant to RCW 66.24.270 or 66.24.206, a beer wholesaler's license, a brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine wholesaler's license within the state of Washington, or the accredited representative of a distiller, manufacturer, importer, or distributor of spiritous liquor, or foreign produced beer or wine, and shall have applied for and received an agent's license: PROVIDED, HOWEVER, That the provisions of this section shall not apply to drivers who deliver beer or wine;

(2) Every agent's license issued under this title shall be subject to all conditions and restrictions imposed by this title or by the rules and regulations of the board; the board, for the purpose of maintaining an orderly

market, may limit the number of agent's licenses issued for representation of specific classes of eligible employers;

(3) Every application for an agent's license must be approved by a holder of a certificate of approval issued pursuant to RCW 66.24.270 or 66.24.206, a licensed beer wholesaler, a licensed brewer, a licensed beer importer, a licensed domestic winery, a licensed wine importer, a licensed wine wholesaler, or by a distiller, manufacturer, importer, or distributor of spiritous liquor, or foreign produced beer or wine, as the rules and regulations of the board shall require;

(4) The fee for an agent's license shall be ~~((fifteen))~~ twenty-five dollars per annum;

(5) An accredited representative of a distiller, manufacturer, importer, or distributor of spiritous liquor may, after he has applied for and received an agent's license, contact retail licensees of the board only in goodwill activities pertaining to spiritous liquor products.

Sec. 37. Section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter 9, Laws of 1977 ex. sess. and RCW 66.24.320 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class A license to sell beer at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to hotels, restaurants, drug stores or soda fountains, dining places on boats and airplanes, to clubs, and at sports arenas or race tracks during recognized professional athletic events. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

~~((Cities and towns of less than 10,000; fee \$62.50;
 Cities and towns of 10,000 and less than 100,000; fee \$125.00;
 Cities and towns of 100,000 or over; fee \$187.50;))~~

| <u>Cities and towns</u> | <u>Fee</u> |
|-------------------------|--------------|
| <u>Less than 20,000</u> | <u>\$150</u> |
| <u>20,000 or over</u> | <u>\$300</u> |

The annual fee for such license, if issued outside of cities and towns, shall be ~~((sixty-two))~~ one hundred fifty dollars ~~((and fifty cents))~~: PROVIDED, HOWEVER, That ~~((where dancing is permitted on the premises, the fee shall be one hundred eighty-seven dollars and fifty cents;))~~ the annual license fee for such license, if issued to dining places on vessels not exceeding one thousand gross tons, plying on inland waters of the state of

Washington on regular schedules, shall be ~~((sixty-two))~~ one hundred fifty dollars ~~((and fifty cents))~~.

Sec. 38. Section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 2, chapter 9, Laws of 1977 ex. sess. and RCW 66.24.330 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class B license to sell beer at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to a person operating a tavern. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

~~((Cities and towns of less than 10,000; fee \$62.50;
 Cities and towns of 10,000 and less than 100,000; fee \$125.00;
 Cities and towns of 100,000 or over; fee \$187.50;))~~

| | |
|-------------------------|--------------|
| <u>Cities and towns</u> | <u>Fees</u> |
| <u>Less than 20,000</u> | <u>\$150</u> |
| <u>20,000 or over</u> | <u>\$300</u> |

The annual fee for such license, if issued outside of cities and towns, shall be ~~((sixty-two))~~ one hundred fifty dollars ~~((and fifty cents: PROVIDED, HOWEVER, That where dancing is permitted on the premises, the fee shall be one hundred eighty-seven dollars and fifty cents))~~.

Sec. 39. Section 23-O added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter ... (ESB 3057), Laws of 1981 and RCW 66.24.340 are each amended to read as follows:

There shall be a wine retailer's license to be designated as a class C license to sell wine at retail, for consumption on the premises only: PROVIDED, That a patron of a hotel, restaurant, or club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine which was purchased for consumption with a meal; such license to be issued to hotels, restaurants, dining places on boats and airplanes, clubs, and to taverns. The annual fee for said license, when issued in cities and towns, shall be graduated according to the population thereof as follows:

~~((Cities and towns of less than 10,000; fee \$47.00;
 Cities and towns of 10,000 and less than 100,000; fee \$93.75;
 Cities and towns of 100,000 or over; fee \$140.50;))~~

| | |
|-------------------------|-------------|
| <u>Cities and towns</u> | <u>Fees</u> |
|-------------------------|-------------|

| | |
|-------------------------|--------------|
| <u>Less than 20,000</u> | <u>\$150</u> |
| <u>20,000 or over</u> | <u>\$300</u> |

The annual fee, when issued outside of the limits of cities and towns, shall be ~~((forty-seven))~~ one hundred fifty dollars: PROVIDED, HOWEVER, That ~~((where dancing is permitted on the premises, the fee shall be one hundred forty dollars and fifty cents;))~~ the annual license fee for such license, if issued to dining places on vessels not exceeding one thousand gross tons plying only on inland waters of the state of Washington on regular schedules, shall be ~~((forty-seven))~~ one hundred fifty dollars.

Sec. 40. Section 23-P added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 5, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.350 are each amended to read as follows:

There shall be a beer retailer's license to be designated as class D license to sell pasteurized beer by the opened bottle at retail, for consumption upon the premises only, such license to be issued to hotels, restaurants, dining places on boats and aeroplanes, clubs, drug stores, or soda fountains, and such other places where the sale of beer is not the principal business conducted; fee ~~((sixty-two))~~ one hundred twenty-five dollars ~~((and fifty cents))~~ per annum.

Sec. 41. Section 23-Q added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 6, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.360 are each amended to read as follows:

There shall be a beer retailer's license to be designated as class E license to sell pasteurized beer at retail in bottles and original packages, not to be consumed upon the premises where sold, at any store other than the state liquor stores; fee ~~((thirty-one))~~ seventy-five dollars ~~((and twenty-five cents))~~ per annum for each store: PROVIDED, That a holder of a class A or a class B license shall be entitled to the privileges permitted in this section by paying an annual fee of ~~((twelve))~~ twenty-five dollars ~~((and fifty cents))~~ for each store.

Sec. 42. Section 23-R added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter ... (SSB 3060), Laws of 1981 and RCW 66.24.370 are each amended to read as follows:

There shall be a wine retailer's license to be designated as class F license to sell wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores: PROVIDED, Such licensee shall pay to the state liquor stores for wines purchased from such stores the current retail price; fee ~~((forty-three))~~ seventy-five dollars ~~((and seventy-five cents))~~ per annum: PROVIDED, FURTHER, That a holder of a class A or class B license shall be entitled to the

privileges permitted in this section by paying an annual fee of ~~((twelve))~~ twenty-five dollars ~~((and fifty cents))~~ for each store.

Licenses under this section whose business is primarily the sale of wine at retail may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion.

Sec. 43. Section 23-S added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 17, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.380 are each amended to read as follows:

There shall be a beer retailer's license to be designated as class G; a special license to a society or organization to sell beer at picnics or other special occasions at a specified date and place; fee ~~((ten))~~ twenty dollars per day. Sale, service, and consumption of beer is to be confined to specified premises or designated areas only.

Sec. 44. Section 2, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.395 are each amended to read as follows:

(1) (a) There shall be a license that may be issued to corporations, associations, or persons operating as federally licensed commercial common passenger carriers engaged in interstate commerce, in or over territorial limits of the state of Washington on passenger trains, vessels, or airplanes. Such license shall permit the sale of spirituous liquor, wine, and beer at retail for passenger consumption within the state upon one such train passenger car, vessel, or airplane, while in or over the territorial limits of the state. Such license shall include the privilege of transporting into and storing within the state such liquor for subsequent retail sale to passengers in passenger train cars, vessels or airplanes. The fees for such master license shall be ~~((six hundred))~~ seven hundred fifty dollars per annum (class CCI-1): PROVIDED, That where the sale and/or service of alcoholic beverages by such federally licensed common passenger carrier does not include spirituous liquor, the fee shall be two hundred fifty dollars per annum (class CCI-2): PROVIDED, FURTHER, That upon payment of an additional sum of five dollars per annum per car, or vessel, or airplane, the privileges authorized by such license classes shall extend to additional cars, or vessels, or airplanes operated by the same licensee within the state, and a duplicate license for each additional car, or vessel, or airplane shall be issued: PROVIDED, FURTHER, That such licensee may make such sales and/or service upon cars, or vessels, or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED, FURTHER, That such license shall be valid only while such cars, or vessels, or airplanes are actively operated as common carriers for hire in interstate commerce and not while they are out of such common carrier service.

(b) Alcoholic beverages sold and/or served for consumption by such interstate common carriers while within or over the territorial limits of this state shall be subject to such board markup and state liquor taxes in an

amount to approximate the revenue that would have been realized from such markup and taxes had the alcoholic beverages been purchased in Washington: PROVIDED, That the board's markup shall be applied on spirituous liquor only. Such common carriers shall report such sales and/or service and pay such markup and taxes in accordance with procedures prescribed by the board.

(2) Where such an interstate federally licensed common carrier does not sell spirituous liquor, wine, or beer at retail for passenger consumption while within or over the territorial limits of this state, but the business operation of the interstate common carrier requires the bringing in and storing of liquor within the state the license fee shall be ~~((four))~~ five hundred dollars per annum (class CCI-3): PROVIDED, That where such transporting and/or storage of alcoholic beverages by such common carrier does not include spirituous liquor, the license fee shall be one hundred twenty-five dollars per annum (class CCI-4).

(3) Alcoholic beverages sold and delivered in this state to interstate common carriers for use under the provisions of this section shall be considered exported from the state, subject to the conditions provided in subsection (1)(b). The storage facilities for liquor within the state by common carriers licensed under this section shall be subject to written approval by the board.

Sec. 45. Section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 87, Laws of 1979 and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be ~~((three hundred thirty))~~ seven hundred dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

~~((Incorporated cities and towns of less than 10,000 population; fee \$550.00;~~

~~Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;~~

~~Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.))~~

| | |
|-------------------------|----------------|
| <u>Incorporated</u> | |
| <u>Cities and towns</u> | |
| <u>Less than 20,000</u> | <u>Fees</u> |
| <u>20,000 or over</u> | <u>\$1,200</u> |
| | <u>\$2,000</u> |

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: ~~((one thousand one~~

hundred)) Two thousand dollars; this fee shall be prorated according to the calendar ((~~months~~) quarters, or ((~~major~~) portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: **PROVIDED**, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: **PROVIDED, FURTHER**, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: **PROVIDED**, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: **PROVIDED FURTHER**, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property at the discretion of the board and a duplicate license may be issued for each additional place: **PROVIDED**, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the

master license and the duplicate license: PROVIDED FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board, not including those class H licenses issued to clubs, shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community.

Sec. 46. Section 9, chapter 178, Laws of 1969 ex. sess. as amended by section 18, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.500 are each amended to read as follows:

There shall be a wine retailer's license to be designated as class J; a special license to a society or organization to sell wine at special occasions at a specified date and place; fee ~~((ten))~~ twenty dollars per day. Sale, service, and consumption of wine is to be confined to specified premises or designated areas only.

Sec. 47. Section 12, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.24.510 are each amended to read as follows:

There shall be a spirituous liquor retailer's license to be designated as class K; a special license to a nonprofit organization to sell spirituous liquor as defined in RCW 66.24.410 by the glass, including mixed drinks and cocktails compounded or mixed on the premises only, to their members and invited guests at special occasions at a specified date and place when said special occasion is not open to the general public; fee ~~((twenty-five))~~ thirty-five dollars per day. Sale, service, and consumption of spirituous liquor is to be confined to specified premises or designated areas only. Spirituous liquor so sold shall be purchased at a state liquor store or agency without discount

at retail prices including all taxes. No more than two such licenses may be issued to any one nonprofit organization during a calendar year.

Sec. 48. Section 1, chapter 38, Laws of 1969 ex. sess. and RCW 66.44-.340 are each amended to read as follows:

Employers holding class E and/or F licenses exclusively are permitted to allow their employees, between the ages of eighteen and twenty-one years, to sell beer or wine in, on or about any establishment holding a class E and/or class F license exclusively: PROVIDED, That there is ((direct supervision by)) an adult twenty-one years of age or older ((in an adjacent check stand)) on duty supervising the sale of liquor at the licensed premises: PROVIDED, That minor employees may make deliveries of beer and/or wine purchased from licensees holding class E and/or class F licenses exclusively, when delivery is made to cars of customers adjacent to such licensed premises but only, however, when the minor employee is accompanied by the purchaser.

NEW SECTION. Sec. 49. The following acts or parts of acts are each hereby repealed:

- (1) Section 39, chapter 62, Law of 1933 ex. sess. and RCW 66.20.130;
 - (2) Section 53, chapter 62, Laws of 1933 ex. sess. and RCW 66.20.135;
 - (3) Section 54, chapter 62, Laws of 1933 ex. sess. and RCW 66.20.137;
- and
- (4) Section 35, chapter 62, Laws of 1933 ex. sess. and RCW 66.44.110.

NEW SECTION. Sec. 50. 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. 51. 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, 1981.

Passed the Senate April 28, 1981.

Passed the House April 28, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 6

[Reengrossed Substitute Senate Bill No. 4299]
SOCIAL AND HEALTH SERVICES

AN ACT Relating to social and health services; reenacting and amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 8, Laws of 1981 and RCW 74.04.005; amending section 74.04.015, chapter 26, Laws of 1959 as last amended by section 2, chapter 8, Laws of 1981 and RCW 74.04.015; amending section 74.04.050, chapter 26, Laws of 1959 as last amended by section 3, chapter 8, Laws of 1981 and

RCW 74.04.050; amending section 74.04.200, chapter 26, Laws of 1959 as last amended by section 4, chapter 8, Laws of 1981 and RCW 74.04.200; amending section 6, chapter 172, Laws of 1969 ex. sess. as amended by section 5, chapter 8, Laws of 1981 and RCW 74.04.510; amending section 3, chapter 10, Laws of 1973 2nd ex. sess. as amended by section 6, chapter 8, Laws of 1981 and RCW 74.04.620; amending section 6, chapter 10, Laws of 1973 2nd ex. sess. as amended by section 7, chapter 8, Laws of 1981 and RCW 74.04.650; amending section 74.08.025, chapter 26, Laws of 1959 as last amended by section 8, chapter 8, Laws of 1981 and RCW 74.08.025; amending section 10, chapter 172, Laws of 1969 ex. sess. as amended by section 11, chapter 8, Laws of 1981 and RCW 74.08.043; amending section 74.08.060, chapter 26, Laws of 1959 as amended by section 6, chapter 173, Laws of 1969 ex. sess. and RCW 74.08.060; amending section 74.08.070, chapter 26, Laws of 1959 as last amended by section 1, chapter 92, Laws of 1979 ex. sess. and RCW 74.08.070; amending section 74.08.120, chapter 26, Laws of 1959 as last amended by section 12, chapter 8, Laws of 1981 and RCW 74.08.120; amending section 74.09.010, chapter 26, Laws of 1959 as last amended by section 17, chapter 8, Laws of 1981 and RCW 74.09.010; amending section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 19, chapter 8, Laws of 1981 and RCW 74.09.510; amending section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 20, chapter 8, Laws of 1981 and RCW 74.09.520; amending section 74.12.010, chapter 26, Laws of 1959 as last amended by section 21, chapter 8, Laws of 1981 and RCW 74.12.010; amending section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.070; amending section 8, chapter 122, Laws of 1973 1st ex. sess. as amended by section 4, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.080; adding a new section to chapter 43.20A RCW; adding a new section to chapter 71.20 RCW; adding a new section to chapter 74.04 RCW; adding new sections to chapter 74.08 RCW; adding new sections to chapter 74.09 RCW; creating a new section; repealing section 2, chapter 174, Laws of 1980 and RCW 74.04.001; repealing section 74.04.250, chapter 26, Laws of 1959 and RCW 74.04.250; repealing section 74.08.040, chapter 26, Laws of 1959, section 9, chapter 8, Laws of 1981 and RCW 74.08.040; repealing section 1, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.047; repealing section 2, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.048; repealing section 74.08.112, chapter 26, Laws of 1959 and RCW 74.08.112; repealing section 2, chapter 51, Laws of 1973 1st ex. sess., section 13, chapter 8, Laws of 1981 and RCW 74.08.540; repealing section 74.09.020, chapter 26, Laws of 1959 and RCW 74.09.020; repealing section 74.09.030, chapter 26, Laws of 1959, section 334, chapter 141, Laws of 1979 and RCW 74.09.030; repealing section 74.09.070, chapter 26, Laws of 1959, section 336, chapter 141, Laws of 1979 and RCW 74.09.070; repealing section 74.10.010, chapter 26, Laws of 1959, section 346, chapter 141, Laws of 1979 and RCW 74.10.010; repealing section 74.10.020, chapter 26, Laws of 1959, section 5, chapter 169, Laws of 1971 ex. sess. and RCW 74.10.020; repealing section 74.10.030, chapter 26, Laws of 1959, section 347, chapter 141, Laws of 1979 and RCW 74.10.030; repealing section 74.10.070, chapter 26, Laws of 1959, section 348, chapter 141, Laws of 1979 and RCW 74.10.070; repealing section 1, chapter 60, Laws of 1967 ex. sess., section 349, chapter 141, Laws of 1979 and RCW 74.10.090; repealing section 2, chapter 60, Laws of 1967 ex. sess. and RCW 74.10.100; repealing section 9, chapter 302, Laws of 1977 ex. sess., section 10, chapter 219, Laws of 1979 ex. sess. and RCW 7.68.065; providing an effective date; and declaring an emergency.

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

*Section 1. Section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 8, Laws of 1981 and RCW 74.04.005 are each re-enacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

- (1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.
- (2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) "General assistance"—~~((Shall include))~~ Aid to unemployable persons ~~((and unemployed employable persons))~~ in need who:

~~((a))~~ (a) Are not eligible to receive ~~((or are not receiving))~~ federal-aid assistance ~~((: PROVIDED, That general assistance shall be granted temporarily to any person eligible for and receiving supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse.~~

~~((a))~~ (a) "Unemployable persons" are those persons who by reason of bodily or mental infirmity or other cause are substantially incapacitated from gainful employment as determined by the secretary and the commissioner of the employment security department in accordance with rules adopted pursuant to RCW 74.04.001.

~~((b))~~ (b) "Unemployed employable persons" are those persons who although capable of gainful employment are unemployed.

~~((7))~~ "Medical indigents"—Are persons without income or resources sufficient to secure necessary medical services); and

(b) Are incapacitated from gainful employment by reason of:

(i) Bodily or mental infirmity;

(ii) Participation in an approved drug or alcoholism treatment program;

or

(iii) Being sixty-five years of age, or over: PROVIDED, That such incapacity in (b) (i) through (iii) of this subsection, as determined by the department, will last at least sixty days from the date of application, except that persons in approved alcoholism and/or drug programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan.

~~((8))~~ (7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

~~((9))~~ (8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

~~((10) "Requirement" — Items of goods and services included in the state department of social and health services standards of assistance and required by an applicant or recipient to maintain a defined standard of living.~~

~~((11)) (9) "Standards of assistance" — The level of income required by an applicant or recipient to maintain a level of living specified by the department.~~

(10) "State payment level" means the aggregate expenditure authority within the limits of funds appropriated for the income maintenance program.

(11) "Resource" — Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as income which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as income which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient.

(c) Term and burial insurance for use of the applicant or recipient.

(d) Vehicle(s) used and useful having an equity value not to exceed one thousand five hundred dollars.

(e) Life insurance having a cash surrender value not to exceed seven hundred fifty dollars until July 1, 1981, and thereafter one thousand five hundred dollars.

(f) Cash, marketable securities, and any excess of values exempted under (d) and (e) of this section, not to exceed seven hundred fifty dollars for a single person or one thousand two hundred fifty dollars for a family unit of two or more until July 1, 1981, and thereafter one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more.

(g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient (~~(- PROVIDED, That in the determination of need of applicants for or recipients of general assistance for unemployed employables no resources or income shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource or income when such resources or income are determined to be necessary to the applicant's or recipient's restoration to independence. The department may by rule and regulation exempt personal property and belongings and income-producing property which can be used by the applicant or recipient to decrease his or her need for public assistance or aid in rehabilitating the applicant or recipient or his or her dependents))~~), but the department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient.

(12) "Income"—All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient after applying for or receiving public assistance: PROVIDED, That all necessary expenses that may reasonably be attributed to the earning of income shall be considered in determining net income: PROVIDED FURTHER, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(13) "Need"—The difference between the applicant's or recipient's ~~((cost of requirements))~~ standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt net income received by or available to the applicant or recipient and the dependent members of his family.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

***Section 1. was partially vetoed, see message at end of chapter.**

Sec. 2. Section 74.04.015, chapter 26, Laws of 1959 as last amended by section 2, chapter 8, Laws of 1981 and RCW 74.04.015 are each amended to read as follows:

The secretary of social and health services shall be the responsible state officer for the administration of, and the disbursement of all funds, goods, commodities and services, which may be received by the state in connection with ~~((; old age assistance, medical assistance to the aged, aid to families with dependent children, aid to the blind, disability assistance, child welfare services, vocational rehabilitation, and including, but not limited to other))~~ programs of public assistance or services related directly or indirectly to assistance programs, and all other matters included in the federal social security act approved August 14, 1935, or any other federal act or as the same may be amended excepting those specifically required to be administered by ~~((the superintendent of public instruction or the state commission for vocational education and those required to be administered and disbursed in connection with public health services such as communicable disease control, maternal and child health, sanitation, and vital statistics services))~~ other entities.

He shall make such reports and render such accounting as may be required by the federal agency having authority in the premises.

Sec. 3. Section 74.04.050, chapter 26, Laws of 1959 as last amended by section 3, chapter 8, Laws of 1981 and RCW 74.04.050 are each amended to read as follows:

The department shall serve as the single state agency to administer public assistance. The department is hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds for:

- (1) ~~((Old age assistance;~~
- ~~(2)))~~ Medical assistance ~~((to the aged));~~
- ~~((3)))~~ (2) Aid to dependent children;
- ~~((4))~~ Aid to the needy blind;

~~(5))~~ (3) Child welfare services; and
~~((6) Aid to permanently and totally disabled;~~
~~(7))~~ (4) Any other programs of public assistance for which provision for federal grants or funds may from time to time be made.

The state hereby accepts and assents to all the present provisions of the federal law under which federal grants or funds, goods, commodities and services are extended to the state for the support of programs administered by the department, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of this title, authorizing public welfare and assistance activities. The provisions of this title shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants or funds.

The department shall periodically make application for federal grants or funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal funds for such assistance. The department shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal grants or funds.

Sec. 4. Section 74.04.200, chapter 26, Laws of 1959 as last amended by section 4, chapter 8, Laws of 1981 and RCW 74.04.200 are each amended to read as follows:

It shall be the duty of the department of social and health services to establish ~~((uniform))~~ state-wide standards which may vary by geographical areas to govern the granting of assistance in the several categories of this title and it shall have power to compel compliance with such ~~((uniform))~~ standards as a condition to the receipt of state and federal funds by counties for social security purposes.

Sec. 5. Section 6, chapter 172, Laws of 1969 ex. sess. as amended by section 5, chapter 8, Laws of 1981 and RCW 74.04.510 are each amended to read as follows:

The department shall promulgate rules and regulations conforming to federal laws, rules and regulations required to be observed in maintaining the eligibility of the state to receive from the federal government and to issue or distribute to recipients, food stamps or coupons under a food stamp plan. Such rules and regulations shall relate to and include, but shall not be limited to: (1) The classifications of and requirements of eligibility of households to receive food stamps or coupons. (2) The periods during which households shall be certified or recertified to be eligible to receive food stamps or coupons under this plan. ~~((3) The establishment of a purchase payment schedule for coupons graduated on the basis of the incomes and the number of persons in an eligible household:))~~

*NEW SECTION. Sec. 6. There is added to chapter 74.04 RCW a new section to read as follows:

The department shall establish a consolidated emergency assistance program for families with children who are not eligible for any federally aided grant assistance provided through other programs. Assistance may be provided in accordance with this section.

(1) Benefits provided under this program shall not be provided for more than two months of assistance in any consecutive twelve-month period.

(2) No more than the value of sixty percent of a full grant for aid to families with dependent children shall be allocated in the first month.

(3) Benefits under this program shall be provided to alleviate emergent conditions resulting from insufficient income and resources to provide for food, shelter, clothing, medical care, or other necessary items. Benefits shall be provided only in an amount sufficient to cover the cost of the specific need, subject to the limitations established in this section.

(4) In determining eligibility for this program, the department shall consider all cash resources as being available to meet need.

(5) The department shall, by rule, establish assistance standards and eligibility criteria for this program in accordance with this section. Eligibility for this program does not automatically entitle a recipient to medical assistance. Eligibility standards and resource levels for this program shall be stricter than the standards for eligibility and resource levels for the aid to families with dependent children program.

***Sec. 6. was partially vetoed, see message at end of chapter.**

Sec. 7. Section 3, chapter 10, Laws of 1973 2nd ex. sess. as amended by section 6, chapter 8, Laws of 1981 and RCW 74.04.620 are each amended to read as follows:

The department is authorized to establish a program of state supplementation to the national program of supplemental security income consistent with Public Law 92-603 and Public Law 93-66 to those persons who are in need thereof in accordance with eligibility requirements established by the department.

The department is authorized to establish reasonable standards of assistance and resource and income exemptions specifically for such program of state supplementation which shall be consistent with the provisions of the Social Security Act.

The department is authorized to make payments to applicants for supplemental security income, pursuant to agreements as provided in Public Law 93-368, who are otherwise eligible for general assistance.

Sec. 8. Section 6, chapter 10, Laws of 1973 2nd ex. sess. as amended by section 7, chapter 8, Laws of 1981 and RCW 74.04.650 are each amended to read as follows:

Notwithstanding any other provisions of RCW 74.04.600 through 74.04.650 ((for)), those individuals who have been receiving supplemental security income assistance and failed to comply with any federal

requirements, including those relating to drug abuse and alcoholism treatment and rehabilitation, shall be ~~((required to reapply for state assistance programs to be eligible))~~ ineligible for state assistance.

Sec. 9. Section 74.08.025, chapter 26, Laws of 1959 as last amended by section 8, chapter 8, Laws of 1981 and RCW 74.08.025 are each amended to read as follows:

Public assistance shall be awarded to any applicant:

(1) Who is in need and otherwise meets the eligibility requirements of department assistance programs; and

(2) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and

(3) Who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a public institution who could qualify for federal aid assistance: PROVIDED, That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis. The department shall allow recipients in nursing homes to retain, in addition to the grant to cover the cost of clothing and incidentals, wages received for work as a part of a training or rehabilitative program designed to prepare the recipient for less restrictive placement to the extent permitted under Title XIX of the federal social security act.

*NEW SECTION. Sec. 10. There is added to chapter 74.08 RCW a new section to read as follows:

(1) Grants shall be awarded on a state-wide basis, which may vary by geographical area, in accordance with standards of assistance established by the department. The standards of assistance for any family size shall be adjusted on July 1 of each year. Except in the consolidated emergency assistance program, the standards shall be the United States department of agriculture thrifty food plan, in effect on January 1, 1981, adjusted for family size for the continental United States and as adjusted in this section for the state of Washington as provided according to the following schedules. The department shall update the standards annually to take inflation into account.

(a) For the aid to families with dependent children and the general assistance—unemployable programs, the following schedule applies.

| | | | | | |
|---|------------------|---------|---------------------------------------|----------------------------|---------|
| Number of Persons in Assistance Unit | State Multiplier | | Thrifty Food Plan Benefit Level | Standards of Assistance | |
| | Area I | Area II | | Area I | Area II |
| | | | | | |

| | | | | | |
|------------|------|------|-----|-------|-----|
| 1 | 4.03 | 3.72 | 70 | 282 | 260 |
| 2 | 2.65 | 2.24 | 128 | 339 | 287 |
| 3 | 2.27 | 2.02 | 183 | 415 | 370 |
| 4 | 2.15 | 1.94 | 233 | 501 | 452 |
| 5 | 2.14 | 1.97 | 277 | 593 | 546 |
| 6 | 2.02 | 1.87 | 322 | 671 | 621 |
| 7 | 2.12 | 1.99 | 367 | 778 | 730 |
| 8 | 2.05 | 1.93 | 419 | 859 | 809 |
| 9 | 1.99 | 1.89 | 472 | 939 | 892 |
| 10 or more | 1.94 | 1.85 | 525 | 1,019 | 971 |

(b) For the supplemental security income program, the following schedule applies.

| Number of Persons in Assistance Unit | State Multiplier | | Thrifty Food Plan Benefit Level | Standards of Assistance | |
|---|------------------|---------|---------------------------------------|----------------------------|---------|
| | Area I | Area II | | Area I | Area II |
| 1 | 4.33 | 4.01 | 70 | 303 | 281 |
| 2 | 3.36 | 3.13 | 128 | 430 | 401 |

(2) The standards of assistance shall take into account the economy of joint living arrangements. The department may, by rule, prescribe maximums and rateable reductions for grants. The department may adjust the standards of assistance for shelter provided at no cost and for supplied shelter under the supplemental security income program.

(3) Nothing in this section shall prohibit the department from complying with minimum payment requirements of the supplemental security income program.

(4) For the purposes of this chapter, "state payment level" means the aggregate expenditure authority within the limits of funds appropriated for the income maintenance program.

*Sec. 10. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 11. There is added to chapter 74.08 RCW a new section to read as follows:

There shall be included in the standards of assistance a monthly amount designated as an energy allowance. For supplemental security income recipients, the energy allowance shall be equal to the state supplemental standard for supplemental security income for individuals and couples in which both spouses are eligible for supplemental security income. For recipients of other federally aided assistance programs and general assistance to unemployable persons, the energy assistance allowance shall be determined according to the following schedule.

NUMBER OF PERSONS IN THE ASSISTANCE UNIT

| Fiscal Year | 1 | 2 | 3 | 4 | 5 | 6 | |
|-------------|-----|-----|-----|-----|-----|-----|--------|
| 1982 | 88 | 94 | 100 | 106 | 112 | 118 | Note 1 |
| 1983 | 102 | 109 | 116 | 123 | 130 | 137 | Note 2 |

Note 1: For each additional person, add six dollars.

Note 2: For each additional person, add seven dollars.

Sec. 12. Section 10, chapter 172, Laws of 1969 ex. sess. as amended by section 11, chapter 8, Laws of 1981 and RCW 74.08.043 are each amended to read as follows:

In determining the living requirements of otherwise eligible applicants and recipients of (~~old age assistance, aid to the blind, disability assistance~~) supplemental security income and general assistance, the department is authorized to consider the need for personal and special care and supervision due to physical and mental conditions.

Sec. 13. Section 74.08.060, chapter 26, Laws of 1959 as amended by section 6, chapter 173, Laws of 1969 ex. sess. and RCW 74.08.060 are each amended to read as follows:

The department shall be required to approve or deny the application within forty-five days after the filing thereof and shall immediately notify the applicant in writing of its decision: PROVIDED, That if the department is not able within forty-five days, despite due diligence, to secure all information necessary to establish his eligibility, the department is charged to continue to secure such information and if such information, when established, makes applicant eligible, the department shall pay his grant from date of authorization or forty-five days after date of application whichever is sooner.

Any person entitled to relief but under temporary disability from making application, or any person about to become sixty-five years of age or the parent of an unborn child who upon birth will become a dependent child may at any time after forty-five days prior to the occurrence of any of said events make application as herein provided.

The department is authorized, in respect to work requirements, to provide employment and training services, including job search, job placement, work orientation, and necessary support services to verify eligibility.

Sec. 14. Section 74.08.070, chapter 26, Laws of 1959 as last amended by section 1, chapter 92, Laws of 1979 ex. sess. and RCW 74.08.070 are each amended to read as follows:

Any applicant or recipient feeling himself aggrieved by the decision of the department or any authorized agency of the department shall have the right to a fair hearing to be conducted by the secretary of the department or by a duly appointed, qualified hearing examiner especially appointed by the secretary for such purpose. An applicant for or recipient of public assistance

is not entitled to a fair hearing solely on the basis of a state or federal law which requires grant adjustments for a class of recipients.

The hearing shall be conducted in the county in which the appellant resides, and a tape recording of the testimony shall be made and included in the record, the costs of which shall be borne by the department. A copy of this tape recording shall be provided the appellant if request for same is made in writing by the appellant or his attorney of record.

In the event an appellant feels aggrieved by the decision in a fair hearing under this section, and if the appellant files an appeal to the superior court for judicial review in accordance with chapter 34.04 RCW as now or hereafter amended, the appellant is entitled to a typed transcript of the tape recordings or such portion thereof as the applicant requests from the department, if the request is made by the appellant or the appellant's attorney of record.

Any appellant who desires a fair hearing shall within ninety days after receiving notice of the decision of the department or an authorized agency of the department, file with the secretary a notice of appeal from the decision. The department shall notify the appellant of the time and place of said hearing at least twenty days prior to the date thereof by registered mail or by personal service upon said appellant, unless otherwise agreed by appellant and the department.

At any time after the filing of the notice of appeal with the secretary, any appellant or attorney for appellant with written authorization or next of kin shall have the right of access to, and can examine any files and records of the department related to the case ~~((of {on}))~~ on appeal.

It shall be the duty of the department within seventy-five days after receipt of the notice of appeal to notify the appellant of the decision of the secretary: PROVIDED, That any overpayment which the department may be entitled to recover as a result of such decision shall be limited to the amount recoverable up to the sixtieth day after receipt of the notice of appeal.

If the decision of the secretary is made in favor of the appellant, assistance shall be paid from the date of the denial of the application or forty-five days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the initial departmental county office decision.

Sec. 15. Section 74.08.120, chapter 26, Laws of 1959 as last amended by section 12, chapter 8, Laws of 1981 and RCW 74.08.120 are each amended to read as follows:

The term "funeral" shall mean the proper preparation, transportation within the local service area defined by the department, and care of the remains of a deceased person with needed facilities and appropriate memorial

services(~~(-including)~~). "Burial" includes necessary costs of a lot or cremation and all services related to interment and the customary memorial marking of a grave.

The department is hereby authorized (~~(through the county offices)~~) to assume responsibility for payment for the funeral and burial of deceased persons dying without assets sufficient to pay for the minimum standard funeral herein provided: PROVIDED, HOWEVER, That the secretary may furnish funeral assistance for deceased recipients if they leave assets to a surviving spouse and/or to minor children and if the assets are resources permitted to be owned by or available to an eligible applicant or recipient under RCW 74.04.005, and the department shall thereby have a lien against said assets valid for six years from the date of filing with the county auditor and such lien claim shall have preference to all other claims except prior secured creditors. If the assets remain exempt, or if no probate is commenced, the lien shall automatically terminate without further action six years after filing. If the deceased person is survived by a spouse or is a minor child survived by his parent or parents, the department may take into consideration the assets of such surviving spouse, parent, or parents in determining whether or not the department will assume responsibility for the funeral.

The department shall not pay more than cost for a minimum standard service rendered by each vendor. Payments to the funeral director and to the cemetery or crematorium will be made by separate vouchers. The standard of such services and the uniform amounts to be paid shall be determined by the department after giving due consideration to such advice and counsel as it shall obtain from the trade associations of the various vendors and related state departments, agencies, and commissions. (~~The payments made by the department shall not be subject to supplementation by the relatives or friends of recipients. Whenever relatives or friends provide for other than the minimum standard service authorized, the state shall not participate in the payment of any part of the cost.~~) Payment made for any funeral or burial service by relatives, friends, or any other third party shall be subtracted from the payment made by the department.

NEW SECTION. Sec. 16. There is added to chapter 74.08 RCW a new section to read as follows:

It is the intent of the legislature that chore services be provided to eligible persons within the limits of funds appropriated for that purpose. Therefore, the department shall provide services only to those persons identified as at risk of being placed in a residential care facility in the absence of such services. Chore services shall be provided only to the extent necessary to maintain a safe and healthful living environment. In determining an individual's eligibility for chore services, the department shall consider the following:

- (1) The kind of services needed;

(2) The degree of service need, and the extent to which an individual is dependent upon such services to remain in his or her home or return to his or her home;

(3) The availability of personal or community resources which may be utilized to meet the individual's need; and

(4) Such other factors as the department considers necessary to insure service is provided only to those persons whose chore service needs cannot be met by relatives, friends, nonprofit organizations, or other persons.

In determining the level of services to be provided under this chapter, the department shall utilize a client review questionnaire designed to determine both the degree and level of service need and the individual's risk of institutionalization if such needs are not met by this chapter.

NEW SECTION. Sec. 17. There is added to chapter 74.08 RCW a new section to read as follows:

"Chore services," as used in this chapter, means services in performing light work and household and other personal tasks which eligible persons are unable to do for themselves because of frailty or handicapping conditions.

Persons eligible for services at no cost are adult recipients of supplemental security income and/or state supplementation and other individuals having income equal to or less than thirty percent of the state median income and resources less than a level determined by the department, and whose level of need for chore services and risk of being placed in a residential care facility have been determined by the department. Individuals determined by the department to be eligible for adult protective services are eligible to receive emergency chore services without regard to income if the services are essential to, and a subordinate part of, the adult protective services plan. Emergency chore services under adult protective services shall be provided only until the emergent situation has stabilized, not to exceed ninety days.

Those persons whose income is between thirty and forty percent of the state median income and whose level of need for chore services and risk of being placed in a residential care facility has been determined by the department are eligible for a reduced level of service based on their ability to purchase the services. The department shall develop a scale of reduced hours of service based on need and income level to be applied in these cases. Persons whose resources exceed the level determined by the department are not eligible for any reduced level service.

The department is authorized to provide chore services on a case-by-case basis to severely handicapped persons in need of attendant care whose income exceeds the criteria established in this section. Services may be provided for this purpose only to the extent necessary to allow the individual to remain in his or her own home, and no services may be authorized for more than ninety days at any one time: PROVIDED, That the department may

not extend authorization for chore services to more than thirty persons at any one time whose income exceeds fifty-seven percent of the state median income.

For clients whose chore services are authorized on an hourly basis, the department shall establish a monthly lid on chore service hours, which shall be allocated to the department's community service offices. This lid shall be established at a level set by the department. The department shall also establish a monthly rate lid to apply to clients whose chore services are authorized on a monthly rate basis.

Sec. 18. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 17, chapter 8, Laws of 1981 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

- (1) "Department" means the department of social and health services.
- (2) "Secretary" means the secretary of social and health services.
- (3) "Internal management" means the administration of medical (~~and related services to recipients of public~~) assistance (~~and~~), medical (~~indigent persons~~) care services, and the limited casualty program.
- (4) "Medical (~~indigents~~) assistance" (~~are persons without income or resources sufficient to secure necessary medical services~~) means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.
- (5) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients.
- (6) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.
- (7) "Nursing home" means nursing home as defined in RCW 18.51.010.

NEW SECTION. Sec. 19. There is added to chapter 74.09 RCW a new section to read as follows:

- (1) To the extent of available funds, medical care services may be provided to recipients of general assistance in accordance with medical eligibility requirements established by the department.
- (2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that chiropractic, adult dental, and routine foot care shall not be included.
- (3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.
- (4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for

medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) Medical care services received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

Sec. 20. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 19, chapter 8, Laws of 1981 and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services ~~((to an applicant: (1) Who is in need; (2) who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; (3) who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a county or city jail or juvenile detention facility, or except as an inmate in a public institution who could qualify for federal aid assistance; and (4) who is a resident of the state of Washington)), including the prohibition against the voluntary assignment of property or cash for the purpose of qualifying for an assistance grant, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; and (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized.~~

Sec. 21. Section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 20, chapter 8, Laws of 1981 and RCW 74.09.520 are each amended to read as follows:

The term "medical assistance" may include the following care and services: (1) Inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and x-ray services; (4) skilled nursing home services; (5) physicians' services, which shall include prescribed medication and instruction on birth control devices; (6) medical care, or any other type of remedial care as may be established by the secretary; (7) home health care services; (8) private duty nursing services; (9) dental services; (10) physical therapy and related services; (11) prescribed drugs, dentures, and prosthetic devices;

and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (12) other diagnostic, screening, preventive, and rehabilitative services; PROVIDED, That the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, chiropractic, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act.

NEW SECTION. Sec. 22. There is added to chapter 74.09 RCW a new section to read as follows:

(1) To the extent of available funds, medical care may be provided under the limited casualty program to persons not otherwise eligible for medical assistance or medical care services who are medically needy as defined in the social security Title XIX state plan and medical indigents in accordance with medical eligibility requirements established by the department. This includes residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are aged, blind, or disabled as defined in Title XVI of the federal social security act and whose income exceeds three hundred percent of the federal supplement security income benefit level.

(2) Determination of the amount, scope, and duration of medical coverage under the limited casualty program shall be the responsibility of the department, subject to the following:

(a) Only inpatient hospital services; outpatient hospital and rural health clinic services; physicians' and clinic services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; skilled nursing home services, intermediate care facility services, and intermediate care facility services for the mentally retarded; home health services; other laboratory and x-ray services; and medically necessary transportation shall be covered;

(b) A patient deductible not to exceed one-half the payment the department makes for the first day's stay for inpatient hospital care, shall be included for the medically needy component of the program;

(c) Persons who are medically indigent and are not eligible for a federal aid program shall satisfy a deductible of not less than one thousand five hundred dollars in any twelve-month period;

(d) Medical care services provided to the medically indigent and received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

(3) The department shall establish standards of assistance and resource and income exemptions. All nonexempt income and resources of limited casualty program recipients shall be applied against the cost of their medical care services. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) The department shall, to the maximum extent possible, recover the cost of medical care provided under this section from future income and resources. Future income and resources shall be limited to those available up to twenty-four months following the provision of care.

Sec. 23. Section 74.12.010, chapter 26, Laws of 1959 as last amended by section 21, chapter 8, Laws of 1981 and RCW 74.12.010 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act(~~(- PROVIDED, That the secretary shall have discretion to provide that aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for the support of such child, to the extent that matching funds are available from the federal government)).~~)).

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity ((or ~~unemployment~~)) of a parent or stepparent liable under this chapter for the support of such child.

***NEW SECTION. Sec. 24.** *There is added to chapter 71.20 RCW a new section to read as follows:*

Moneys appropriated by the state for developmental disabilities programs of the department of social and health services shall not be allocated on a block grant basis, with the exception of appropriations to developmental disability centers and county discretionary funds. The block grants shall be awarded each biennial quarter. It shall be a condition of receipt of these funds that no county may take an action which will, in the option of the department, lessen the service level provided by state funding. The department shall establish necessary rules to carry out this section.

*Sec. 24. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 25. *There is added to chapter 43.20A RCW a new section to read as follows:*

The department is authorized to charge fees for services provided by the department unless otherwise prohibited by law. The fees may be sufficient to cover the full cost of the service provided if practical or may be charged on an ability-to-pay basis if practical. This section does not supersede other statutory authority enabling the assessment of fees by the department. Whenever the department is authorized by law to collect total or partial reimbursement for the cost of its providing care of or exercising custody over any person, the department shall collect the reimbursement to the extent practical.

Sec. 26. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 302, Laws of 1977 ex. sess. 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 committed prior to the effective date of this 1981 act, 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 shall be 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; or

(e) 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, 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.

(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 in the event 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 as provided in RCW 51.32.050 as now or hereafter amended 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 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 shall 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 shall apply under this chapter: **PROVIDED**, That in the event 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, such victim shall receive monthly during the period of such 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 such average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of such average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of such average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of such average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of such average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of such average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of such average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of such average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of such average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of such average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of such average monthly wage.

(1) If unmarried with five or more children at the time of the criminal act, forty-three percent of such 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 shall 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 shall apply under this chapter: PROVIDED, That no person shall be 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 shall apply under this chapter.

(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 shall 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 shall be 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 shall be 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.

Sec. 27. Section 8, chapter 122, Laws of 1973 1st ex. sess. as amended by section 4, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended shall govern the provision of medical aid under this chapter to victims injured as a result of a criminal act committed prior to the effective date of this 1981 act, except that:

(1) The provisions contained in RCW 51.36.030 and 51.36.040 as now or hereafter amended shall not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation shall not apply: PROVIDED, That when the injury to any victim is so serious as to require his being taken from the place of injury to a place of treatment, reasonable

transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090.

NEW SECTION. Sec. 28. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 174, Laws of 1980 and RCW 74.04.001;
 - (2) Section 74.04.250, chapter 26, Laws of 1959 and RCW 74.04.250;
 - (3) Section 74.08.040, chapter 26, Laws of 1959, section 9, chapter 8, Laws of 1981 and RCW 74.08.040;
 - (4) Section 1, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.047;
 - (5) Section 2, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.048;
 - (6) Section 74.08.112, chapter 26, Laws of 1959 and RCW 74.08.112;
 - (7) Section 2, chapter 51, Laws of 1973 1st ex. sess., section 13, chapter 8, Laws of 1981 and RCW 74.08.540;
 - (8) Section 74.09.020, chapter 26, Laws of 1959 and RCW 74.09.020;
 - (9) Section 74.09.030, chapter 26, Laws of 1959, section 334, chapter 141, Laws of 1979 and RCW 74.09.030;
 - (10) Section 74.09.070, chapter 26, Laws of 1959, section 336, chapter 141, Laws of 1979 and RCW 74.09.070;
 - (11) Section 74.10.010, chapter 26, Laws of 1959, section 346, chapter 141, Laws of 1979 and RCW 74.10.010;
 - (12) Section 74.10.020, chapter 26, Laws of 1959, section 5, chapter 169, Laws of 1971 ex. sess. and RCW 74.10.020;
 - (13) Section 74.10.030, chapter 26, Laws of 1959, section 347, chapter 141, Laws of 1979 and RCW 74.10.030;
 - (14) Section 74.10.070, chapter 26, Laws of 1959, section 348, chapter 141, Laws of 1979 and RCW 74.10.070;
 - (15) Section 1, chapter 60, Laws of 1967 ex. sess., section 349, chapter 141, Laws of 1979 and RCW 74.10.090;
 - (16) Section 2, chapter 60, Laws of 1967 ex. sess. and RCW 74.10.100;
- and
- (17) Section 9, chapter 302, Laws of 1977 ex. sess., section 10, chapter 219, Laws of 1979 ex. sess. and RCW 7.68.065.

NEW SECTION. Sec. 29. For the purposes of Substitute Senate Bill No. 3636, section 17 of this act constitutes the continuation of RCW 74.08.540.

NEW SECTION. Sec. 30. 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. 31. 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, 1981.

Passed the Senate April 28, 1981.

Passed the House April 28, 1981.

Approved by the Governor May 19, 1981, with the exceptions of Section 1(10), 6(2), 10(4), and 24, which are vetoed.

Filed in Office of Secretary of State May 19, 1981.

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

"I am returning herewith without my approval as to Sections 1 (10), 6 (2), 10 (4) and 24 Substitute Senate Bill No. 4299:

"AN ACT Relating to Social and Health Services; reenacting and amending certain sections of RCW 74 and other sections and declaring an emergency."

Sections 1 (10) and 10 (4) define "state payment level" as the aggregate expenditure authority within the limits of funds appropriated for the Income Maintenance program. These provisions would prevent the imposition of rateable reductions unless the entire Income Maintenance program appropriation was in danger of overexpenditure. This program represents a large part of the total DSHS appropriation; rateable reductions will probably be needed if adverse financial conditions are experienced.

Section 6 (2) would unnecessarily restrict the appropriate administration of AFDC grants.

Section 24 provides block grant funding for Developmental Disabilities Centers. Such a mechanism would unnecessarily limit the agency's ability to monitor and control specific purchased services for clientele.

With the exceptions of the above mentioned sections, Substitute Senate Bill No. 4299 is approved."

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PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED
AT THE 1981 SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1981
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 7

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 the Constitution of the state of Washington by adding a new section thereto to read as follows:

Article XXXII. Section 1. SPECIAL REVENUE FINANCING. The legislature may enact laws authorizing the state, counties, cities, towns, port districts, or public corporations established thereby to issue nonrecourse revenue bonds or other nonrecourse revenue obligations and to apply the proceeds thereof in the manner and for the purposes heretofore or hereafter authorized by law, subject to the following limitations:

(a) Nonrecourse revenue bonds and other nonrecourse revenue obligations issued pursuant to this section shall be payable only from money or other property received as a result of projects financed by the nonrecourse revenue bonds or other nonrecourse revenue obligations and from money and other property received from private sources.

(b) Nonrecourse revenue bonds and other nonrecourse revenue obligations issued pursuant to this section shall not be payable from or secured by any tax funds or governmental revenue or by all or part of the faith and credit of the state or any unit of local government.

(c) Nonrecourse revenue bonds or other nonrecourse revenue obligations issued pursuant to this section may be issued only if the issuer certifies that it reasonably believes that the interest paid on the bonds or obligations will be exempt from income taxation by the federal government.

(d) Nonrecourse revenue bonds or other nonrecourse revenue obligations may only be used to finance industrial development projects as defined in legislation.

(e) The state, counties, cities, towns, port districts, or public corporations established thereby, shall never exercise their respective attributes of sovereignty, including but not limited to, the power to tax, the power of eminent domain, and the police power on behalf of any industrial development project authorized pursuant to this section.

After the initial adoption of a law by the legislature authorizing the issuance of nonrecourse revenue bonds or other nonrecourse revenue obligations, no amendment to such act which expands the definition of industrial

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development project shall be valid unless the amendment is enacted by a favorable vote of three-fifths of the members elected to each house of the legislature and is subject to referendum petition.

Sections 5 and 7 of Article VIII and section 9 of Article XII shall not be construed as a limitation upon the authority granted by this section. The proceeds of revenue bonds and other revenue obligations issued pursuant to this section for the purpose of financing privately owned property or loans to private persons or corporations shall be subject to audit by the state but shall not otherwise be deemed to be public money or public property for purposes of this Constitution. This section is supplemental to and shall not be construed as a repeal of or limitation on any other authority lawfully exercisable under the Constitution and laws of this state, including, among others, any existing authority to issue revenue bonds.

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 26, 1981.

Passed the Senate April 26, 1981.

Filed in Office of Secretary of State April 27, 1981.

**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED
AT THE 1981 SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1981**

SENATE JOINT RESOLUTION NO. 107

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 IV, section 23 of the Constitution of the state of Washington to read as follows:

Article IV, section 23. There may be appointed in each county, by the judge of the superior court having jurisdiction therein, one or more court commissioners(~~(; not exceeding three in number;)~~) as provided by law who shall have authority to perform ~~((like duties as a judge of the superior court at chambers, subject to revision by such judge, to take depositions and to perform))~~ such ~~((other))~~ business connected with the administration of justice as may be prescribed by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least

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four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate March 30, 1981.

Passed the House April 15, 1981.

Filed in Office of Secretary of State April 16, 1981.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT THE 1981 SESSION FOR SUBMISSION TO THE VOTERS AT THE STATE GENERAL ELECTION, NOVEMBER 1981

SUBSTITUTE SENATE JOINT RESOLUTION NO. 133

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 II, sections 1 and 1(a) of the state Constitution to read as follows:

Article II, section 1. The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section, or part of any bill, act, or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. ~~((Ten per centum, but in no case more than fifty thousand, of the legal voters shall be required to propose any measure by such petition, and))~~ Every such petition shall include the full text of the measure so proposed. In the case of initiatives to the legislature and initiatives to the people, the number of valid signatures of legal voters required shall be equal to eight percent of the votes cast for the office of governor at the last gubernatorial election preceding the initial filing of the text of the initiative measure with the secretary of state.

Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall ~~((transmit the same to the legislature as soon as it convenes and organizes))~~ certify the results within forty days of the filing. If certification is not complete by the date that the legislature convenes, he

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shall provisionally certify the measure pending final certification of the measure. Such initiative measures, whether certified or provisionally certified, shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measures shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted: PROVIDED, That the legislature may not order a referendum on any initiative measure enacted by the legislature under the foregoing subsection (a). ~~((Six per centum, but in no case more than thirty thousand, of the legal voters shall be required to sign and make a valid referendum petition:))~~ The number of valid signatures of registered voters required on a petition for referendum of an act of the legislature or any part thereof, shall be equal to or exceeding four percent of the votes cast for the office of governor at the last gubernatorial election preceding the filing of the text of the referendum measure with the secretary of state.

(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: PROVIDED, That any such act, law, or bill may be amended within two years after such enactment at any regular or special

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session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon.

(d) The filing of a referendum petition against one or more items, sections, or parts of any act, law, or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the ~~((biennial))~~ next succeeding regular general election~~((s))~~ following the filing of the measure with the secretary of state, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: PROVIDED, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. ~~((The whole number of electors who voted for governor at the regular gubernatorial election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted.))~~ All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation.

~~((The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication at least fifty days before the election at which they are to be voted upon.))~~

(e) The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of the publication to each individual place of residence in the state and shall make such additional distribution as

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he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election. (~~These provisions supersede the provisions set forth in the last paragraph of section 1 of this article as amended by the seventh amendment to the Constitution of this state:))~~)

Article II, section 1(a). (~~INITIATIVE AND REFERENDUM, SIGNATURES REQUIRED. Hereafter, the number of valid signatures of legal voters required upon a petition for an initiative measure shall be equal to eight per centum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. Hereafter, the number of valid signatures of legal voters required upon a petition for a referendum of an act of the legislature or any part thereof, shall be equal to four per centum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. These provisions supersede the requirements specified in section 1 of this article as amended by the seventh amendment to the Constitution of this state:))~~)

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 Senate April 26, 1981.

Passed the House April 25, 1981.

Filed in Office of Secretary of State April 30, 1981.

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 1 and 2 are true and correct reproduction of the copies of the enrolled laws of the 1981 regular and 1st extraordinary sessions (47th 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 twenty-sixth day of June, 1981.



Dennis W. Cooper
DENNIS W. COOPER
Code Reviser

INDEX AND TABLES

(For both sessions, regular and extraordinary, 1981)

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| Cross reference; Bill No. to Chapter No. | 1803 |
| RCW sections affected by 1981 Statutes | 1807 |
| Session law sections affected by 1981 laws | 1825 |
| Subject Index | 1853 |

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| Bill Number | Chapter Number of Laws of 1981 | Bill Number | Chapter Number of Laws of 1981 |
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| SSB 3006 | 176 | SB 3189 | 195 |
| SB 3009 | 70 | SSB 3190 | 299 |
| SB 3015 | 177 | SB 3191 | 266 |
| SB 3018 | 90 | SB 3196 | 314 |
| SB 3023 | 178 | SSB 3205 | 84 |
| SSB 3024 | 251 | SSB 3206 | 5 E1 |
| SSB 3034 | 21 | SB 3207 | 101 |
| SB 3039 | 179 | SB 3208 | 102 |
| SSB 3041 | 14 | SB 3209 | 9 |
| SB 3042 | 83 | SSB 3210 | 10 |
| SB 3046 | 180 | SB 3213 | 17 |
| SB 3049 | 181 | SSB 3214 | 321 |
| SB 3051 | 91 | SB 3215 | 274 |
| SB 3052 | 22 | SB 3221 | 20 |
| SB 3053 | 92 | SB 3230 | 196 |
| SB 3055 | 93 | SSB 3231 | 303 |
| SB 3057 | 94 | SSB 3232 | 197 |
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| SSB 3060 | 182 | SB 3238 | 198 |
| SB 3062 | 183 | SB 3239 | 103 |
| SSB 3063 | 184 | SB 3250 | 199 |
| SSB 3064 | 185 | SSB 3254 | 243 |
| SB 3065 | 95 | SB 3262 | 200 |
| SB 3067 | 96 | SB 3264 | 201 |
| SB 3072 | 186 | SB 3265 | 202 |
| SSB 3070 | 18 | SB 3272 | 275 |
| SB 3071 | 268 | SB 3293 | 104 |
| SSB 3075 | 24 | SB 3295 | 203 |
| SB 3077 | 260 | SB 3298 | 205 |
| SB 3079 | 187 | SSB 3299 | 204 |
| SSB 3080 | 19 | SB 3303 | 105 |
| SB 3098 | 25 | SB 3304 | 276 |
| SB 3102 | 188 | SB 3306 | 106 |
| SSB 3104 | 317 | SSB 3307 | 139 |
| SSB 3105 | 189 | SSB 3309 | 320 |
| SB 3109 | 286 | SB 3319 | 107 |
| SSB 3118 | 97 | SSB 3315 | 283 |
| SSB 3127 | 98 | SSB 3320 | 85 |
| SSB 3128 | 190 | SB 3327 | 86 |
| SB 3129 | 99 | SB 3334 | 285 |
| SB 3131 | 174 | SB 3338 | 108 |
| SB 3140 | 100 | SSB 3342 | 267 |
| SB 3143 | 262 | SB 3343 | 206 |
| SSB 3150 | 26 | SSB 3344 | 207 |
| SB 3153 | 191 | SB 3352 | 109 |
| SSB 3154 | 192 | SB 3354 | 110 |
| SB 3157 | 273 | SB 3355 | 296 |
| SB 3158 | 27 | SB 3356 | 208 |
| SB 3168 | 28 | SB 3356 | 345 |
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| SB 3183 | 193 | SB 3359 | 344 |
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| SB 3383 | 111 | SSB 3797 | 3 E1 |
| SSB 3386 | 324 | SB 3834 | 223 |
| SSB 3388 | 319 | SSB 3843 | 143 |
| SSB 3390 | 279 | SSB 3845 | 265 |
| SSB 3415 | 175 | SSB 3857 | 120 |
| SSB 3453 | 271 | SB 3866 | 253 |
| SSB 3456 | 277 | SSB 3867 | 224 |
| SB 3458 | 135 | SB 3871 | 327 |
| SSB 3464 | 212 | SB 3872 | 225 |
| SB 3465 | 112 | SB 3886 | 121 |
| SB 3498 | 31 | SSB 3890 | 254 |
| SSB 3514 | 213 | SB 3893 | 89 |
| SB 3531 | 11 | SB 3903 | 122 |
| SB 3532 | 214 | SB 3928 | 312 |
| SB 3536 | 87 | SB 3931 | 256 |
| SSB 3542 | 326 | SSB 3945 | 226 |
| SSB 3554 | 300 | SB 3953 | 123 |
| SB 3555 | 113 | SSB 3972 | 4 E1 |
| SB 3580 | 215 | SSB 3989 | 282 |
| SSB 3584 | 115 | SB 4022 | 114 |
| SB 3586 | 261 | SB 4026 | 263 |
| SB 3589 | 116 | SB 4027 | 227 |
| SB 3591 | 313 | SB 4033 | 336 |
| SB 3595 | 117 | SB 4034 | 228 |
| SSB 3602 | 325 | SSB 4078 | 280 |
| SB 3610 | 142 | SB 4080 | 229 |
| SB 3626 | 118 | SSB 4085 | 295 |
| SSB 3630 | 216 | SSB 4087 | 278 |
| SB 3632 | 73 | SSB 4090 | 257 |
| SSB 3636 | 340 | SSB 4095 | 230 |
| SB 3639 | 217 | SSB 4131 | 258 |
| SSB 3640 | 335 | SSB 4182 | 124 |
| SB 3641 | 119 | SSB 4190 | 289 |
| SB 3646 | 337 | SB 4205 | 231 |
| SSB 3655 | 288 | SSB 4206 | 232 |
| SSB 3669 | 315 | SB 4208 | 281 |
| SSB 3699 | 316 | SSB 4209 | 323 |
| SSB 3704 | 259 | SSB 4210 | 233 |
| SSB 3705 | 334 | SSB 4211 | 234 |
| SB 3722 | 255 | SSB 4212 | 235 |
| SSB 3726 | 322 | SB 4213 | 236 |
| SB 3730 | 218 | SSB 4214 | 237 |
| SB 3740 | 219 | SSB 4275 | 238 |
| SB 3745 | 220 | SSB 4283 | 342 |
| SB 3752 | 308 | SSB 4299 | 6 E1 |
| SSB 3765 | 2 E1 | SSB 4309 | 239 |
| SB 3776 | 318 | SSB 4319 | 240 |
| SSB 3777 | 221 | SB 4327 | 284 |
| SSB 3778 | 222 | SB 4348 | 241 |
| SSB 3780 | 272 | SSB 4360 | 264 |
| SB 3784 | 302 | | |

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TABLE: BILL NO. TO CHAPTER NO.

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| HB | 52 | 36 | 2SHB | 246 | 127 |
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| HB | 66 | 49 | SHB | 252 | 297 |
| HB | 75 | 59 | HB | 254 | 150 |
| SHB | 76 | 138 | 2SHB | 257 | 269 |
| HB | 83 | 58 | SHB | 264 | 75 |
| SHB | 88 | 50 | SHB | 266 | 151 |
| HB | 96 | 79 | HB | 276 | 152 |
| HB | 99 | 291 | SHB | 277 | 129 |
| SHB | 101 | 67 | SHB | 285 | 130 |
| HB | 103 | 12 | SHB | 290 | 42 |
| HB | 104 | 2 | SHB | 297 | 153 |
| HB | 105 | 125 | SHB | 302 | 311 |
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| SHB | 118 | 13 | SHB | 307 | 35 |
| HB | 120 | 60 | SHB | 308 | 43 |
| SHB | 128 | 145 | SHB | 314 | 154 |
| HB | 136 | 80 | SHB | 316 | 53 |
| HB | 137 | 78 | SHB | 320 | 293 |
| SHB | 138 | 294 | SHB | 323 | 292 |
| HB | 143 | 81 | SHB | 324 | 156 |
| SHB | 144 | 339 | HB | 334 | 44 |
| SHB | 145 | 146 | SHB | 335 | 72 |
| SHB | 149 | 328 | 2SHB | 338 | 173 |
| 2SHB | 157 | 68 | SHB | 339 | 1 E1 |
| HB | 160 | 77 | HB | 341 | 155 |
| HB | 161 | 52 | SHB | 352 | 45 |
| HB | 163 | 34 | HB | 354 | 157 |
| SHB | 166 | 16 | HB | 364 | 54 |
| 2SHB | 169 | 147 | HB | 372 | 290 |
| HB | 172 | 37 | SHB | 374 | 332 |
| SHB | 175 | 148 | SHB | 388 | 131 |
| SHB | 176 | 61 | SHB | 397 | 304 |
| SHB | 178 | 244 | SHB | 425 | 307 |
| HB | 181 | 62 | HB | 427 | 306 |
| SHB | 184 | 149 | SHB | 431 | 132 |
| HB | 186 | 38 | HB | 433 | 133 |
| HB | 190 | 40 | HB | 438 | 46 |
| HB | 191 | 39 | 2SHB | 440 | 137 |
| SHB | 206 | 5 | HB | 464 | 55 |
| SHB | 207 | 6 | SHB | 466 | 158 |
| SHB | 208 | 7 | SHB | 467 | 64 |
| 2SHB | 209 | 4 | HB | 468 | 159 |
| HB | 212 | 140 | SHB | 484 | 160 |
| HB | 214 | 141 | SHB | 490 | 69 |
| SHB | 219 | 33 | SHB | 491 | 134 |
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| SHB 581 | 76 |
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| SHB 601 | 331 |
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| HB 616 | 249 |
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| 2SHB 628 | 166 |
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| SHB 650 | 250 |
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| SHB 667 | 168 |
| HB 677 | 341 |
| HB 681 | 57 |
| HB 692 | 169 |
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| HB 707 | 170 |
| SHB 711 | 343 |
| HB 727 | 171 |
| HB 734 | 305 |
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| SHB 753 | 172 |
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| RCW | CH. | SEC. | RCW | CH. | SEC. |
|----------|------|------|-------|----------|--------------------|
| 2 | ADD | 268 | 2-14 | 6.16.080 | AMD 149 2 |
| 2.04 | ADD | 331 | 5 | 6.24 | ADD 329 2 |
| 2.04.250 | AMD | 186 | 1 | 6.24 | ADD 329 6 |
| 2.06.160 | AMD | 186 | 2 | 6.24 | ADD 329 23 |
| 2.08.064 | AMD | 65 | 1 | 6.24.010 | AMD 329 1 |
| 2.08.065 | AMD | 65 | 2 | 6.24.100 | AMD 329 3 |
| 2.08.170 | AMD | 186 | 3 | 6.24.210 | AMD 329 21 |
| 2.10.080 | AMD | 3 | 22 | 6.32.230 | REP 193 7 |
| 2.12.070 | AMD | 3 | 23 | 6.32.240 | AMD 193 2 |
| 2.32.050 | AMD | 277 | 1 | 7 | ADD 27 2-7 |
| 2.52.050 | AMD | 260 | 1 | 7 | ADD 145 1-3 |
| 2.52.050 | REEN | 260 | 1 | 7.33.040 | AMD 193 3 |
| 2.32.070 | AMD | 331 | 2 | 7.33.110 | AMD 193 4 |
| 2.56 | ADD | 132 | 7 | 7.33.130 | AMD 193 5 |
| 2.56.030 | AMD | 132 | 1 | 7.33.280 | AMD 193 6 |
| 2.56.060 | AMD | 331 | 15 | 7.68.065 | REP 6 E1 28 |
| 2.56.070 | AMD | 186 | 4 | 7.68.070 | AMD 6 E1 26 |
| 3.02 | ADD | 331 | 8 | 7.68.080 | AMD 6 E1 27 |
| 3.20.020 | AMD | 331 | 6 | 7.70.020 | AMD 53 1 |
| 3.34.130 | AMD | 331 | 9 | 9 | ADD 137 1-23, |
| 3.34.140 | AMD | 186 | 5 | | 25-29 |
| 3.62 | ADD | 330 | 1 | 9.41.025 | REP 137 38 |
| 3.62.060 | AMD | 330 | 1 | 9.41.025 | AMD 258 1 |
| 3.66.020 | AMD | 331 | 7 | 9.45.240 | AMD 252 1 |
| 4.22 | ADD | 27 | 8,9, | 9.46 | ADD 139 5 |
| | | | 11-15 | 9.46 | ADD 139 13-18 |
| 4.22.010 | REP | 27 | 17 | 9.46.020 | REEN 139 1 |
| 4.22.020 | AMD | 27 | 10 | 9.46.020 | AMD 139 1 |
| 4.24 | ADD | 320 | 1 | 9.46.030 | REEN 139 2 |
| 4.24.230 | AMD | 126 | 1 | 9.46.030 | AMD 139 2 |
| 4.24.250 | AMD | 181 | 1 | 9.46.070 | REEN 139 3 |
| 4.28.100 | AMD | 331 | 13 | 9.46.070 | AMD 139 3 |
| 4.84.080 | AMD | 331 | 3 | 9.46.075 | AMD 139 4 |
| 4.88.260 | AMD | 331 | 4 | 9.46.080 | AMD 139 6 |
| 5.24.040 | AMD | 331 | 14 | 9.46.090 | AMD 139 7 |
| 6.04 | ADD | 329 | 4 | 9.46.110 | AMD 139 8 |
| 6.04.040 | AMD | 329 | 5 | 9.46.115 | AMD 139 9 |
| 6.04.100 | AMD | 193 | 1 | 9.46.130 | AMD 139 10 |
| 6.12 | ADD | 329 | 9 | 9.46.140 | AMD 67 16 |
| 6.12.010 | AMD | 329 | 7 | 9.46.210 | AMD 139 11 |
| 6.12.020 | AMD | 329 | 8 | 9.46.230 | AMD 139 12 |
| 6.12.030 | REP | 329 | 22 | 9.91.090 | AMD 203 4 |
| 6.12.040 | REP | 329 | 22 | 9.92 | ADD 137 31 |
| 6.12.050 | AMD | 329 | 10 | 9.92 | ADD 299 21 |
| 6.12.060 | REP | 329 | 22 | 9.92.080 | AMD 136 35 |
| 6.12.070 | AMD | 329 | 11 | 9.95 | ADD 137 32 |
| 6.12.080 | AMD | 329 | 12 | 9.95.001 | REP 137 39 |
| 6.12.090 | AMD | 329 | 13 | | (Effective 7/1/88) |
| 6.12.100 | AMD | 149 | 1 | 9.95.003 | REP 137 39 |
| 6.12.100 | AMD | 304 | 17 | | (Effective 7/1/88) |
| 6.12.120 | AMD | 329 | 14 | 9.95.005 | REP 137 39 |
| 6.12.130 | REP | 329 | 22 | | (Effective 7/1/88) |
| 6.12.150 | AMD | 329 | 15 | 9.95.007 | REP 137 39 |
| 6.12.170 | AMD | 329 | 16 | | (Effective 7/1/88) |
| 6.12.220 | AMD | 329 | 17 | 9.95.060 | AMD 136 36 |
| 6.12.230 | AMD | 329 | 18 | 9.95.120 | AMD 136 37 |
| 6.12.250 | AMD | 329 | 19 | 9.95.121 | AMD 136 38 |
| 6.12.260 | AMD | 329 | 20 | 9.95.124 | AMD 136 39 |

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| 9.95.170 | AMD | 136 | 40 | 11.08.101 | AMD 136 58 |
| 9.95.200 | AMD | 136 | 41 | 11.08.120 | AMD 136 59 |
| 9.95.210 | AMD | 136 | 42 | 12.12.030 | REEN 260 3 |
| 9.95.250 | AMD | 136 | 43 | 12.40 | ADD 194 4 |
| 9.95.260 | AMD | 136 | 44 | 12.40.010 | AMD 331 10 |
| 9.95.320 | AMD | 136 | 45 | 12.40.030 | AMD 330 3 |
| 9.95.330 | AMD | 136 | 46 | 12.40.040 | AMD 194 3 |
| 9.95.340 | AMD | 136 | 47 | 12.40.060 | AMD 331 11 |
| 9.95.350 | AMD | 136 | 48 | 12.40.080 | AMD 331 12 |
| 9.95.360 | AMD | 136 | 49 | 13.04.030 | AMD 299 1 |
| 9.95.370 | AMD | 136 | 50 | 13.06.060 | AMD 60 1 |
| 9.95A | ADD | 137 | 33 | 13.07.010 | REP 60 2 |
| 9.95A.020 | AMD | 136 | 51 | 13.07.020 | REP 60 2 |
| 9.95A.030 | AMD | 136 | 52 | 13.07.030 | REP 60 2 |
| 9.95A.040 | AMD | 136 | 53 | 13.07.040 | REP 60 2 |
| 9.95A.080 | AMD | 136 | 54 | 13.07.050 | REP 60 2 |
| 9A.04.030 | AMD | 187 | 2 | 13.07.060 | REP 60 2 |
| 9A.04.080 | AMD | 203 | 1 | 13.07.070 | REP 60 2 |
| 9A.20.020 | AMD | 137 | 37 | 13.32A | ADD 298 4 |
| 9A.28.020 | AMD | 203 | 3 | 13.32A | ADD 298 14,15 |
| 9A.32.040 | AMD | 136 | 55 | 13.32A.040 | AMD 298 1 |
| 9A.32.040 | AMD | 138 | 21 | 13.32A.050 | AMD 298 2 |
| 9A.32.045 | REP | 138 | 24 | 13.32A.060 | AMD 298 3 |
| 9A.32.046 | REP | 138 | 24 | 13.32A.070 | AMD 298 5 |
| 9A.32.047 | AMD | 136 | 56 | 13.32A.080 | AMD 298 6 |
| 9A.32.047 | REP | 138 | 24 | 13.32A.090 | AMD 298 7 |
| 9A.36 | ADD | 267 | 1 | 13.32A.100 | AMD 298 8 |
| 9A.44.010 | AMD | 123 | 1 | 13.32A.130 | AMD 298 9 |
| 9A.44.040 | AMD | 137 | 36 | 13.32A.140 | AMD 298 10 |
| 9A.44.040 | AMD | 136 | 57 | 13.32A.150 | AMD 298 11 |
| 9A.48.020 | REP | 203 | 2 | 13.32A.170 | AMD 298 12 |
| 9A.48.100 | REEN | 260 | 2 | 13.32A.190 | AMD 298 13 |
| 9A.72 | ADD | 187 | 3 | 13.34 | ADD 195 2-7 |
| 9A.72.010 | AMD | 187 | 1 | 13.34.160 | AMD 195 8 |
| 10 | ADD | 138 | 1-20 | 13.34.170 | AMD 195 9 |
| 10.01 | ADD | 335 | 4 | 13.34.230 | AMD 195 1 |
| 10.25 | ADD | 187 | 4 | 13.40 | ADD 266 2 |
| 10.25 | ADD | 205 | 1 | 13.40 | ADD 299 3,4 |
| 10.31.100 | AMD | 106 | 1 | 13.40 | ADD 299 15 |
| 10.49.010 | REP | 138 | 24 | 13.40 | ADD 330 4 |
| 10.70.040 | REP | 138 | 24 | 13.40.020 | AMD 299 2 |
| 10.70.050 | REP | 138 | 24 | 13.40.030 | AMD 299 5 |
| 10.70.060 | REP | 138 | 24 | 13.40.060 | AMD 299 6 |
| 10.70.070 | REP | 138 | 24 | 13.40.070 | AMD 299 7 |
| 10.70.080 | REP | 138 | 24 | 13.40.080 | AMD 299 8 |
| 10.70.090 | REP | 138 | 24 | 13.40.120 | AMD 299 9 |
| 10.70.100 | REP | 138 | 24 | 13.40.130 | AMD 299 10 |
| 10.70.110 | REP | 138 | 24 | 13.40.140 | AMD 299 11 |
| 10.70.120 | REP | 138 | 24 | 13.40.150 | AMD 299 12 |
| 10.70.130 | REP | 138 | 24 | 13.40.160 | AMD 299 13 |
| 10.85.030 | AMD | 211 | 1 | 13.40.180 | AMD 299 14 |
| 10.94.010 | REP | 138 | 24 | 13.40.230 | AMD 299 16 |
| 10.94.020 | REP | 138 | 24 | 13.40.300 | AMD 299 17 |
| 10.94.030 | REP | 138 | 24 | 13.50.050 | AMD 299 19 |
| 10.94.900 | REP | 138 | 24 | 15.04.020 | AMD 296 1 |
| 10.99 | ADD | 145 | 7,8 | 15.04.030 | AMD 296 2 |
| 10.99.030 | AMD | 145 | 5 | 15.04.050 | REP 296 39 |
| 10.99.040 | AMD | 145 | 6 | 15.04.070 | AMD 296 3 |

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| 15.04.130 | REP | 296 | 39 | 17.24.030 | AMD | 296 | 24 |
| 15.04.140 | REP | 296 | 39 | 17.24.035 | AMD | 296 | 25 |
| 15.08.010 | AMD | 296 | 4 | 17.24.100 | AMD | 296 | 26 |
| 15.08.025 | AMD | 296 | 5 | 17.24.105 | AMD | 296 | 27 |
| 15.08.230 | AMD | 296 | 6 | 17.24.110 | AMD | 296 | 28 |
| 15.32.160 | AMD | 321 | 1 | 17.24.140 | AMD | 296 | 29 |
| 15.32.370 | REP | 260 | 18 | 17.28.160 | AMD | 156 | 1 |
| 15.36.050 | REP | 297 | 41 | 18 | ADD | 33 | 1-5 |
| 15.36.110 | AMD | 297 | 1 | 18.15 | ADD | 283 | 5 |
| 15.36.120 | AMD | 297 | 2 | 18.15.090 | AMD | 283 | 4 |
| 15.36.140 | AMD | 297 | 3 | 18.18 | ADD | 283 | 7 |
| 15.36.290 | AMD | 297 | 4 | 18.18.070 | AMD | 283 | 6 |
| 15.36.320 | AMD | 297 | 5 | 18.25.050 | AMD | 277 | 2 |
| 15.36.580 | AMD | 67 | 17 | 18.25.090 | AMD | 277 | 3 |
| 15.49.220 | AMD | 297 | 6 | 18.26.120 | AMD | 67 | 19 |
| 15.49.280 | AMD | 297 | 7 | 18.29.060 | AMD | 277 | 4 |
| 15.49.290 | AMD | 297 | 8 | 18.32 | ADD | 99 | 1 |
| 15.49.310 | AMD | 297 | 9 | 18.32.080 | AMD | 277 | 5 |
| 15.49.320 | AMD | 297 | 10 | 18.32.090 | AMD | 277 | 6 |
| 15.49.330 | AMD | 297 | 11 | 18.32.190 | AMD | 277 | 7 |
| 15.49.340 | AMD | 297 | 12 | 18.32.200 | REP | 277 | 11 |
| 15.49.350 | AMD | 297 | 13 | 18.32.300 | REP | 277 | 11 |
| 15.49.370 | AMD | 297 | 14 | 18.36.110 | REP | 277 | 11 |
| 15.49.380 | AMD | 297 | 15 | 18.39 | ADD | 43 | 3,4 |
| 15.49.410 | AMD | 297 | 16 | 18.39 | ADD | 43 | 12 |
| 15.52.020 | REP | 297 | 41 | 18.39.010 | AMD | 43 | 1 |
| 15.52.030 | REP | 297 | 41 | 18.39.020 | AMD | 43 | 2 |
| 15.52.040 | REP | 297 | 41 | 18.39.030 | REP | 43 | 21 |
| 15.53.9018 | AMD | 297 | 17 | 18.39.040 | REP | 43 | 21 |
| 15.54.350 | AMD | 297 | 18 | 18.39.050 | AMD | 43 | 5 |
| 15.58.200 | AMD | 297 | 19 | 18.39.070 | AMD | 43 | 6 |
| 15.58.220 | AMD | 297 | 20 | 18.39.080 | REP | 43 | 21 |
| 15.60.030 | AMD | 296 | 7 | 18.39.120 | AMD | 43 | 7 |
| 15.60.040 | AMD | 296 | 8 | 18.39.130 | AMD | 43 | 8 |
| 15.60.043 | AMD | 296 | 9 | 18.39.148 | AMD | 43 | 9 |
| 15.60.100 | AMD | 296 | 10 | 18.39.150 | AMD | 43 | 10 |
| 15.60.120 | AMD | 296 | 11 | 18.39.175 | AMD | 43 | 11 |
| 15.60.140 | AMD | 296 | 12 | 18.39.177 | REP | 43 | 21 |
| 15.60.150 | AMD | 296 | 13 | 18.39.180 | REP | 43 | 21 |
| 15.65.080 | AMD | 67 | 18 | 18.39.181 | AMD | 43 | 13 |
| 15.66.150 | AMD | 297 | 40 | 18.39.190 | AMD | 43 | 14 |
| 16.36.110 | AMD | 296 | 14 | 18.39.210 | REP | 43 | 21 |
| 16.57 | ADD | 296 | 35 | 18.39.220 | AMD | 43 | 16 |
| 16.57.010 | AMD | 296 | 15 | 18.39.223 | AMD | 43 | 17 |
| 16.57.160 | AMD | 296 | 16 | 18.39.225 | AMD | 43 | 18 |
| 16.57.220 | AMD | 296 | 17 | 18.39.230 | REP | 43 | 21 |
| 16.57.240 | AMD | 296 | 18 | 18.43.080 | REEN | 260 | 4 |
| 16.57.260 | AMD | 296 | 19 | 18.50 | ADD | 53 | 2-4, |
| 16.57.290 | AMD | 296 | 20 | | | | 7,10-15 |
| 16.57.300 | AMD | 296 | 21 | 18.50.010 | AMD | 53 | 5 |
| 16.57.380 | AMD | 296 | 22 | 18.50.040 | AMD | 53 | 6 |
| 16.57.400 | AMD | 296 | 23 | 18.50.060 | AMD | 53 | 8 |
| 17.21 | ADD | 297 | 26 | 18.50.070 | REP | 53 | 18 |
| 17.21.070 | AMD | 297 | 21 | 18.50.070 | REP | 277 | 11 |
| 17.21.110 | AMD | 297 | 22 | 18.50.080 | REP | 53 | 18 |
| 17.21.203 | AMD | 297 | 23 | 18.50.080 | REP | 277 | 11 |
| 17.21.220 | AMD | 297 | 24 | 18.50.100 | AMD | 53 | 9 |
| 17.24 | ADD | 296 | 35 | 18.51 | ADD | 2 E1 | 16 |

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| 18.51.007 | AMD | 2 E1 14 | 21.20.080 | AMD | 272 3 |
| 18.51.010 | AMD | 2 E1 15 | 21.20.090 | AMD | 272 4 |
| 18.51.020 | REP | 2 E1 26 | 21.20.310 | AMD | 272 5 |
| 18.51.050 | AMD | 2 E1 17 | 21.20.320 | AMD | 272 6 |
| 18.51.055 | REP | 2 E1 26 | 21.20.340 | AMD | 272 7 |
| 18.51.060 | AMD | 2 E1 18 | 21.20.390 | AMD | 272 8 |
| 18.51.065 | AMD | 2 E1 19 | 21.20.430 | AMD | 272 9 |
| 18.51.190 | AMD | 2 E1 20 | 21.20.580 | AMD | 272 10 |
| 18.51.200 | AMD | 2 E1 21 | 21.20.590 | AMD | 272 11 |
| 18.51.210 | AMD | 2 E1 22 | 22.09.010 | AMD | 296 37 |
| 18.51.240 | AMD | 2 E1 23 | 22.09.130 | AMD | 296 38 |
| 18.51.300 | AMD | 2 E1 24 | 22.09.500 | AMD | 297 25 |
| 18.51.310 | AMD | 2 E1 12 | 22.09.510 | REP | 297 42 |
| 18.52.150 | AMD | 67 20 | 23.86 | ADD | 297 36 |
| 18.53.005 | AMD | 58 1 | 23.86 | ADD | 297 38 |
| 18.53.010 | AMD | 58 2 | 23.86.060 | AMD | 302 2 |
| 18.53.050 | AMD | 277 8 | 23.86.090 | AMD | 297 32 |
| 18.53.070 | REEN | 260 5 | 23.86.120 | AMD | 297 33 |
| 18.53.140 | AMD | 58 3 | 23.86.190 | REP | 297 39 |
| 18.57.100 | REP | 277 11 | 23.86.210 | AMD | 297 34 |
| 18.57.110 | REP | 277 11 | 23.86.220 | AMD | 297 35 |
| 18.57.160 | AMD | 277 9 | 23.90.040 | AMD | 302 3 |
| 18.64.001 | AMD | 338 17 | 23A.12.010 | AMD | 302 4 |
| 18.64.005 | AMD | 67 21 | 23A.32.073 | AMD | 230 1 |
| 18.64.080 | AMD | 147 1 | 23A.32.075 | AMD | 230 2 |
| 18.64.243 | REP | 147 6 | 23A.40 | ADD | 230 4 |
| 18.64.255 | AMD | 147 3 | 23A.40.020 | AMD | 230 3 |
| 18.71 | ADD | 328 1 | 24.03.405 | AMD | 230 5 |
| 18.73.040 | AMD | 338 13 | 24.06.170 | AMD | 302 5 |
| 18.85.010 | AMD | 305 1 | 24.06.195 | AMD | 302 6 |
| 18.85.251 | AMD | 67 22 | 24.06.200 | AMD | 302 7 |
| 18.92.030 | AMD | 67 23 | 24.06.225 | AMD | 302 8 |
| 18.92.180 | AMD | 67 24 | 24.06.280 | AMD | 302 9 |
| 19 | ADD | 155 1-22 | 24.06.450 | AMD | 230 6 |
| 19 | ADD | 286 1-10 | 24.12.030 | AMD | 302 10 |
| 19.09.265 | AMD | 67 25 | 24.20.010 | AMD | 302 11 |
| 19.16.250 | AMD | 254 5 | 24.24.010 | AMD | 302 12 |
| 19.20.010 | REP | 136 121 | 24.28.010 | AMD | 302 13 |
| 19.20.020 | REP | 136 121 | 24.28.020 | AMD | 302 14 |
| 19.20.060 | REP | 136 121 | 24.32.300 | AMD | 297 37 |
| 19.20.900 | REP | 136 121 | 25 | ADD | 51 1-68 |
| 19.20.910 | REP | 136 121 | 25.08.010 | REP | 51 72 |
| 19.28 | ADD | 57 1 | 25.08.020 | REP | 51 72 |
| 19.52 | ADD | 77 6-8 | 25.08.030 | REP | 51 72 |
| 19.52 | ADD | 78 3,9 | 25.08.040 | REP | 51 72 |
| 19.52 | ADD | 79 1 | 25.08.050 | REP | 51 72 |
| 19.52 | ADD | 322 8 | 25.08.060 | REP | 51 72 |
| 19.52.010 | AMD | 80 1 | 25.08.070 | REP | 51 72 |
| 19.52.020 | AMD | 78 1 | 25.08.080 | REP | 51 72 |
| 19.52.080 | AMD | 78 2 | 25.08.090 | REP | 51 72 |
| 19.60.010 | AMD | 279 3 | 25.08.100 | REP | 51 72 |
| 19.76.100 | AMD | 302 1 | 25.08.110 | REP | 51 72 |
| 20.01.010 | AMD | 296 30 | 25.08.120 | REP | 51 72 |
| 20.01.030 | AMD | 296 31 | 25.08.130 | REP | 51 72 |
| 20.01.330 | AMD | 296 32 | 25.08.140 | REP | 51 72 |
| 20.01.380 | AMD | 296 33 | 25.08.150 | REP | 51 72 |
| 21.20.050 | AMD | 272 1 | 25.08.160 | REP | 51 72 |
| 21.20.070 | AMD | 272 2 | 25.08.170 | REP | 51 72 |

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| RCW | CH. | SEC. | RCW | CH. | SEC. | |
|------------|-----|------|-----|-------------|--------------------|-----|
| 25.08.180 | REP | 51 | 72 | 28A.24.060 | REP 265 | 15 |
| 25.08.190 | REP | 51 | 72 | | (Effective 9/1/82) | |
| 25.08.200 | REP | 51 | 72 | 28A.24.080 | REP 265 | 15 |
| 25.08.210 | REP | 51 | 72 | | (Effective 9/1/82) | |
| 25.08.220 | REP | 51 | 72 | 28A.24.100 | AMD 265 | 11 |
| 25.08.230 | REP | 51 | 72 | 28A.40.100 | AMD 4 | 1 |
| 25.08.240 | REP | 51 | 72 | 28A.40.100 | AMD 158 | 6 |
| 25.08.250 | REP | 51 | 72 | 28A.41 | ADD 265 | 1-6 |
| 25.08.260 | REP | 51 | 72 | 28A.41.160 | AMD 265 | 8 |
| 25.08.270 | REP | 51 | 72 | 28A.41.160 | AMD 265 | 9 |
| 25.08.280 | REP | 51 | 72 | 28A.41.160 | AMD 343 | 1 |
| 25.08.290 | REP | 51 | 72 | 28A.41.170 | AMD 285 | 1 |
| 25.08.300 | REP | 51 | 72 | 28A.41.220 | REP 108 | 1 |
| 25.08.310 | REP | 51 | 72 | 28A.44 | ADD 264 | 1-9 |
| 25.98.010 | REP | 51 | 72 | 28A.44.040 | REP 264 | 12 |
| 25.98.020 | REP | 51 | 72 | 28A.44.080 | REP 264 | 12 |
| 25.98.030 | REP | 51 | 72 | 28A.44.085 | REP 264 | 12 |
| 25.98.040 | REP | 51 | 72 | 28A.44.090 | REP 264 | 12 |
| 25.98.050 | REP | 51 | 72 | 28A.44.100 | REP 264 | 12 |
| 26.16.030 | AMD | 304 | 1 | 28A.44.110 | REP 264 | 12 |
| 26.44.020 | AMD | 164 | 1 | 28A.44.120 | REP 248 | 1 |
| 26.44.030 | AMD | 164 | 2 | 28A.44.120 | REP 264 | 12 |
| 26.44.050 | AMD | 164 | 3 | 28A.44.130 | REP 264 | 12 |
| 26.44.070 | AMD | 164 | 4 | 28A.45.010 | AMD 93 | 1 |
| 27.04 | ADD | 220 | 1 | 28A.45.120 | AMD 167 | 5 |
| 27.12.010 | AMD | 26 | 1 | 28A.48.010 | AMD 5 | 32 |
| 27.12.190 | AMD | 26 | 2 | 28A.48.010 | AMD 282 | 1 |
| 27.12.360 | AMD | 26 | 3 | 28A.56 | ADD 239 | 1 |
| 27.36 | ADD | 253 | 2 | 28A.58 | ADD 16 | 2 |
| 27.36.010 | AMD | 253 | 1 | 28A.58 | ADD 54 | 1-7 |
| 27.36.020 | AMD | 253 | 3 | 28A.58 | ADD 250 | 2 |
| 27.36.030 | AMD | 253 | 4 | 28A.58 | ADD 265 | 7 |
| 27.36.040 | AMD | 253 | 5 | 28A.58.033 | AMD 306 | 2 |
| 27.36.050 | AMD | 253 | 6 | 28A.58.035 | AMD 250 | 4 |
| 28A.02.030 | AMD | 130 | 1 | 28A.58.040 | AMD 306 | 3 |
| 28A.02.110 | AMD | 306 | 1 | 28A.58.045 | AMD 306 | 4 |
| 28A.03.030 | AMD | 249 | 1 | 28A.58.0461 | AMD 250 | 3 |
| 28A.03.095 | REP | 109 | 1 | 28A.58.100 | AMD 16 | 1 |
| 28A.03.405 | AMD | 198 | 2 | 28A.58.107 | AMD 308 | 1 |
| 28A.04 | ADD | 265 | 12 | 28A.58.700 | REP 110 | 1 |
| 28A.04.020 | AMD | 38 | 1 | 28A.58.701 | REP 110 | 1 |
| 28A.04.025 | REP | 38 | 4 | 28A.58.703 | REP 110 | 1 |
| 28A.04.050 | AMD | 38 | 2 | 28A.58.704 | REP 110 | 1 |
| 28A.04.060 | AMD | 38 | 3 | 28A.58.706 | REP 110 | 1 |
| 28A.04.063 | REP | 38 | 4 | 28A.58.707 | REP 110 | 1 |
| 28A.04.131 | AMD | 200 | 1 | 28A.87.055 | AMD 36 | 1 |
| 28A.04.137 | REP | 110 | 1 | 28B.05.030 | AMD 283 | 1 |
| 28A.04.300 | REP | 198 | 1 | 28B.05.040 | AMD 283 | 2 |
| 28A.04.310 | REP | 198 | 1 | 28B.05.130 | AMD 283 | 3 |
| 28A.14.010 | REP | 103 | 1 | 28B.10 | ADD 55 | 1 |
| 28A.14.020 | REP | 103 | 1 | 28B.10.580 | AMD 23 | 1 |
| 28A.14.030 | REP | 103 | 1 | 28B.10.582 | AMD 23 | 2 |
| 28A.14.040 | REP | 103 | 1 | 28B.10.650 | AMD 113 | 1 |
| 28A.14.050 | REP | 103 | 1 | 28B.15 | ADD 257 | 2 |
| 28A.14.060 | REP | 103 | 1 | 28B.15 | ADD 257 | 4 |
| 28A.21.088 | AMD | 103 | 2 | 28B.15 | ADD 257 | 6-9 |
| 28A.24 | ADD | 307 | 1 | 28B.15.031 | AMD 257 | 1 |
| 28A.24.055 | AMD | 265 | 10 | 28B.15.060 | REP 257 | 11 |

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| RCW | CH. | SEC. | RCW | CH. | SEC. |
|-------------|-----|------|-------|-----------|--------------|
| 28B.15.070 | AMD | 257 | 3 | 31.04.050 | AMD 302 21 |
| 28B.15.075 | REP | 257 | 11 | 31.04.070 | AMD 302 22 |
| 28B.15.100 | AMD | 257 | 5 | 31.04.090 | AMD 312 2 |
| 28B.15.201 | REP | 257 | 11 | 31.04.100 | AMD 312 3 |
| 28B.15.225 | AMD | 20 | 1 | 31.04.140 | AMD 312 4 |
| 28B.15.401 | REP | 257 | 11 | 31.04.150 | AMD 312 5 |
| 28B.15.500 | AMD | 246 | 1 | 31.04.220 | AMD 312 6 |
| 28B.15.500 | REP | 257 | 1 | 31.12 | ADD 90 1,3 |
| 28B.16.060 | AMD | 338 | 19 | 31.12 | ADD 192 24 |
| 28B.19 | ADD | 324 | 14-17 | 31.12.020 | AMD 81 1 |
| 28B.19.020 | AMD | 324 | 11 | 31.12.030 | AMD 81 2 |
| 28B.19.030 | AMD | 324 | 12 | 31.12.050 | AMD 302 23 |
| 28B.19.040 | AMD | 324 | 13 | 31.12.080 | AMD 81 3 |
| 28B.19.120 | AMD | 67 | 26 | 31.12.130 | AMD 81 4 |
| 28B.30 | ADD | 238 | 3,4 | 31.12.140 | AMD 192 26 |
| 28B.30 | ADD | 5 | E1 7 | 31.12.190 | AMD 81 5 |
| 28B.50 | ADD | 246 | 4 | 31.12.220 | AMD 81 6 |
| 28B.50.040 | AMD | 72 | 1 | 31.12.245 | AMD 81 7 |
| 28B.50.090 | AMD | 246 | 2 | 31.12.260 | AMD 81 8 |
| 28B.50.140 | AMD | 246 | 3 | 31.12.280 | AMD 81 9 |
| 28B.59C.090 | REP | 237 | 9 | 31.12.290 | AMD 81 10 |
| 28B.70.040 | AMD | 338 | 14 | 31.12.310 | AMD 81 11 |
| 29.13.023 | AMD | 213 | 3 | 31.12.330 | AMD 81 12 |
| 29.13.024 | AMD | 213 | 4 | 31.12.375 | REP 90 2 |
| 29.18 | ADD | 180 | 1-3 | 31.16.040 | AMD 302 24 |
| 29.21.017 | AMD | 213 | 5 | 31.16.070 | AMD 302 25 |
| 29.51.200 | AMD | 34 | 1 | 32 | ADD 85 1-104 |
| 29.51.210 | REP | 34 | 3 | 32.04.010 | AMD 85 105 |
| 29.51.215 | AMD | 34 | 2 | 32.04.020 | AMD 85 106 |
| 29.80 | ADD | 243 | 1 | 32.04.060 | AMD 86 1 |
| 29.81 | ADD | 243 | 2 | 32.08 | ADD 86 10-13 |
| 30 | ADD | 82 | 1-9 | 32.08.060 | AMD 302 26 |
| 30 | ADD | 192 | 1-22 | 32.08.061 | AMD 302 27 |
| 30.04.020 | AMD | 88 | 1 | 32.08.070 | AMD 302 28 |
| 30.04.090 | REP | 89 | 7 | 32.08.140 | AMD 86 2 |
| 30.04.180 | AMD | 89 | 1 | 32.08.150 | AMD 86 3 |
| 30.04.230 | AMD | 89 | 2 | 32.12.020 | AMD 192 28 |
| 30.08 | ADD | 89 | 4-6 | 32.12.030 | REP 192 33 |
| 30.08.020 | AMD | 73 | 1 | 32.12.110 | REP 192 33 |
| 30.08.040 | AMD | 302 | 15 | 32.12.120 | AMD 192 31 |
| 30.08.050 | AMD | 302 | 16 | 32.20 | ADD 86 14,15 |
| 30.08.060 | AMD | 302 | 17 | 32.20.235 | REP 86 16 |
| 30.08.070 | AMD | 302 | 18 | 32.20.250 | REP 86 16 |
| 30.08.095 | AMD | 302 | 19 | 32.20.255 | REP 86 16 |
| 30.12.010 | AMD | 89 | 3 | 32.20.260 | REP 86 16 |
| 30.20 | ADD | 192 | 23 | 32.20.270 | REP 86 16 |
| 30.20.010 | REP | 192 | 33 | 32.20.275 | REP 86 16 |
| 30.20.015 | REP | 192 | 33 | 32.20.280 | AMD 86 4 |
| 30.20.020 | REP | 192 | 33 | 32.20.285 | AMD 86 5 |
| 30.20.030 | REP | 192 | 33 | 32.20.380 | AMD 86 6 |
| 30.20.035 | REP | 192 | 33 | 32.20.400 | AMD 86 7 |
| 30.20.090 | AMD | 192 | 25 | 32.20.410 | AMD 86 8 |
| 30.20.100 | REP | 192 | 33 | 32.20.420 | REP 86 16 |
| 30.40.020 | AMD | 73 | 2 | 32.20.460 | AMD 86 9 |
| 30.43 | ADD | 83 | 2 | 32.20.490 | REP 86 16 |
| 30.43.020 | AMD | 83 | 1 | 32.24.020 | AMD 302 29 |
| 31.04.040 | AMD | 302 | 20 | 33.08.050 | AMD 302 30 |
| 31.04.040 | AMD | 312 | 1 | 33.08.080 | AMD 302 31 |

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|-----------|------|-----|------|------------|-----|-----|-------|
| 33.08.090 | AMD | 302 | 32 | 35.55.100 | AMD | 156 | 3 |
| 33.12 | ADD | 87 | 1,2 | 35.55.110 | AMD | 156 | 4 |
| 33.12.150 | AMD | 84 | 3 | 35.55.120 | AMD | 156 | 5 |
| 33.20 | ADD | 192 | 29 | 35.56.110 | AMD | 156 | 6 |
| 33.20.030 | REP | 192 | 33 | 35.56.120 | AMD | 156 | 7 |
| 33.20.035 | REP | 192 | 33 | 35.56.130 | AMD | 156 | 8 |
| 33.20.040 | AMD | 192 | 30 | 35.58.120 | AMD | 190 | 3 |
| 33.20.050 | REP | 192 | 33 | 35.58.240 | AMD | 25 | 1 |
| 33.20.070 | REP | 192 | 33 | 35.58.279 | AMD | 319 | 3 |
| 33.20.080 | REP | 192 | 33 | 35.73.060 | AMD | 156 | 9 |
| 33.24.190 | REP | 87 | 3 | 35.87A.010 | AMD | 279 | 1 |
| 33.28.010 | AMD | 302 | 33 | 35.87A.080 | AMD | 279 | 2 |
| 33.44.020 | AMD | 302 | 34 | 35.91.020 | AMD | 313 | 11 |
| 33.46.050 | AMD | 302 | 35 | 35.92 | ADD | 100 | 1 |
| 33.46.060 | AMD | 302 | 36 | 35.92 | ADD | 273 | 1 |
| 33.48 | ADD | 84 | 4 | 35.92.060 | AMD | 25 | 2 |
| 33.48.030 | AMD | 84 | 1 | 35A.01 | ADD | 213 | 2 |
| 33.48.040 | AMD | 84 | 2 | 35A.14.020 | AMD | 332 | 6 |
| 34 | ADD | 67 | 1-12 | 35A.14.300 | AMD | 332 | 7 |
| 34.04 | ADD | 324 | 5-10 | 35A.14.380 | AMD | 332 | 8 |
| 34.04.010 | AMD | 183 | 1 | 35A.70.070 | AMD | 2 | E1 25 |
| 34.04.010 | AMD | 324 | 2 | 35A.82 | ADD | 144 | 9,11 |
| 34.04.020 | AMD | 67 | 13 | 35A.82.050 | AMD | 144 | 7 |
| 34.04.022 | AMD | 67 | 14 | 36.01 | ADD | 75 | 2 |
| 34.04.025 | AMD | 324 | 3 | 36.18.020 | AMD | 330 | 5 |
| 34.04.030 | AMD | 324 | 4 | 36.18.027 | AMD | 330 | 6 |
| 34.04.150 | AMD | 64 | 2 | 36.18.040 | AMD | 194 | 1 |
| 34.04.160 | REP | 260 | 18 | 36.18.060 | AMD | 194 | 2 |
| 34.08.020 | AMD | 299 | 18 | 36.21.080 | AMD | 274 | 3 |
| 35 | ADD | 213 | 1 | 36.23.065 | AMD | 277 | 10 |
| 35.10.240 | AMD | 157 | 1 | 36.23.070 | AMD | 154 | 1 |
| 35.10.250 | AMD | 157 | 2 | 36.32.110 | AMD | 240 | 1 |
| 35.10.265 | AMD | 157 | 3 | 36.57.010 | AMD | 319 | 1 |
| 35.10.320 | AMD | 157 | 4 | 36.57.040 | AMD | 25 | 3 |
| 35.13 | ADD | 332 | 1,2 | 36.57.040 | AMD | 319 | 2 |
| 35.13.020 | AMD | 332 | 3 | 36.57A.090 | AMD | 25 | 4 |
| 35.13.130 | AMD | 66 | 1 | 36.63.255 | AMD | 136 | 60 |
| 35.13.172 | REEN | 260 | 6 | 36.67.040 | AMD | 156 | 10 |
| 35.13.180 | AMD | 332 | 4 | 36.67.520 | AMD | 313 | 12 |
| 35.13.247 | AMD | 332 | 5 | 36.67.530 | AMD | 313 | 13 |
| 35.18.020 | REEN | 260 | 7 | 36.68 | ADD | 210 | 12 |
| 35.21 | ADD | 75 | 1 | 36.68.400 | AMD | 210 | 1 |
| 35.21 | ADD | 144 | 8,10 | 36.68.410 | AMD | 210 | 2 |
| 35.21.710 | AMD | 144 | 6 | 36.68.420 | AMD | 210 | 3 |
| 35.33.011 | AMD | 40 | 1 | 36.68.440 | AMD | 210 | 4 |
| 35.39.034 | AMD | 218 | 1 | 36.68.450 | AMD | 210 | 5 |
| 35.43.040 | AMD | 17 | 1 | 36.68.470 | AMD | 210 | 6 |
| 35.43.110 | AMD | 313 | 10 | 36.68.480 | AMD | 210 | 7 |
| 35.43.120 | AMD | 323 | 1 | 36.68.490 | AMD | 210 | 8 |
| 35.45.040 | AMD | 323 | 2 | 36.68.500 | AMD | 210 | 9 |
| 35.45.130 | AMD | 323 | 3 | 36.68.520 | AMD | 210 | 10 |
| 35.45.150 | REEN | 156 | 2 | 36.68.530 | AMD | 210 | 11 |
| 35.45.150 | REEN | 323 | 4 | 36.68.540 | REP | 210 | 22 |
| 35.45.150 | AMD | 323 | 4 | 36.68.550 | AMD | 210 | 13 |
| 35.49.020 | AMD | 323 | 5 | 36.68.560 | AMD | 210 | 14 |
| 35.50.030 | AMD | 323 | 6 | 36.68.570 | AMD | 210 | 15 |
| 35.54.060 | AMD | 323 | 7 | 36.68.580 | AMD | 210 | 16 |
| 35.54.090 | AMD | 323 | 8 | 36.68.600 | AMD | 210 | 17 |

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|-----------|------|------|-------|-----------|------|-----|----|
| 36.69 | ADD | 210 | 18 | 41.06 | ADD | 136 | 28 |
| 36.69.140 | AMD | 210 | 19 | 41.06 | ADD | 295 | 10 |
| 36.76.010 | REP | 260 | 18 | 41.06 | ADD | 344 | 7 |
| 36.88.140 | AMD | 156 | 11 | 41.06.070 | AMD | 225 | 2 |
| 36.88.230 | AMD | 156 | 12 | 41.06.078 | REP | 295 | 16 |
| 36.88.470 | AMD | 156 | 13 | 41.06.110 | AMD | 311 | 16 |
| 36.89 | ADD | 313 | 19,21 | 41.06.110 | AMD | 338 | 20 |
| 36.89.100 | AMD | 313 | 20 | 41.06.120 | AMD | 311 | 17 |
| 36.93.090 | AMD | 45 | 2 | 41.06.125 | REP | 311 | 21 |
| 36.93.090 | AMD | 332 | 9 | 41.06.150 | AMD | 311 | 18 |
| 36.93.180 | AMD | 332 | 10 | 41.06.170 | AMD | 311 | 19 |
| 36.94 | ADD | 313 | 7-9 | 41.06.180 | REP | 311 | 21 |
| 36.94.010 | AMD | 313 | 14 | 41.06.190 | REP | 311 | 21 |
| 36.94.020 | AMD | 313 | 1 | 41.06.200 | REP | 311 | 21 |
| 36.94.030 | AMD | 313 | 15 | 41.06.210 | REP | 311 | 21 |
| 36.94.050 | AMD | 313 | 16 | 41.24.030 | AMD | 3 | 26 |
| 36.94.200 | AMD | 313 | 2 | 41.24.060 | AMD | 213 | 7 |
| 36.94.220 | AMD | 313 | 3 | 41.24.150 | AMD | 21 | 1 |
| 36.94.230 | AMD | 313 | 4 | 41.24.160 | AMD | 21 | 2 |
| 36.94.240 | AMD | 313 | 5 | 41.24.170 | AMD | 21 | 4 |
| 36.94.250 | AMD | 313 | 17 | 41.24.230 | AMD | 21 | 3 |
| 36.94.260 | AMD | 313 | 18 | 41.26 | ADD | 294 | 1 |
| 36.94.270 | AMD | 313 | 6 | 41.26.030 | AMD | 256 | 4 |
| 36.95.080 | AMD | 52 | 1 | 41.26.060 | AMD | 3 | 27 |
| 36.95.100 | AMD | 52 | 2 | 41.26.070 | AMD | 3 | 28 |
| 36.95.110 | AMD | 52 | 3 | 41.26.120 | AMD | 294 | 2 |
| 36.95.160 | AMD | 52 | 4 | 41.26.130 | AMD | 294 | 3 |
| 38.12.010 | AMD | 338 | 3 | 41.26.140 | AMD | 294 | 4 |
| 38.32.130 | REP | 260 | 18 | 41.26.200 | AMD | 294 | 5 |
| 38.52.210 | AMD | 213 | 6 | 41.26.210 | AMD | 294 | 6 |
| 39 | ADD | 61 | 1-8 | 41.26.220 | AMD | 294 | 7 |
| 39 | ADD | 68 | 1-4 | 41.26.470 | AMD | 294 | 9 |
| 39 | ADD | 300 | 1-17 | 41.32.010 | AMD | 256 | 5 |
| 39.12.020 | AMD | 46 | 1 | 41.32.207 | AMD | 3 | 29 |
| 39.12.040 | AMD | 46 | 2 | 41.32.590 | AMD | 294 | 13 |
| 39.29.006 | AMD | 263 | 1 | 41.40.010 | AMD | 256 | 6 |
| 39.29.030 | AMD | 225 | 1 | 41.40.072 | AMD | 3 | 30 |
| 39.33.010 | AMD | 96 | 1 | 41.40.075 | AMD | 3 | 31 |
| 39.34.030 | AMD | 308 | 2 | 41.40.080 | AMD | 3 | 32 |
| 39.42.050 | AMD | 29 | 1 | 41.40.170 | AMD | 294 | 12 |
| 39.44.030 | AMD | 156 | 14 | 41.40.380 | AMD | 294 | 14 |
| 39.56.010 | REP | 10 | 5 | 41.48.050 | AMD | 119 | 1 |
| 39.56.010 | AMD | 156 | 15 | 41.50.050 | AMD | 3 | 33 |
| 39.56.030 | AMD | 10 | 4 | 41.50.080 | AMD | 3 | 34 |
| 39.56.030 | AMD | 156 | 16 | 41.50.090 | AMD | 294 | 8 |
| 39.58 | ADD | 39 | 1 | 41.56 | ADD | 16 | 4 |
| 39.58 | ADD | 156 | 37 | 41.58.010 | AMD | 338 | 21 |
| 39.58.150 | AMD | 101 | 1 | 41.59 | ADD | 16 | 3 |
| 40.04.040 | AMD | 162 | 1 | 42.12.010 | AMD | 180 | 4 |
| 40.06.040 | REEN | 260 | 8 | 42.12.030 | AMD | 180 | 5 |
| 40.14 | ADD | 115 | 4 | 42.14.050 | AMD | 213 | 8 |
| 40.14.010 | AMD | 32 | 4 | 42.16.011 | AMD | 9 | 1 |
| 40.14.020 | AMD | 115 | 1 | 42.16.012 | AMD | 9 | 2 |
| 40.20.020 | AMD | 32 | 5 | 42.16.013 | AMD | 9 | 3 |
| 41 | ADD | 311 | 1-15 | 42.16.014 | AMD | 9 | 4 |
| 41.04.250 | AMD | 256 | 2 | 42.16.015 | AMD | 9 | 5 |
| 41.04.260 | AMD | 256 | 3 | 42.16.020 | AMD | 19 | 3 |
| 41.05.050 | AMD | 344 | 6 | 42.17.240 | AMD | 67 | 15 |

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| RCW | CH. | SEC. | RCW | CH. | SEC. | | |
|-------------|------|------|--------|------------|------|-----|-----|
| 42.17.240 | AMD | 311 | 20 | 43.31.300 | AMD | 3 | 35 |
| 42.17.245 | AMD | 102 | 1 | 43.31.300 | REP | 295 | 16 |
| 42.24.090 | AMD | 56 | 1 | 43.31.310 | REP | 295 | 16 |
| 42.28.030 | AMD | 314 | 1 | 43.31.320 | REP | 295 | 16 |
| 43 | ADD | 3 | 1-16 | 43.31.330 | REP | 295 | 16 |
| 43 | ADD | 14 | 1-5 | 43.31.956 | AMD | 244 | 1 |
| 43 | ADD | 124 | 1-3 | 43.31A.010 | REP | 76 | 6 |
| 43 | ADD | 158 | 1-5, | 43.31A.020 | REP | 76 | 6 |
| | | | 7,8 | 43.31A.030 | REP | 76 | 6 |
| 43.____ | AMD | 219 | 1 | 43.31A.040 | REP | 76 | 6 |
| 43.____ | AMD | 219 | 2 | 43.31A.050 | REP | 76 | 6 |
| 43.____ | AMD | 219 | 3 | 43.31A.060 | REP | 76 | 6 |
| 43.____ | AMD | 219 | 4 | 43.31A.070 | REP | 76 | 6 |
| 43.____ | AMD | 219 | 5 | 43.31A.080 | REP | 76 | 6 |
| 43.____ | AMD | 242 | 1 | 43.31A.090 | REP | 76 | 6 |
| 43.06 | ADD | 338 | 1,2 | 43.31A.100 | REP | 76 | 6 |
| 43.06.030 | AMD | 338 | 12 | 43.31A.110 | AMD | 76 | 5 |
| 43.06.140 | REP | 270 | 16 | 43.31A.130 | AMD | 76 | 1 |
| 43.06.300 | AMD | 213 | 9 | 43.31A.140 | AMD | 76 | 2 |
| 43.08.061 | AMD | 10 | 1 | 43.31A.140 | REP | 76 | 6 |
| 43.08.062 | AMD | 10 | 2 | 43.31A.150 | REP | 76 | 6 |
| 43.08.070 | AMD | 10 | 3 | 43.31A.200 | REP | 76 | 6 |
| 43.09 | ADD | 336 | 1-5 | 43.31A.210 | REP | 76 | 6 |
| 43.09.290 | AMD | 336 | 6 | 43.31A.220 | REP | 76 | 6 |
| 43.09.310 | AMD | 217 | 1 | 43.31A.230 | REP | 76 | 6 |
| 43.10 | ADD | 335 | 1-3 | 43.31A.240 | REP | 76 | 6 |
| 43.10.067 | AMD | 268 | 1 | 43.31A.250 | REP | 76 | 6 |
| 43.17.010 | AMD | 136 | 61 | 43.31A.260 | REP | 76 | 6 |
| 43.17.020 | AMD | 136 | 62 | 43.31A.270 | REP | 76 | 6 |
| 43.19 | ADD | 136 | 14,15 | 43.31A.280 | REP | 76 | 6 |
| 43.19 | ADD | 241 | 1,2 | 43.31A.290 | REP | 76 | 6 |
| 43.19.015 | AMD | 115 | 2 | 43.31A.300 | REP | 76 | 6 |
| 43.19.19365 | REP | 112 | 2 | 43.31A.310 | REP | 76 | 6 |
| 43.19.450 | AMD | 136 | 63 | 43.31A.330 | REP | 76 | 6 |
| 43.19.510 | RECD | 32 | 3 | 43.31A.900 | REP | 76 | 6 |
| 43.20A | ADD | 6 | E1 25 | 43.31A.920 | REP | 76 | 6 |
| 43.20A | ADD | 151 | 1-5 | 43.33.020 | REP | 3 | 48 |
| 43.20A.360 | AMD | 151 | 6 | 43.33.025 | REP | 3 | 48 |
| 43.21C | ADD | 278 | 4 | 43.33.030 | AMD | 3 | 24 |
| 43.21C | ADD | 290 | 1 | 43.33.050 | REP | 3 | 48 |
| 43.21F | ADD | 295 | 1-5, | 43.33.060 | REP | 3 | 48 |
| | | | 7-9,12 | 43.33.070 | REP | 3 | 48 |
| 43.21F.020 | REP | 295 | 16 | 43.33.080 | REP | 3 | 48 |
| 43.21F.030 | REP | 295 | 16 | 43.33.090 | REP | 3 | 48 |
| 43.21F.040 | REP | 295 | 16 | 43.33.110 | REP | 3 | 48 |
| 43.21F.050 | REP | 295 | 16 | 43.33.120 | REP | 3 | 48 |
| 43.21F.060 | AMD | 295 | 6 | 43.33.130 | AMD | 3 | 25 |
| 43.21F.070 | REP | 295 | 16 | 43.37 | ADD | 278 | 1-3 |
| 43.21G.010 | AMD | 295 | 11 | 43.41 | ADD | 157 | 5 |
| 43.21G.040 | AMD | 281 | 1 | 43.43.020 | AMD | 338 | 4 |
| 43.21G.050 | AMD | 281 | 2 | 43.43.040 | AMD | 165 | 1 |
| 43.22.160 | REP | 260 | 18 | 43.43.170 | AMD | 3 | 36 |
| 43.22.170 | REP | 260 | 18 | 43.43.175 | AMD | 3 | 37 |
| 43.23 | ADD | 297 | 27,28 | 43.51 | ADD | 114 | 2 |
| 43.24.085 | AMD | 53 | 16 | 43.51 | ADD | 271 | 3 |
| 43.31.040 | AMD | 295 | 13 | 43.51.270 | AMD | 271 | 1 |
| 43.31.280 | REP | 295 | 16 | 43.51.280 | AMD | 271 | 2 |
| 43.31.290 | REP | 295 | 16 | 43.52 | ADD | 173 | 2-6 |

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| RCW | CH. | SEC. | RCW | CH. | SEC. | | |
|------------|-----|------|------------|------------|------|-----|------|
| 43.52 | ADD | 301 | 43.117.040 | AMD | 338 | 16 | |
| 43.52 | ADD | 1 E1 | 43.125.020 | REP | 260 | 18 | |
| 43.52 | ADD | 3 E1 | 2,5 | 43.131.140 | REEN | 260 | 9 |
| 43.52.250 | AMD | 1 E1 | 1 | 43.131.153 | REP | 118 | 2 |
| 43.52.3411 | AMD | 1 E1 | 2 | 43.131.154 | REP | 118 | 2 |
| 43.52.343 | AMD | 1 E1 | 3 | 43.131.159 | REP | 133 | 2 |
| 43.52.370 | AMD | 3 E1 | 1 | 43.131.160 | REP | 133 | 2 |
| 43.52.375 | AMD | 3 E1 | 3 | 43.131.162 | REP | 157 | 7 |
| 43.52.378 | AMD | 3 E1 | 4 | 43.131.169 | REP | 337 | 12 |
| 43.52.480 | REP | 173 | 7 | 43.131.170 | REP | 337 | 12 |
| 43.52.490 | AMD | 173 | 1 | 43.131.173 | REP | 43 | 21 |
| 43.58.070 | AMD | 115 | 3 | 43.131.174 | REP | 43 | 21 |
| 43.63A | ADD | 304 | 38-42 | 43.131.177 | REP | 112 | 2 |
| 43.63A.085 | REP | 157 | 7 | 43.131.178 | REP | 112 | 2 |
| 43.63A.120 | REP | 157 | 7 | 43.131.179 | REP | 295 | 16 |
| 43.63A.130 | AMD | 157 | 6 | 43.131.180 | REP | 295 | 16 |
| 43.78.010 | AMD | 338 | 6 | 43.131.181 | REP | 107 | 2 |
| 43.79.330 | AMD | 242 | 3 | 43.131.182 | REP | 107 | 2 |
| 43.84.031 | AMD | 3 | 17 | 43.131.185 | REP | 206 | 3 |
| 43.84.080 | AMD | 3 | 18 | 43.131.186 | REP | 206 | 3 |
| 43.84.090 | AMD | 242 | 2 | 43.131.187 | AMD | 334 | 1 |
| 43.84.140 | AMD | 3 | 19 | 43.131.188 | AMD | 334 | 2 |
| 43.84.150 | AMD | 3 | 20 | 43.131.209 | REP | 136 | 121 |
| 43.84.150 | AMD | 98 | 1 | 43.131.210 | REP | 136 | 121 |
| 43.84.170 | AMD | 3 | 21 | 44 | ADD | 288 | 4-68 |
| 43.85.241 | AMD | 9 | 6 | 44.07.540 | REP | 288 | 82 |
| 43.88 | ADD | 270 | 6,7,14 | 44.07A.001 | REP | 288 | 82 |
| 43.88 | ADD | 280 | 1-5 | 44.07A.005 | REP | 288 | 82 |
| 43.88.010 | AMD | 270 | 1 | 44.07A.030 | REP | 288 | 82 |
| 43.88.020 | AMD | 270 | 2 | 44.07A.040 | REP | 288 | 82 |
| 43.88.020 | AMD | 280 | 6 | 44.07A.050 | REP | 288 | 82 |
| 43.88.030 | AMD | 270 | 3 | 44.07A.060 | REP | 288 | 82 |
| 43.88.090 | AMD | 270 | 4 | 44.07A.130 | REP | 288 | 82 |
| 43.88.110 | AMD | 270 | 5 | 44.07A.140 | REP | 288 | 82 |
| 43.88.120 | AMD | 270 | 8 | 44.07A.230 | REP | 288 | 82 |
| 43.88.140 | AMD | 270 | 9 | 44.07A.260 | REP | 288 | 82 |
| 43.88.150 | AMD | 270 | 10 | 44.07A.270 | REP | 288 | 82 |
| 43.88.160 | AMD | 270 | 11 | 44.07A.900 | REP | 288 | 82 |
| 43.88.160 | AMD | 280 | 7 | 44.20.040 | AMD | 162 | 2 |
| 43.88.230 | AMD | 270 | 12 | 44.40.025 | AMD | 270 | 15 |
| 43.88.240 | AMD | 225 | 3 | 46.12.290 | AMD | 304 | 2 |
| 43.88.290 | AMD | 270 | 13 | 46.12.330 | AMD | 67 | 27 |
| 43.96C.050 | AMD | 295 | 14 | 46.16.006 | AMD | 214 | 1 |
| 43.99.110 | AMD | 206 | 1 | 46.16.060 | AMD | 342 | 8 |
| 43.99.110 | AMD | 338 | 7 | 46.16.160 | AMD | 318 | 1 |
| 43.99.130 | AMD | 206 | 2 | 46.20.055 | REEN | 260 | 10 |
| 43.101 | ADD | 133 | 1 | 46.20.117 | AMD | 92 | 2 |
| 43.101 | ADD | 134 | 1 | 46.20.118 | AMD | 22 | 1 |
| 43.101 | ADD | 136 | 26 | 46.20.130 | AMD | 245 | 4 |
| 43.101.010 | AMD | 132 | 2 | 46.20.161 | AMD | 245 | 1 |
| 43.101.030 | AMD | 132 | 3 | 46.20.181 | AMD | 245 | 2 |
| 43.101.090 | AMD | 132 | 4 | 46.20.308 | REEN | 260 | 11 |
| 43.101.100 | AMD | 132 | 5 | 46.20.311 | AMD | 91 | 1 |
| 43.101.110 | AMD | 132 | 6 | 46.20.329 | AMD | 67 | 28 |
| 43.101.180 | AMD | 136 | 27 | 46.20.336 | AMD | 92 | 1 |
| 43.101.210 | AMD | 4 | 8 | 46.29 | ADD | 309 | 6 |
| 43.101.210 | AMD | 127 | 1 | 46.29.070 | AMD | 309 | 1 |
| 43.115.030 | AMD | 338 | 15 | 46.29.140 | AMD | 309 | 2 |

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| RCW | CH. | SEC. | RCW | CH. | SEC. | |
|-----------|-----|------|-----------|------|------|------|
| 46.29.170 | AMD | 309 | 46.86.140 | REP | 222 | 13 |
| 46.29.220 | AMD | 309 | 47.01.061 | AMD | 59 | 1 |
| 46.29.230 | AMD | 309 | 47.01.071 | AMD | 59 | 2 |
| 46.44.092 | AMD | 63 | 47.10 | ADD | 316 | 1-9 |
| 46.44.160 | AMD | 229 | 47.10.790 | AMD | 316 | 10 |
| 46.52.030 | AMD | 30 | 47.12.060 | REP | 260 | 18 |
| 46.52.102 | AMD | 185 | 47.12.070 | REP | 260 | 18 |
| 46.61 | ADD | 185 | 47.12.140 | AMD | 260 | 12 |
| 46.61.470 | AMD | 105 | 47.12.140 | REEN | 260 | 12 |
| 46.63 | ADD | 19 | 47.12.210 | AMD | 3 | 38 |
| 46.63.020 | AMD | 19 | 47.26 | ADD | 315 | 10 |
| 46.63.020 | AMD | 318 | 47.26.060 | AMD | 315 | 1 |
| 46.63.080 | AMD | 19 | 47.26.080 | AMD | 315 | 2 |
| 46.63.110 | AMD | 19 | 47.26.120 | AMD | 315 | 3 |
| 46.63.110 | AMD | 330 | 47.26.190 | AMD | 315 | 4 |
| 46.63.150 | REP | 19 | 47.26.420 | AMD | 315 | 5 |
| 46.63.150 | AMD | 330 | 47.26.421 | AMD | 315 | 6 |
| 46.65.020 | AMD | 188 | 47.26.422 | AMD | 315 | 7 |
| 46.65.060 | AMD | 188 | 47.26.423 | AMD | 315 | 8 |
| 46.68.030 | AMD | 342 | 47.26.424 | AMD | 315 | 9 |
| 46.68.041 | AMD | 245 | 47.26.426 | AMD | 315 | 11 |
| 46.68.130 | AMD | 342 | 47.26.430 | AMD | 315 | 12 |
| 46.70 | ADD | 152 | 47.28 | ADD | 215 | 1 |
| 46.70 | ADD | 304 | 47.48 | ADD | 197 | 1 |
| 46.70.011 | AMD | 305 | 47.52.133 | AMD | 95 | 1 |
| 46.70.070 | AMD | 152 | 47.52.135 | AMD | 67 | 29 |
| 46.70.075 | AMD | 152 | 47.52.145 | AMD | 95 | 2 |
| 46.70.090 | AMD | 152 | 47.52.210 | AMD | 95 | 3 |
| 46.70.101 | AMD | 152 | 47.56.740 | AMD | 327 | 1 |
| 46.70.180 | AMD | 152 | 47.56.742 | AMD | 327 | 2 |
| 46.85 | ADD | 221 | 47.56.745 | AMD | 327 | 3 |
| 46.85.020 | AMD | 222 | 47.56.748 | AMD | 327 | 4 |
| 46.85.030 | AMD | 222 | 47.58.070 | AMD | 3 | 39 |
| 46.85.120 | AMD | 222 | 47.60 | ADD | 341 | 1 |
| 46.85.130 | AMD | 222 | 47.60 | ADD | 344 | 5 |
| 46.85.135 | AMD | 222 | 47.60.100 | AMD | 3 | 40 |
| 46.85.140 | AMD | 222 | 47.60.325 | AMD | 342 | 10 |
| 46.85.190 | AMD | 221 | 47.60.325 | REP | 344 | 10 |
| 46.85.220 | AMD | 222 | 47.64 | ADD | 344 | 2-4 |
| 46.85.230 | REP | 222 | 47.64.010 | AMD | 344 | 1 |
| 46.85.240 | REP | 222 | 47.64.030 | REP | 344 | 10 |
| 46.85.250 | REP | 222 | 48 | ADD | 153 | 1-17 |
| 46.85.260 | REP | 222 | 48.02.180 | AMD | 339 | 1 |
| 46.85.280 | AMD | 222 | 48.03.060 | AMD | 339 | 2 |
| 46.85.290 | AMD | 222 | 48.05.210 | AMD | 339 | 3 |
| 46.86.010 | REP | 222 | 48.05.215 | AMD | 339 | 4 |
| 46.86.020 | REP | 222 | 48.06.200 | AMD | 302 | 37 |
| 46.86.030 | REP | 222 | 48.07.070 | AMD | 302 | 38 |
| 46.86.040 | REP | 222 | 48.07.130 | AMD | 339 | 5 |
| 46.86.050 | REP | 222 | 48.13.160 | AMD | 339 | 6 |
| 46.86.060 | REP | 222 | 48.14 | ADD | 6 | 1 |
| 46.86.070 | REP | 222 | 48.14.010 | AMD | 111 | 1 |
| 46.86.080 | REP | 222 | 48.14.060 | AMD | 6 | 2 |
| 46.86.090 | REP | 222 | 48.15.070 | AMD | 199 | 1 |
| 46.86.100 | REP | 222 | 48.17.010 | AMD | 339 | 9 |
| 46.86.110 | REP | 222 | 48.17.090 | AMD | 339 | 10 |
| 46.86.120 | REP | 222 | 48.17.120 | AMD | 111 | 2 |
| 46.86.130 | REP | 222 | 48.17.130 | AMD | 111 | 3 |

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| RCW | CH. | SEC. | RCW | CH. | SEC. |
|-----------|------|------|-----|-----------|---------------|
| 48.17.270 | AMD | 339 | 13 | 51.40.020 | REP 260 18 |
| 48.17.340 | AMD | 339 | 14 | 51.40.030 | REP 260 18 |
| 48.17.380 | AMD | 339 | 15 | 51.40.040 | REP 260 18 |
| 48.17.390 | AMD | 339 | 16 | 51.40.050 | REP 260 18 |
| 48.18.292 | AMD | 339 | 17 | 51.40.060 | REP 260 18 |
| 48.19.080 | AMD | 339 | 18 | 51.40.070 | REP 260 18 |
| 48.20.460 | AMD | 339 | 19 | 51.44.070 | AMD 325 1 |
| 48.22.030 | AMD | 150 | 1 | 51.44.100 | AMD 3 41 |
| 48.23 | ADD | 247 | 2 | 51.52.010 | AMD 338 10 |
| 48.23.080 | AMD | 247 | 3 | 53.08.085 | AMD 125 1 |
| 48.23.120 | AMD | 247 | 4 | 53.08.090 | AMD 262 1 |
| 48.24.160 | AMD | 333 | 1 | 53.08.280 | AMD 97 1 |
| 48.29 | ADD | 223 | 1,2 | 53.08.290 | AMD 47 1 |
| 48.30.160 | REP | 339 | 26 | 53.43.040 | AMD 156 17 |
| 48.36.010 | AMD | 339 | 20 | 54.16.080 | AMD 156 18 |
| 48.36.170 | AMD | 339 | 21 | 54.24.070 | AMD 37 1 |
| 48.44 | ADD | 175 | 1 | 54.24.100 | AMD 37 2 |
| 48.44.030 | AMD | 339 | 22 | 54.24.220 | AMD 156 19 |
| 48.48.045 | AMD | 198 | 3 | 56.04.070 | AMD 45 3 |
| 48.48.060 | AMD | 104 | 1 | 56.08.010 | AMD 190 4 |
| 48.50 | ADD | 320 | 2 | 56.08.060 | AMD 45 4 |
| 49.48.120 | AMD | 333 | 2 | 56.08.100 | AMD 190 5 |
| 49.60 | ADD | 259 | 5 | 56.12.030 | AMD 169 2 |
| 49.60.050 | AMD | 338 | 9 | 56.16 | ADD 24 1 |
| 49.60.240 | AMD | 259 | 1 | 56.16.160 | AMD 24 3 |
| 49.60.250 | AMD | 259 | 2 | 56.20.015 | AMD 45 5 |
| 49.60.255 | REP | 259 | 6 | 56.36 | ADD 45 8 |
| 49.60.260 | AMD | 259 | 3 | 56.36.040 | AMD 45 6 |
| 49.60.270 | AMD | 259 | 4 | 56.36.060 | AMD 45 7 |
| 49.60.290 | REP | 259 | 6 | 57.04.070 | AMD 45 9 |
| 50.04 | ADD | 35 | 13 | 57.08.045 | AMD 45 10 |
| 50.04.323 | AMD | 35 | 1 | 57.08.065 | AMD 45 11 |
| 50.13.020 | AMD | 35 | 2 | 57.08.100 | AMD 190 6 |
| 50.13.060 | AMD | 177 | 1 | 57.12.020 | AMD 169 1 |
| 50.20.010 | AMD | 35 | 3 | 57.20 | ADD 24 2 |
| 50.20.050 | AMD | 35 | 4 | 57.20.030 | AMD 156 20 |
| 50.20.120 | AMD | 35 | 5 | 57.20.160 | AMD 24 4 |
| 50.20.190 | AMD | 35 | 6 | 57.40.130 | AMD 45 12 |
| 50.22.010 | AMD | 35 | 7 | 57.40.150 | AMD 45 13 |
| 50.22.020 | AMD | 35 | 8 | 58.17 | ADD 293 12-14 |
| 50.22.030 | AMD | 35 | 9 | 58.17.010 | AMD 293 1 |
| 50.24.012 | REP | 35 | 14 | 58.17.020 | AMD 292 1 |
| 50.24.013 | REP | 35 | 14 | 58.17.020 | AMD 293 2 |
| 50.24.050 | AMD | 302 | 39 | 58.17.040 | AMD 292 2 |
| 50.32.010 | AMD | 67 | 30 | 58.17.040 | AMD 293 3 |
| 50.32.040 | AMD | 35 | 10 | 58.17.070 | AMD 293 4 |
| 50.44.030 | AMD | 35 | 11 | 58.17.090 | AMD 293 5 |
| 50.44.050 | AMD | 35 | 12 | 58.17.100 | AMD 293 6 |
| 51.08.070 | AMD | 128 | 1 | 58.17.140 | AMD 293 7 |
| 51.08.180 | AMD | 128 | 2 | 58.17.150 | AMD 293 8 |
| 51.12 | ADD | 128 | 5 | 58.17.165 | AMD 293 9 |
| 51.12 | ADD | 266 | 1 | 58.17.170 | AMD 293 10 |
| 51.12.020 | AMD | 128 | 3 | 59.20 | ADD 304 20,22 |
| 51.12.035 | AMD | 266 | 3 | 59.20.030 | AMD 304 4 |
| 51.12.070 | AMD | 128 | 4 | 59.20.040 | AMD 304 5 |
| 51.16.060 | REEN | 260 | 13 | 59.20.050 | AMD 304 37 |
| 51.32.055 | AMD | 326 | 1 | 59.20.060 | AMD 304 18 |
| 51.40.010 | REP | 260 | 18 | 59.20.070 | AMD 304 19 |

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| RCW | | CH. | SEC. | RCW | | CH. | SEC. |
|-----------|-------|-----|-------|-----------|-----|-----|-------|
| 59.20.080 | AMD | 304 | 21 | 63.14.120 | AMD | 77 | 4 |
| 60.28.010 | AMD | 260 | 14 | 63.14.130 | AMD | 77 | 5 |
| 60.28.010 | REEN | 260 | 14 | 63.24 | ADD | 154 | 4-6 |
| 61.24.010 | AMD | 161 | 1 | 63.24.010 | REP | 154 | 8 |
| 61.24.040 | AMD | 161 | 3 | 63.24.020 | REP | 154 | 8 |
| 61.24.080 | AMD | 161 | 5 | 63.24.030 | REP | 154 | 8 |
| 61.24.090 | AMD | 161 | 6 | 63.24.040 | REP | 154 | 8 |
| 61.24.110 | AMD | 161 | 7 | 63.24.050 | REP | 154 | 8 |
| 61.24.130 | AMD | 161 | 8 | 63.24.060 | REP | 154 | 8 |
| 62A | ADD | 33 | 7 | 63.24.070 | REP | 154 | 8 |
| 62A.1-105 | AMD | 41 | 1 | 63.24.080 | REP | 154 | 8 |
| 62A.1-201 | AMD | 41 | 2 | 63.24.090 | REP | 154 | 8 |
| 62A.2-107 | AMD | 41 | 3 | 63.24.100 | REP | 154 | 8 |
| 62A.2-702 | AMD | 41 | 4 | 63.24.110 | REP | 154 | 8 |
| 62A.3 | ADD | 254 | 3 | 63.24.120 | REP | 154 | 8 |
| 62A.3-515 | AMD | 254 | 1 | 63.24.130 | REP | 154 | 8 |
| 62A.3-520 | AMD | 254 | 2 | 63.24.140 | REP | 154 | 8 |
| 62A.3-525 | AMD | 254 | 4 | 63.32.010 | AMD | 154 | 2 |
| 62A.4-104 | AMD | 122 | 1 | 63.40.010 | AMD | 154 | 3 |
| 62A.5 | ADD | 254 | 3 | 64.32.010 | AMD | 304 | 34 |
| 62A.5-116 | AMD | 41 | 5 | 66.04.010 | AMD | 5 | E1 1 |
| 62A.7-204 | AMD | 13 | 1 | 66.08.024 | AMD | 5 | E1 2 |
| 62A.9 | ADD | 41 | 11,32 | 66.08.080 | AMD | 5 | E1 3 |
| 62A.9-102 | AMD | 41 | 6 | 66.08.130 | AMD | 5 | E1 4 |
| 62A.9-103 | AMD | 41 | 7 | 66.08.180 | AMD | 5 | E1 6 |
| 69A.9-104 | AMD | 41 | 8 | 66.12.010 | AMD | 255 | 1 |
| 62A.9-105 | AMD | 41 | 9 | 66.12.130 | AMD | 179 | 1 |
| 62A.9-106 | AMD | 41 | 10 | 66.16.040 | AMD | 5 | E1 8 |
| 62A.9-203 | AMD | 41 | 12 | 66.20.130 | REP | 5 | E1 49 |
| 62A.9-204 | AMD | 41 | 13 | 66.20.135 | REP | 5 | E1 49 |
| 62A.9-205 | AMD | 41 | 14 | 66.20.137 | REP | 5 | E1 49 |
| 62A.9-301 | AMD | 41 | 15 | 66.20.190 | AMD | 5 | E1 9 |
| 62A.9-302 | AMD | 41 | 16 | 66.24 | ADD | 142 | 1 |
| 62A.9-304 | AMD | 41 | 17 | 66.24 | ADD | 287 | 2 |
| 62A.9-305 | AMD | 41 | 18 | 66.24.010 | AMD | 67 | 31 |
| 62A.9-306 | AMD | 41 | 19 | 66.24.010 | AMD | 5 | E1 10 |
| 62A.9-307 | AMD | 41 | 20 | 66.24.025 | AMD | 5 | E1 11 |
| 62A.9-308 | AMD | 41 | 21 | 66.24.140 | AMD | 5 | E1 28 |
| 62A.9-312 | AMD | 41 | 22 | 66.24.150 | AMD | 5 | E1 29 |
| 62A.9-313 | AMD | 41 | 23 | 66.24.160 | AMD | 5 | E1 30 |
| 62A.9-318 | AMD | 41 | 24 | 66.24.170 | AMD | 5 | E1 31 |
| 62A.9-401 | AMD | 41 | 25 | 66.24.200 | AMD | 5 | E1 32 |
| 62A.9-402 | AMD | 41 | 26 | 66.24.204 | AMD | 5 | E1 33 |
| 62A.9-403 | AMD | 41 | 27 | 66.24.206 | AMD | 5 | E1 34 |
| 62A.9-404 | AMD | 41 | 28 | 66.24.210 | AMD | 5 | E1 12 |
| 62A.9-405 | AMD | 41 | 29 | 66.24.240 | AMD | 5 | E1 13 |
| 62A.9-406 | AMD | 41 | 30 | 66.24.250 | AMD | 5 | E1 14 |
| 62A.9-407 | AMD | 41 | 31 | 66.24.260 | AMD | 5 | E1 15 |
| 62A.9-408 | RECOD | 41 | 33 | 66.24.270 | AMD | 5 | E1 35 |
| 62A.9-501 | AMD | 41 | 34 | 66.24.290 | AMD | 5 | E1 16 |
| 62A.9-502 | AMD | 41 | 35 | 66.24.310 | AMD | 5 | E1 36 |
| 62A.9-504 | AMD | 41 | 36 | 66.24.320 | AMD | 5 | E1 37 |
| 62A.9-505 | AMD | 41 | 37 | 66.24.330 | AMD | 5 | E1 38 |
| 62A.11 | ADD | 41 | 38-45 | 66.24.340 | AMD | 94 | 1 |
| 63.14 | ADD | 77 | 9,10 | 66.24.340 | AMD | 5 | E1 39 |
| 63.14.010 | AMD | 77 | 1 | 66.24.350 | AMD | 5 | E1 40 |
| 63.14.030 | AMD | 77 | 2 | 66.24.360 | AMD | 5 | E1 41 |
| 63.14.040 | AMD | 77 | 3 | 66.24.370 | AMD | 182 | 1 |

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|-----------|-----|---------------------|------------|---------------------|------|
| 66.24.370 | AMD | 5 E1 42 | 68.05.170 | REP 334 | 2 |
| 66.24.380 | AMD | 5 E1 43 | | (Effective 6/30/88) | |
| 66.24.395 | AMD | 5 E1 44 | 68.05.180 | REP 334 | 2 |
| 66.24.400 | AMD | 94 2 | | (Effective 6/30/88) | |
| 66.24.410 | AMD | 5 E1 17 | 68.05.190 | REP 334 | 2 |
| 66.24.420 | AMD | 5 E1 45 | | (Effective 6/30/88) | |
| 66.24.450 | AMD | 5 E1 18 | 68.05.200 | REP 334 | 2 |
| 66.24.490 | AMD | 5 E1 19 | | (Effective 6/30/88) | |
| 66.24.500 | AMD | 287 1 | 68.05.210 | REP 334 | 2 |
| 66.24.500 | AMD | 5 E1 46 | | (Effective 6/30/88) | |
| 66.24.510 | AMD | 5 E1 47 | 68.05.220 | REP 334 | 2 |
| 66.28 | ADD | 255 2 | | (Effective 6/30/88) | |
| 66.28.040 | AMD | 182 2 | 68.05.230 | REP 334 | 2 |
| 66.28.090 | AMD | 5 E1 20 | | (Effective 6/30/88) | |
| 66.44 | ADD | 5 E1 27 | 68.05.240 | REP 334 | 2 |
| 66.44.100 | AMD | 5 E1 21 | | (Effective 6/30/88) | |
| 66.44.110 | REP | 5 E1 49 | 68.05.250 | REP 334 | 2 |
| 66.44.180 | AMD | 5 E1 22 | | (Effective 6/30/88) | |
| 66.44.292 | AMD | 5 E1 23 | 68.05.255 | REP 334 | 2 |
| 66.44.310 | AMD | 5 E1 24 | | (Effective 6/30/88) | |
| 66.44.340 | AMD | 5 E1 48 | 68.05.260 | REP 334 | 2 |
| 67.08 | ADD | 337 11 | | (Effective 6/30/88) | |
| 67.08.001 | AMD | 337 1 | 68.05.270 | REP 334 | 2 |
| 67.08.005 | AMD | 337 2 | | (Effective 6/30/88) | |
| 67.16 | ADD | 70 3 | 68.05.280 | REP 334 | 2 |
| 67.16 | ADD | 135 1 | | (Effective 6/30/88) | |
| 68.05.010 | REP | 334 2 | 68.08 | ADD 176 | 2 |
| | | (Effective 6/30/88) | 68.08.500 | AMD 44 | 1 |
| 68.05.020 | REP | 334 2 | 69.04 | ADD 50 | 1 |
| | | (Effective 6/31/88) | 69.40 | ADD 147 | 4 |
| 68.05.030 | REP | 334 2 | 69.40.050 | REP 147 | 6 |
| | | (Effective 6/30/88) | 69.41.030 | AMD 120 | 1 |
| 68.05.040 | REP | 334 2 | 69.50 | ADD 48 | 1,2 |
| | | (Effective 6/30/88) | 69.50.210 | AMD 147 | 2 |
| 68.05.050 | REP | 334 2 | 69.50.505 | AMD 48 | 3 |
| | | (Effective 6/30/88) | 69.50.505 | AMD 67 | 32 |
| 68.05.060 | REP | 334 2 | 70 | ADD 1 | 1-9 |
| | | (Effective 6/30/88) | 70.37.050 | AMD 121 | 1 |
| 68.05.070 | REP | 334 2 | 70.37.100 | AMD 31 | 1 |
| | | (Effective 6/30/88) | 70.37.100 | AMD 121 | 2 |
| 68.05.080 | REP | 334 2 | 70.48 | ADD 136 | 24 |
| | | (Effective 6/30/88) | 70.48 | ADD 276 | 4,5 |
| 68.05.090 | REP | 334 2 | 70.48.020 | AMD 136 | 25 |
| | | (Effective 6/30/88) | 70.48.050 | AMD 276 | 1 |
| 68.05.100 | REP | 334 2 | 70.48.120 | AMD 276 | 2 |
| | | (Effective 6/30/88) | 70.48.160 | AMD 276 | 3 |
| 68.05.110 | REP | 334 2 | 70.54 | ADD 50 | 2 |
| | | (Effective 6/30/88) | 70.58 | ADD 176 | 1 |
| 68.05.120 | REP | 334 2 | 70.93.100 | REEN 260 | 15 |
| | | (Effective 6/30/88) | 70.94 | ADD 297 | 30 |
| 68.05.130 | REP | 334 2 | 70.94.155 | AMD 224 | 1 |
| | | (Effective 6/30/88) | 70.98.040 | REP 295 | 16 |
| 68.05.140 | REP | 334 2 | 70.115 | ADD 147 | 5 |
| | | (Effective 6/30/88) | 70.115.010 | REP 147 | 6 |
| 68.05.150 | REP | 334 2 | 70.115.020 | REP 147 | 6 |
| | | (Effective 6/30/88) | 70.115.030 | REP 147 | 6 |
| 68.05.160 | REP | 334 2 | 70.115.040 | REP 147 | 6 |
| | | (Effective 6/30/88) | 70.115.900 | REP 147 | 6 |

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RCW SECTIONS AFFECTED 1981 STATUTES

| RCW | CH. | SEC. | RCW | CH. | SEC. | | |
|------------|-----|------|----------------|-----------|------|------|-----|
| 70.124.010 | AMD | 174 | 1 | 72.60.040 | REP | 136 | 121 |
| 70.124.020 | AMD | 174 | 2 | 72.60.050 | REP | 136 | 121 |
| 70.124.030 | AMD | 174 | 3 | 72.60.060 | REP | 136 | 121 |
| 70.124.040 | AMD | 174 | 4 | 72.60.070 | REP | 136 | 121 |
| 70.124.060 | AMD | 174 | 5 | 72.60.080 | REP | 136 | 121 |
| 70.124.090 | AMD | 174 | 6 | 72.60.090 | REP | 136 | 121 |
| 70.125 | ADD | 145 | 9 | 72.60.100 | AMD | 136 | 101 |
| 71.02.413 | AMD | 67 | 33 | 72.60.102 | AMD | 136 | 102 |
| 71.06.091 | AMD | 136 | 64 | 72.60.120 | REP | 136 | 121 |
| 71.06.140 | AMD | 136 | 65 | 72.60.130 | REP | 136 | 121 |
| 72 | ADD | 136 | 1-12, 16-23 | 72.60.140 | REP | 136 | 121 |
| 72.01 | ADD | 238 | 2 | 72.60.150 | REP | 136 | 121 |
| 72.01.010 | AMD | 136 | 66 | 72.60.160 | AMD | 136 | 103 |
| 72.01.042 | AMD | 136 | 67 | 72.60.170 | REP | 136 | 121 |
| 72.01.050 | AMD | 136 | 68 | 72.60.180 | REP | 136 | 121 |
| 72.01.140 | AMD | 238 | 1 | 72.60.190 | AMD | 136 | 104 |
| 72.01.210 | AMD | 136 | 69 | 72.60.200 | REP | 136 | 121 |
| 72.01.240 | AMD | 136 | 70 | 72.60.210 | REP | 136 | 121 |
| 72.01.282 | AMD | 136 | 71 | 72.60.220 | AMD | 136 | 105 |
| 72.01.370 | AMD | 136 | 72 | 72.60.230 | REP | 136 | 121 |
| 72.01.380 | AMD | 136 | 73 | 72.60.240 | REP | 136 | 121 |
| 72.01.410 | AMD | 136 | 74 | 72.60.250 | REP | 136 | 121 |
| 72.01.430 | AMD | 136 | 75 | 72.60.260 | REP | 136 | 121 |
| 72.01.450 | AMD | 136 | 76 | 72.60.270 | REP | 136 | 121 |
| 72.01.460 | AMD | 136 | 77 | 72.60.280 | AMD | 136 | 106 |
| 72.01.480 | AMD | 136 | 78 | 72.62.040 | AMD | 136 | 107 |
| 72.02.040 | AMD | 136 | 79 | 72.64 | ADD | 136 | 108 |
| 72.02.110 | AMD | 136 | 80 | 72.65 | ADD | 137 | 35 |
| 72.04A | ADD | 137 | 34 | 72.65.010 | AMD | 136 | 110 |
| 72.04A.050 | AMD | 136 | 81 | 72.65.020 | REP | 137 | 38 |
| 72.04A.070 | AMD | 136 | 82 | 72.65.030 | REP | 137 | 38 |
| 72.04A.080 | AMD | 136 | 83 | 72.65.040 | REP | 137 | 38 |
| 72.04A.090 | AMD | 136 | 84 | 72.65.080 | AMD | 136 | 111 |
| 72.08.101 | AMD | 136 | 85 | 72.65.100 | AMD | 136 | 112 |
| 72.08.102 | AMD | 136 | 86 | 72.66.010 | AMD | 136 | 113 |
| 72.08.170 | REP | 136 | 121 | 72.68 | ADD | 136 | 114 |
| 72.08.380 | AMD | 136 | 87 | 72.68.031 | AMD | 136 | 115 |
| 72.12.020 | AMD | 136 | 88 | 72.68.032 | AMD | 136 | 116 |
| 72.12.140 | AMD | 136 | 89 | 72.68.040 | AMD | 136 | 117 |
| 72.13 | ADD | 136 | 90 | 72.70.020 | AMD | 136 | 118 |
| 72.13.010 | AMD | 136 | 91 | 72.70.050 | AMD | 136 | 119 |
| 72.13.040 | AMD | 136 | 92 | 72.72.020 | AMD | 136 | 120 |
| 72.13.060 | AMD | 136 | 93 | 73.12.060 | AMD | 3 | 42 |
| 72.13.070 | AMD | 136 | 94 | 74.04 | ADD | 163 | 1-4 |
| 72.13.120 | AMD | 136 | 95 | 74.04 | ADD | 284 | 1,2 |
| 72.15.010 | AMD | 136 | 96 | 74.04 | ADD | 6 E1 | 6 |
| 72.15.060 | AMD | 136 | 97 | 74.04.001 | REP | 8 | 23 |
| 72.20 | ADD | 136 | 98 | 74.04.001 | REP | 6 E1 | 28 |
| 72.23.010 | AMD | 136 | 99 | 74.04.005 | REEN | 8 | 1 |
| 72.33 | ADD | 166 | 2 | 74.04.005 | AMD | 8 | 1 |
| 72.33.160 | AMD | 166 | 1 | 74.04.005 | REEN | 6 E1 | 1 |
| 72.40 | ADD | 136 | 100 | 74.04.005 | AMD | 6 E1 | 1 |
| 72.42.040 | AMD | 42 | 1 | 74.04.015 | AMD | 8 | 2 |
| 72.50.040 | REP | 260 | 18 | 74.04.015 | AMD | 6 E1 | 2 |
| 72.60.010 | REP | 136 | 121 | 74.04.040 | AMD | 191 | 1 |
| 72.60.020 | REP | 136 | 121 | 74.04.050 | AMD | 8 | 3 |
| 72.60.030 | REP | 136 | 121 | 74.04.050 | AMD | 6 E1 | 3 |
| | | | | 74.04.200 | AMD | 8 | 4 |

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| RCW | CH. | SEC. | RCW | CH. | SEC. |
|-----------|-----|-------------|-----------|------|-------------|
| 74.04.200 | AMD | 6 E1 4 | 74.10.070 | REP | 8 23 |
| 74.04.250 | REP | 8 23 | 74.10.070 | REP | 6 E1 28 |
| 74.04.250 | REP | 6 E1 28 | 74.10.090 | REP | 8 23 |
| 74.04.510 | AMD | 8 5 | 74.10.090 | REP | 6 E1 28 |
| 74.04.510 | AMD | 6 E1 5 | 74.10.100 | REP | 8 23 |
| 74.04.620 | AMD | 8 6 | 74.10.100 | REP | 6 E1 28 |
| 74.04.620 | AMD | 6 E1 7 | 74.12.010 | AMD | 8 21 |
| 74.04.650 | AMD | 8 7 | 74.12.010 | AMD | 6 E1 23 |
| 74.04.650 | AMD | 6 E1 8 | 74.13.031 | AMD | 298 16 |
| 74.08 | ADD | 8 10, | 74.13.034 | AMD | 298 17 |
| | | 14-16 | 74.13.036 | AMD | 298 18 |
| 74.08 | ADD | 6 E1 10,11, | 74.46.070 | AMD | 2 E1 3 |
| | | 16,17 | 74.46.120 | AMD | 2 E1 4 |
| 74.08.025 | AMD | 8 8 | 74.46.460 | AMD | 2 E1 5 |
| 74.08.025 | AMD | 6 E1 9 | 74.46.490 | AMD | 2 E1 6 |
| 74.08.040 | AMD | 8 9 | 74.46.530 | AMD | 2 E1 7 |
| 74.08.040 | REP | 6 E1 28 | 74.46.810 | AMD | 2 E1 8 |
| 74.08.043 | AMD | 8 11 | 74.46.830 | REP | 2 E1 26 |
| 74.08.043 | AMD | 6 E1 12 | 74.46.901 | AMD | 2 E1 10 |
| 74.08.047 | REP | 8 23 | 75.04.070 | AMD | 227 3 |
| 74.08.047 | REP | 6 E1 28 | 75.12 | ADD | 227 1 |
| 74.08.048 | REP | 8 23 | 75.12 | ADD | 251 2 |
| 74.08.048 | REP | 6 E1 28 | 75.28 | ADD | 227 2 |
| 74.08.060 | AMD | 6 E1 13 | 75.28.014 | AMD | 201 1 |
| 74.08.070 | AMD | 67 34 | 75.30.020 | AMD | 202 1 |
| 74.08.070 | AMD | 6 E1 14 | 75.30.110 | REP | 202 2 |
| 74.08.112 | REP | 8 23 | 75.48.020 | AMD | 261 1 |
| 74.08.112 | REP | 6 E1 28 | 75.48.050 | AMD | 261 2 |
| 74.08.120 | AMD | 8 12 | 76.04.360 | AMD | 171 1 |
| 74.08.120 | AMD | 6 E1 15 | 76.04.515 | AMD | 28 1 |
| 74.08.540 | AMD | 8 13 | 76.09 | ADD | 118 1 |
| 74.08.540 | REP | 6 E1 28 | 76.12 | ADD | 204 5 |
| 74.09 | ADD | 8 18 | 77.04.030 | AMD | 338 11 |
| 74.09 | AMD | 15 1 | 77.12.170 | AMD | 310 2 |
| 74.09 | ADD | 2 E1 1 | 77.12.323 | AMD | 3 43 |
| 74.09 | ADD | 6 E1 19,22 | 77.16.020 | AMD | 310 3 |
| 74.09.010 | AMD | 8 17 | 77.16.310 | AMD | 310 4 |
| 74.09.010 | AMD | 6 E1 18 | 77.16.320 | AMD | 310 5 |
| 74.09.020 | REP | 8 23 | 77.21.010 | AMD | 310 6 |
| 74.09.020 | REP | 6 E1 28 | 77.32 | ADD | 310 8,10-15 |
| 74.09.030 | REP | 8 23 | 77.32.010 | AMD | 310 7 |
| 74.09.030 | REP | 6 E1 28 | 77.32.020 | AMD | 310 9 |
| 74.09.070 | REP | 8 23 | 77.32.050 | AMD | 310 16 |
| 74.09.070 | REP | 6 E1 28 | 77.32.060 | AMD | 310 17 |
| 74.09.120 | AMD | 2 E1 11 | 77.32.070 | AMD | 310 18 |
| 74.09.170 | REP | 260 18 | 77.32.090 | AMD | 310 19 |
| 74.09.510 | AMD | 8 19 | 77.32.101 | AMD | 310 20 |
| 74.09.510 | AMD | 6 E1 20 | 77.32.155 | AMD | 310 21 |
| 74.09.520 | AMD | 8 20 | 77.32.161 | AMD | 310 22 |
| 74.09.520 | AMD | 6 E1 21 | 77.32.191 | REEN | 310 23 |
| 74.09.580 | AMD | 2 E1 2 | 77.32.191 | AMD | 310 23 |
| 74.09.590 | REP | 2 E1 26 | 77.32.197 | AMD | 310 24 |
| 74.10.010 | REP | 8 23 | 77.32.211 | AMD | 310 25 |
| 74.10.010 | REP | 6 E1 28 | 77.32.220 | AMD | 310 26 |
| 74.10.020 | REP | 8 23 | 77.32.230 | AMD | 310 27 |
| 74.10.020 | REP | 6 E1 28 | 77.32.240 | AMD | 310 28 |
| 74.10.030 | REP | 8 23 | 77.32.250 | AMD | 310 29 |
| 74.10.030 | REP | 6 E1 28 | 77.32.256 | AMD | 310 30 |

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| RCW | CH. | SEC. | RCW | CH. | SEC. |
|-----------|-----|------|-------|------------|-------------|
| 79.01 | ADD | 275 | 1,2 | 82.04.250 | AMD 172 2 |
| 79.38.020 | AMD | 204 | 1 | 82.04.260 | AMD 172 3 |
| 79.38.030 | AMD | 204 | 2 | 82.04.260 | AMD 178 1 |
| 79.38.050 | AMD | 204 | 3 | 82.04.270 | AMD 172 4 |
| 79.38.060 | AMD | 204 | 4 | 82.04.275 | REP 172 11 |
| 79.64.020 | AMD | 4 | 2 | 82.04.4289 | AMD 178 2 |
| 79.70 | ADD | 189 | 2,4-6 | 82.04.440 | AMD 172 5 |
| 79.70.020 | AMD | 189 | 1 | 82.04.490 | REP 7 4 |
| 79.70.030 | AMD | 189 | 3 | 82.08 | ADD 74 2 |
| 79.70.050 | REP | 189 | 8 | 82.08 | ADD 140 4 |
| 80.01.060 | AMD | 67 | 35 | 82.08.0284 | AMD 18 1 |
| 80.04.270 | AMD | 144 | 5 | 82.08.070 | REP 7 4 |
| 80.12.020 | AMD | 117 | 1 | 82.08.150 | AMD 5 E1 25 |
| 80.50.140 | AMD | 64 | 3 | 82.08.160 | AMD 5 E1 26 |
| 81.04.010 | AMD | 13 | 2 | 82.12 | ADD 140 5 |
| 81.08.010 | AMD | 13 | 3 | 82.12.050 | REP 7 4 |
| 81.12.010 | AMD | 13 | 4 | 82.14.020 | AMD 144 4 |
| 81.24.030 | AMD | 13 | 5 | 82.16.010 | AMD 144 2 |
| 81.24.040 | REP | 13 | 6 | 82.16.070 | REP 7 4 |
| 81.28.050 | AMD | 116 | 1 | 82.24.020 | AMD 172 6 |
| 81.36.140 | REP | 41 | 46 | 82.32 | ADD 7 1 |
| 81.36.150 | REP | 41 | 46 | 82.32.--- | AMD 172 7 |
| 81.36.160 | REP | 41 | 46 | 82.32.010 | AMD 148 12 |
| 81.80.150 | AMD | 116 | 2 | 82.32.090 | AMD 7 2 |
| 81.92.010 | REP | 13 | 6 | 82.32.090 | AMD 172 8 |
| 81.92.020 | REP | 13 | 6 | 82.32.095 | REP 4 4 |
| 81.92.030 | REP | 13 | 6 | 82.36 | ADD 342 3,5 |
| 81.92.040 | REP | 13 | 6 | 82.36.010 | AMD 342 1 |
| 81.92.050 | REP | 13 | 6 | 82.36.025 | AMD 342 2 |
| 81.92.060 | REP | 13 | 6 | 82.36.225 | AMD 342 4 |
| 81.92.070 | REP | 13 | 6 | 82.38 | ADD 342 6 |
| 81.92.080 | REP | 13 | 6 | 82.38.075 | AMD 129 1 |
| 81.92.090 | REP | 13 | 6 | 82.38.085 | AMD 342 7 |
| 81.92.100 | REP | 13 | 6 | 82.44.020 | AMD 222 10 |
| 81.92.110 | REP | 13 | 6 | 82.44.050 | AMD 222 11 |
| 81.92.120 | REP | 13 | 6 | 82.44.060 | AMD 222 12 |
| 81.92.130 | REP | 13 | 6 | 82.45 | ADD 167 2 |
| 81.92.140 | REP | 13 | 6 | 82.45.150 | AMD 167 1 |
| 81.92.150 | REP | 13 | 6 | 82.45.180 | AMD 167 3 |
| 81.92.160 | REP | 13 | 6 | 82.50.170 | AMD 260 16 |
| 81.94.010 | REP | 13 | 6 | 82.50.170 | REEN 260 16 |
| 81.94.020 | REP | 13 | 6 | 82.50.530 | AMD 304 32 |
| 81.94.030 | REP | 13 | 6 | 84.09.030 | AMD 26 4 |
| 81.94.040 | REP | 13 | 6 | 84.33 | ADD 4 5 |
| 81.94.050 | REP | 13 | 6 | 84.33 | ADD 146 1,2 |
| 81.94.060 | REP | 13 | 6 | 84.33.050 | AMD 148 2 |
| 81.94.070 | REP | 13 | 6 | 84.33.071 | AMD 148 1 |
| 81.94.080 | REP | 13 | 6 | 84.33.080 | AMD 4 6 |
| 81.94.090 | REP | 13 | 6 | 84.33.090 | AMD 148 3 |
| 81.94.100 | REP | 13 | 6 | 84.33.110 | AMD 148 4 |
| 81.94.110 | REP | 13 | 6 | 84.33.111 | REP 148 14 |
| 81.94.130 | REP | 13 | 6 | 84.33.115 | AMD 148 5 |
| 82 | ADD | 160 | 1-6 | 84.33.116 | AMD 148 6 |
| 82.04 | ADD | 74 | 1 | 84.33.117 | REP 148 14 |
| 82.04 | ADD | 140 | 1-3,6 | 84.33.120 | AMD 148 7 |
| 82.04 | ADD | 172 | 10 | 84.33.130 | AMD 148 8 |
| 82.04.050 | AMD | 144 | 3 | 84.33.140 | AMD 148 9 |
| 82.04.240 | AMD | 172 | 1 | 84.33.150 | REP 148 14 |

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|------------|------|------|-----|-----------|---------|----|
| 84.34.060 | AMD | 148 | 10 | 88.16.090 | AMD 303 | 1 |
| 84.36 | ADD | 141 | 2 | 88.16.100 | AMD 67 | 36 |
| 84.36.060 | AMD | 141 | 1 | 89.16 | ADD 216 | 1 |
| 84.36.800 | AMD | 141 | 3 | 89.16.040 | AMD 216 | 2 |
| 84.36.805 | AMD | 141 | 4 | 89.30.433 | AMD 156 | 33 |
| 84.36.810 | AMD | 141 | 5 | 90.14.160 | AMD 291 | 1 |
| 84.38.100 | AMD | 322 | 1 | 90.48 | ADD 297 | 31 |
| 84.48.110 | REEN | 260 | 17 | 91.08.410 | AMD 156 | 34 |
| 84.52.052 | AMD | 210 | 20 | 91.08.430 | AMD 156 | 35 |
| 84.52.0531 | AMD | 168 | 1 | 91.08.440 | AMD 156 | 36 |
| 84.52.0531 | AMD | 264 | 10 | 91.08.450 | AMD 156 | 38 |
| 84.55 | ADD | 228 | 3 | | | |
| 84.56.020 | AMD | 322 | 2 | | | |
| 84.64.030 | AMD | 322 | 3 | | | |
| 84.64.050 | AMD | 322 | 4 | | | |
| 84.64.080 | AMD | 322 | 5 | | | |
| 84.64.200 | AMD | 322 | 6 | | | |
| 84.64.270 | AMD | 322 | 7 | | | |
| 84.69.020 | AMD | 228 | 1 | | | |
| 84.69.120 | AMD | 228 | 2 | | | |
| 84.70.010 | AMD | 274 | 1 | | | |
| 84.70.020 | AMD | 274 | 2 | | | |
| 85.05.520 | AMD | 156 | 21 | | | |
| 85.06.324 | AMD | 156 | 22 | | | |
| 85.08.320 | AMD | 156 | 23 | | | |
| 85.08.430 | AMD | 156 | 24 | | | |
| 85.16.220 | AMD | 156 | 25 | | | |
| 85.24.070 | AMD | 156 | 26 | | | |
| 85.24.230 | AMD | 156 | 27 | | | |
| 87.03 | ADD | 62 | 1 | | | |
| 87.03 | ADD | 345 | 3 | | | |
| 87.03.075 | AMD | 208 | 1 | | | |
| 87.03.075 | AMD | 345 | 1 | | | |
| 87.03.100 | AMD | 208 | 2 | | | |
| 87.03.100 | AMD | 345 | 2 | | | |
| 87.03.215 | AMD | 209 | 16 | | | |
| 87.03.270 | AMD | 209 | 1 | | | |
| 87.03.310 | AMD | 209 | 2 | | | |
| 87.03.315 | AMD | 209 | 3 | | | |
| 87.03.320 | AMD | 209 | 4 | | | |
| 87.03.325 | AMD | 209 | 5 | | | |
| 87.03.330 | AMD | 209 | 6 | | | |
| 87.03.335 | AMD | 209 | 7 | | | |
| 87.03.350 | AMD | 209 | 8 | | | |
| 87.03.355 | AMD | 209 | 9 | | | |
| 87.03.360 | AMD | 209 | 10 | | | |
| 87.03.365 | REP | 209 | 17 | | | |
| 87.03.370 | AMD | 209 | 11 | | | |
| 87.03.375 | AMD | 209 | 12 | | | |
| 87.03.380 | AMD | 209 | 13 | | | |
| 87.03.385 | AMD | 209 | 14 | | | |
| 87.03.390 | AMD | 209 | 15 | | | |
| 87.03.470 | AMD | 156 | 28 | | | |
| 87.03.475 | AMD | 156 | 29 | | | |
| 87.03.490 | AMD | 156 | 30 | | | |
| 87.03.510 | AMD | 156 | 31 | | | |
| 87.48.040 | AMD | 156 | 32 | | | |
| 88.16 | ADD | 196 | 1-3 | | | |

SESSION LAW SECTIONS AFFECTED BY 1981 STATUTES

| LAWS 1854 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 15(pg) | 87 | REP | 138 | 24 |
| 25(pg) | 152 | REP | 138 | 24 |
| 25(pg) | 153 | REP | 138 | 24 |
| 25(pg) | 154 | REP | 138 | 24 |
| 25(pg) | 155 | REP | 138 | 24 |
| 02(pg) | 374 | AMD | 331 | 3 |
| 26(pg) | 23 | AMD | 331 | 6 |
| 35(pg) | 70 | REEN | 260 | 3 |

| LAWS 1860 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 152 | 291 | REP | 138 | 24 |

| LAWS 1866 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 28(pg) | 2 | AMD | 180 | 4 |
| 30(pg) | 6 | AMD | 180 | 5 |

| LAWS 1869 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 88 | 344 | AMD | 149 | 2 |
| 91 | 351 | AMD | 193 | 1 |

| LAWS 1873 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 31(pg) | 223 | REP | 138 | 24 |
| 44(pg) | 288 | REP | 138 | 24 |
| 44(pg) | 289 | REP | 138 | 24 |
| 45(pg) | 291 | REP | 138 | 24 |

| LAWS 1875 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 97(pg) | 1 | AMD | 302 | 13 |
| 97(pg) | 2 | AMD | 302 | 14 |

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|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| | 355 | AMD | 193 | 1 |
| | 1062 | REP | 138 | 24 |
| | 1130 | REP | 138 | 24 |
| | 1131 | REP | 138 | 24 |
| | 1132 | REP | 138 | 24 |
| | 1133 | REP | 138 | 24 |
| | 2409 | AMD | 304 | 1 |
| | 3063 | AMD | 180 | 4 |
| | 3066 | AMD | 180 | 5 |
| | 3252 | REP | 154 | 8 |
| | 3253 | REP | 154 | 8 |
| | 3254 | REP | 154 | 8 |
| | 3255 | REP | 154 | 8 |
| | 3256 | REP | 154 | 8 |
| | 3257 | REP | 154 | 8 |
| | 3258 | REP | 154 | 8 |
| | 3259 | REP | 154 | 8 |
| | 3260 | REP | 154 | 8 |
| | 3261 | REP | 154 | 8 |

| CODE 1881 (cont.) | | | LAWS 1981 | |
|-------------------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| | 3262 | REP | 154 | 8 |
| | 3263 | REP | 154 | 8 |
| | 3264 | REP | 154 | 8 |
| | 3265 | REP | 154 | 8 |

| LAWS 1886 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 124(pg) | 1 | AMD | 211 | 1 |

| LAWS 1889-90 | | | LAWS 1981 | |
|--------------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 675(pg) | 8 | AMD | 208 | 2 |
| 675(pg) | 8 | AMD | 345 | 2 |
| 681(pg) | 17 | AMD | 209 | 16 |
| 684(pg) | 24 | AMD | 209 | 1 |
| 684(pg) | 25 | AMD | 209 | 2 |
| 685(pg) | 26 | AMD | 209 | 3 |
| 686(pg) | 28 | AMD | 209 | 7 |
| 687(pg) | 29 | AMD | 209 | 9 |
| 687(pg) | 30 | AMD | 209 | 11 |
| 692(pg) | 41 | AMD | 156 | 28 |
| 693(pg) | 42 | AMD | 156 | 29 |

| LAWS 1890 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 473(pg) | 3 | AMD | 314 | 1 |

| LAWS 1891 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 57 | 3 | AMD | 277 | 1 |

| LAWS 1893 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 43 | 4 | AMD | 186 | 3 |
| 61 | 29 | AMD | 331 | 4 |
| 133 | 23 | REP | 193 | 7 |
| 133 | 24 | AMD | 193 | 2 |

| LAWS 1895 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 64 | 1 | AMD | 329 | 7 |
| 64 | 2 | AMD | 329 | 8 |
| 64 | 3 | REP | 329 | 22 |
| 64 | 4 | AMD | 329 | 13 |
| 64 | 5 | AMD | 149 | 1 |
| 64 | 5 | AMD | 304 | 17 |
| 64 | 7 | AMD | 329 | 14 |
| 64 | 8 | REP | 329 | 22 |
| 64 | 10 | AMD | 329 | 15 |
| 64 | 12 | AMD | 329 | 16 |
| 64 | 17 | AMD | 329 | 17 |
| 64 | 18 | AMD | 329 | 18 |
| 64 | 20 | AMD | 329 | 19 |
| 64 | 21 | AMD | 329 | 20 |
| 64 | 24 | AMD | 329 | 10 |
| 64 | 30 | REP | 329 | 22 |

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| LAWS 1895 (cont.) | | | LAWS 1981 | |
|-------------------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 64 | 31 | REP | 329 | 22 |
| 64 | 32 | AMD | 329 | 11 |
| 64 | 33 | AMD | 329 | 12 |

| LAWS 1897 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 38 | 1 | AMD | 302 | 1 |

| LAWS 1899 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 53 | 6 | AMD | 329 | 3 |
| 53 | 15 | AMD | 329 | 21 |
| 80 | 1 | AMD | 80 | 1 |
| 80 | 2 | AMD | 78 | 1 |
| 80 | 3 | REP | 10 | 5 |
| 80 | 3 | AMD | 156 | 15 |
| 80 | 5 | AMD | 10 | 4 |
| 80 | 5 | AMD | 156 | 16 |
| 93 | 2 | AMD | 193 | 2 |
| 121 | 15 | REP | 147 | 6 |

| LAWS 1901 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 101 | 1 | AMD | 19 | 3 |

| LAWS 1901 EX. | | | LAWS 1981 | |
|---------------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 9 | 1 | REP | 138 | 24 |
| 9 | 2 | REP | 138 | 24 |
| 9 | 3 | REP | 138 | 24 |
| 9 | 4 | REP | 138 | 24 |
| 9 | 5 | REP | 138 | 24 |
| 9 | 6 | REP | 138 | 24 |
| 9 | 7 | REP | 138 | 24 |
| 9 | 8 | REP | 138 | 24 |

| LAWS 1903 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 10 | 1 | AMD | 19 | 3 |
| 80 | 1 | AMD | 302 | 11 |
| 151 | 1 | AMD | 331 | 1 |

| LAWS 1907 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 136 | 4 | AMD | 162 | 2 |

| LAWS 1909 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 44 | 1 | AMD | 149 | 1 |
| 44 | 1 | AMD | 304 | 17 |
| 213 | 8 | REP | 147 | 6 |
| 215 | 15 | REP | 43 | 21 |
| 225 | 5 | AMD | 156 | 26 |
| 225 | 16 | AMD | 156 | 27 |
| 249 | 33 | AMD | 136 | 35 |

| LAWS 1909 (cont.) | | | LAWS 1981 | |
|-------------------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 249 | 235 | AMD | 279 | 3 |
| 249 | 256 | REP | 147 | 6 |
| 249 | 384 | AMD | 203 | 4 |

| LAWS 1911 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 23 | 39 | AMD | 156 | 34 |
| 23 | 41 | AMD | 157 | 35 |
| 23 | 42 | AMD | 156 | 36 |
| 23 | 43 | AMD | 156 | 38 |

| LAWS 1913 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 19 | 3 | AMD | 302 | 2 |
| 19 | 9 | AMD | 297 | 33 |
| 19 | 16 | REP | 297 | 39 |
| 160 | 2 | AMD | 299 | 1 |
| 160 | 8 | AMD | 195 | 8 |
| 176 | 23 | AMD | 156 | 23 |
| 176 | 30 | AMD | 156 | 24 |

| LAWS 1915 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 79 | 3 | AMD | 302 | 10 |

| LAWS 1917 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 130 | 28 | AMD | 156 | 23 |
| 154 | 1 | AMD | 302 | 34 |
| 160 | 2 | AMD | 53 | 6 |
| 160 | 4 | AMD | 53 | 8 |
| 160 | 5 | REP | 53 | 18 |
| 160 | 5 | REP | 277 | 11 |
| 160 | 6 | REP | 53 | 18 |
| 160 | 6 | REP | 277 | 11 |
| 160 | 7 | AMD | 53 | 9 |
| 160 | 8 | AMD | 53 | 5 |
| 162 | 12 | AMD | 156 | 30 |

| LAWS 1919 | | | LAWS 1981 | |
|-----------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 4 | 8 | REP | 277 | 11 |
| 4 | 9 | REP | 277 | 11 |
| 4 | 15 | AMD | 277 | 9 |
| 5 | 8 | AMD | 277 | 2 |
| 5 | 15 | AMD | 277 | 3 |
| 36 | 6 | REP | 277 | 11 |
| 144 | 1 | AMD | 58 | 2 |
| 144 | 7 | AMD | 58 | 3 |
| 144 | 9 | REEN | 260 | 5 |
| 144 | 13 | AMD | 277 | 8 |
| 187 | 1 | AMD | 331 | 10 |
| 187 | 3 | AMD | 330 | 3 |
| 187 | 4 | AMD | 194 | 3 |
| 187 | 6 | AMD | 331 | 11 |
| 187 | 8 | AMD | 331 | 12 |

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| LAWS 1921 | | | LAWS 1981 | | LAWS 1933 | | | LAWS 1981 | |
|---------------|------|--------|-----------|------|---------------|----------|--------|-----------|-------|
| Ch. | Sec. | Action | Ch. | Sec. | Ch. | Sec. | Action | Ch. | Sec. |
| 115 | 22 | AMD | 297 | 37 | 43 | 7 | AMD | 209 | 3 |
| 121 | 6 | AMD | 302 | 24 | 43 | 10 | AMD | 209 | 7 |
| 121 | 9 | AMD | 302 | 25 | 149 | 16 | AMD | 156 | 33 |
| 129 | 10 | AMD | 209 | 16 | 173 | 3 | AMD | 302 | 23 |
| 129 | 24 | AMD | 156 | 28 | 173 | 4 | AMD | 81 | 3 |
| 166 | 1 | AMD | 260 | 14 | 173 | 9 | AMD | 81 | 4 |
| 166 | 1 | REEN | 260 | 14 | 173 | 10 | AMD | 192 | 26 |
| | | | | | 173 | 15 | AMD | 81 | 5 |
| | | | | | 173 | 18 | AMD | 81 | 6 |
| | | | | | 173 | 20 | AMD | 81 | 8 |
| | | | | | 173 | 25 | AMD | 81 | 11 |
| | | | | | 173 | 27 | AMD | 81 | 12 |
| | | | | | 178 | 1 | REP | 136 | 121 |
| | | | | | 178 | 2 | REP | 136 | 121 |
| | | | | | 178 | 3 | REP | 136 | 121 |
| | | | | | 178 | 5 | REP | 136 | 121 |
| | | | | | 184 | 1 | AMD | 337 | 1 |
| | | | | | 184 | 3 | AMD | 337 | 2 |
| | | | | | 194 | 1 | AMD | 209 | 12 |
| | | | | | 194 | 2 | AMD | 209 | 13 |
| | | | | | 194 | 3 | AMD | 209 | 14 |
| | | | | | 194 | 4 | AMD | 209 | 15 |
| | | | | | | | | | |
| LAWS 1923 | | | LAWS 1981 | | LAWS 1933 EX. | | | LAWS 1981 | |
| Ch. | Sec. | Action | Ch. | Sec. | Ch. | Sec. | Action | Ch. | Sec. |
| 16 | 31 | AMD | 277 | 4 | 62 | | ADD | 5 | E1 27 |
| 46 | 9 | AMD | 156 | 24 | 62 | 3 | AMD | 5 | E1 1 |
| 75 | 14 | AMD | 283 | 4 | 62 | 7 | AMD | 5 | E1 8 |
| 140 | 4 | AMD | 156 | 26 | 62 | 23-AAMD | 5 | E1 29 | |
| 140 | 5 | AMD | 156 | 27 | 62 | 23-BAMD | 5 | E1 13 | |
| 151 | 3 | AMD | 156 | 14 | 62 | 23-CAMD | 5 | E1 31 | |
| 172 | 3 | AMD | 302 | 20 | 62 | 23-DAMD | 5 | E1 28 | |
| 172 | 3 | AMD | 312 | 1 | 62 | 23-EAMD | 5 | E1 14 | |
| 172 | 4 | AMD | 302 | 21 | 62 | 23-FAMD | 5 | E1 35 | |
| 172 | 5 | AMD | 302 | 22 | 62 | 23-GAMD | 5 | E1 15 | |
| 172 | 8 | AMD | 312 | 2 | 62 | 23-I AMD | 5 | E1 36 | |
| 172 | 9 | AMD | 312 | 3 | 62 | 23-KAMD | 5 | E1 32 | |
| 172 | 14 | AMD | 312 | 4 | 62 | 23-MAMD | 5 | E1 37 | |
| 172 | 15 | AMD | 312 | 5 | 62 | 23-NAMD | 5 | E1 38 | |
| 172 | 19 | AMD | 312 | 6 | 62 | 23-OAMD | 5 | E1 39 | |
| | | | | | 62 | 23-OAMD | 94 | | 1 |
| | | | | | 62 | 23-PAMD | 5 | E1 40 | |
| | | | | | 62 | 23-QAMD | 5 | E1 41 | |
| | | | | | 62 | 23-RAMD | 5 | E1 42 | |
| | | | | | 62 | 23-RAMD | 182 | | 1 |
| | | | | | 62 | 23-SAMD | 5 | E1 43 | |
| | | | | | 62 | 23-S-1 | | | |
| | | | | | 62 | AMD | 94 | | 2 |
| | | | | | 62 | 23-TAMD | 5 | E1 18 | |
| | | | | | 62 | 23-VAMD | 5 | E1 11 | |
| | | | | | 62 | 24 | AMD | 5 | E1 16 |
| | | | | | 62 | 24-AAMD | 5 | E1 12 | |
| | | | | | 62 | 27 | AMD | 5 | E1 10 |
| | | | | | 62 | 27 | AMD | 67 | 31 |
| | | | | | 62 | 30 | AMD | 182 | 2 |
| | | | | | 62 | 32 | AMD | 255 | 1 |
| | | | | | 62 | 34 | AMD | 5 | E1 21 |
| | | | | | | | | | |
| LAWS 1925 EX. | | | LAWS 1981 | | LAWS 1927 | | | LAWS 1981 | |
| Ch. | Sec. | Action | Ch. | Sec. | Ch. | Sec. | Action | Ch. | Sec. |
| 34 | 4 | AMD | 156 | 32 | 136 | 1 | AMD | 149 | 2 |
| 45 | 5 | AMD | 260 | 1 | 174 | 1 | AMD | 156 | 22 |
| 45 | 5 | REEN | 260 | 1 | 190 | 1 | AMD | 302 | 12 |
| 63 | 1 | AMD | 302 | 11 | 254 | 145 | AMD | 156 | 33 |
| 69 | 2 | AMD | 156 | 21 | 292 | 2 | AMD | 296 | 24 |
| 100 | 1 | AMD | 154 | 2 | 292 | 3 | AMD | 296 | 25 |
| | | | | | 292 | 7 | AMD | 296 | 26 |
| | | | | | 294 | 1 | REP | 136 | 121 |
| | | | | | 294 | 2 | REP | 136 | 121 |
| | | | | | 294 | 3 | REP | 136 | 121 |
| | | | | | | | | | |
| LAWS 1929 | | | LAWS 1981 | | | | | | |
| Ch. | Sec. | Action | Ch. | Sec. | 62 | 23-TAMD | 5 | E1 18 | |
| 25 | 4 | AMD | 329 | 5 | 62 | 23-VAMD | 5 | E1 11 | |
| 71 | 1 | AMD | 302 | 20 | 62 | 24 | AMD | 5 | E1 16 |
| 71 | 1 | AMD | 312 | 1 | 62 | 27 | AMD | 5 | E1 10 |
| 114 | 4 | AMD | 45 | 9 | 62 | 27 | AMD | 67 | 31 |
| | | | | | 62 | 30 | AMD | 182 | 2 |
| | | | | | 62 | 32 | AMD | 255 | 1 |
| | | | | | 62 | 34 | AMD | 5 | E1 21 |

"E1" Denotes 1st ex. sess.

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| <u>LAWS 1933 EX. (cont.)</u> | | | <u>LAWS 1981</u> | | <u>LAWS 1937 (cont.)</u> | | | <u>LAWS 1981</u> | | | |
|------------------------------|-------------|---------------|--------------------|-------------|--------------------------|-------------|---------------|------------------|-------------|----|----|
| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | | |
| 62 | 35 | REP | 5 | E1 | 49 | 217 | 1 | AMD | 5 | E1 | 28 |
| 62 | 36-A | AMD | 5 | E1 | 24 | 217 | 1 | AMD | 5 | E1 | 31 |
| 62 | 39 | REP | 5 | E1 | 49 | 217 | 1 | AMD | 5 | E1 | 32 |
| 62 | 52 | AMD | 5 | E1 | 20 | 217 | 1 | AMD | 5 | E1 | 35 |
| 62 | 53 | REP | 5 | E1 | 49 | 217 | 1 | AMD | 5 | E1 | 36 |
| 62 | 54 | REP | 5 | E1 | 49 | 217 | 1 | AMD | 5 | E1 | 37 |
| 62 | 56 | AMD | 5 | E1 | 4 | 217 | 1 | AMD | 5 | E1 | 38 |
| 62 | 68 | AMD | 5 | E1 | 3 | 217 | 1 | AMD | 5 | E1 | 39 |
| 62 | 71 | AMD | 5 | E1 | 2 | 217 | 1 | AMD | 5 | E1 | 40 |
| 62 | 77 | AMD | 5 | E1 | 6 | 217 | 1 | AMD | 5 | E1 | 41 |
| 62 | 93 | AMD | 5 | E1 | 22 | 217 | 1 | AMD | 5 | E1 | 42 |
| 66 | | ADD | 287 | | 2 | 217 | 1 | AMD | 5 | E1 | 43 |
| | | | | | | 217 | 1 | AMD | 94 | | 1 |
| | | | | | | 217 | 1 | AMD | 182 | | 1 |
| | | | | | | 229 | 8 | AMD | 3 | | 23 |
| | | | | | | | | | | | |
| <u>LAWS 1935</u> | | | <u>LAWS 1981</u> | | <u>LAWS 1939</u> | | | <u>LAWS 1981</u> | | | |
| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | | |
| 18 | 8 | AMD | 303 | | 139 | 2 | AMD | 333 | | 2 | |
| 18 | 13 | AMD | 67 | | 171 | 1 | AMD | 209 | | 13 | |
| 35 | 1 | AMD | 329 | | 171 | 6 | AMD | 209 | | 10 | |
| 82 | 1 | AMD | 156 | | 171 | 8 | REP | 209 | | 17 | |
| 98 | 1 | AMD | 338 | | 172 | 1 | AMD | 5 | E1 | 31 | |
| 98 | 3 | AMD | 67 | | | | | | | | |
| 112 | 7 | AMD | 277 | | | | | | | | |
| 112 | 10 | REP | 277 | | | | | | | | |
| 112 | 12 | REP | 277 | | | | | | | | |
| 112 | 22 | AMD | 277 | | | | | | | | |
| 114 | 1 | REP | 137 | | | | | | | | |
| | | | (Effective 7/1/88) | | | | | | | | |
| 114 | 3 | AMD | 136 | | | | | | | | |
| 114 | 7 | AMD | 136 | | | | | | | | |
| 119 | 2 | AMD | 26 | | | | | | | | |
| 119 | 8 | AMD | 26 | | | | | | | | |
| 128 | 2 | AMD | 156 | | | | | | | | |
| 158 | 3 | AMD | 5 | E1 | 12 | | | | | | |
| 174 | 7 | AMD | 5 | E1 | 20 | | | | | | |
| 174 | 16 | AMD | 5 | E1 | 22 | | | | | | |
| | | | | | | | | | | | |
| <u>LAWS 1937</u> | | | <u>LAWS 1981</u> | | <u>LAWS 1941</u> | | | <u>LAWS 1981</u> | | | |
| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | | |
| 102 | 1 | AMD | 156 | | 7 | 4 | AMD | 156 | | 17 | |
| 108 | 1 | AMD | 43 | | 19 | 3 | AMD | 312 | | 2 | |
| 108 | 2 | AMD | 43 | | 19 | 4 | AMD | 312 | | 3 | |
| 108 | 4 | REP | 43 | | 19 | 6 | AMD | 312 | | 5 | |
| 108 | 5 | AMD | 43 | | 44 | 1 | AMD | 253 | | 1 | |
| 108 | 6 | AMD | 43 | | 44 | 2 | AMD | 253 | | 4 | |
| 108 | 8 | AMD | 43 | | 44 | 3 | AMD | 253 | | 3 | |
| 108 | 9 | AMD | 43 | | 44 | 4 | AMD | 253 | | 5 | |
| 108 | 10 | AMD | 43 | | 44 | 5 | AMD | 253 | | 6 | |
| 108 | 11 | REP | 43 | | 71 | 4 | AMD | 67 | | 23 | |
| 108 | 13 | AMD | 43 | | 71 | 14 | AMD | 67 | | 24 | |
| 108 | 15 | AMD | 43 | | 82 | 4 | AMD | 331 | | 14 | |
| 108 | 17 | REP | 43 | | 150 | 4 | AMD | 162 | | 1 | |
| 217 | 1 | AMD | 5 | E1 | 171 | 2 | AMD | 208 | | 1 | |
| 217 | 1 | AMD | 5 | E1 | 171 | 2 | AMD | 345 | | 1 | |
| 217 | 1 | AMD | 5 | E1 | 172 | 3 | AMD | 209 | | 8 | |
| 217 | 1 | AMD | 5 | E1 | 182 | 6 | AMD | 37 | | 1 | |
| 217 | 1 | AMD | 5 | E1 | 182 | 9 | AMD | 37 | | 2 | |
| 217 | 1 | AMD | 5 | E1 | 210 | 5 | AMD | 45 | | 3 | |
| 217 | 1 | AMD | 5 | E1 | 210 | 8 | AMD | 169 | | 2 | |
| 217 | 1 | AMD | 5 | E1 | 210 | 10 | AMD | 190 | | 4 | |
| 217 | 1 | AMD | 5 | E1 | 210 | 48 | AMD | 45 | | 4 | |
| 217 | 1 | AMD | 5 | E1 | 252 | 2 | AMD | 305 | | 1 | |
| | | | | | | | | | | | |
| <u>LAWS 1937</u> | | | <u>LAWS 1981</u> | | <u>LAWS 1943</u> | | | <u>LAWS 1981</u> | | | |
| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | | |
| 102 | 1 | AMD | 156 | | 130 | 94 | REP | 260 | | 18 | |
| 108 | 1 | AMD | 43 | | 131 | 9 | AMD | 192 | | 26 | |
| 108 | 2 | AMD | 43 | | 137 | 2 | AMD | 213 | | 7 | |
| 108 | 4 | REP | 43 | | 245 | 1 | AMD | 5 | E1 | 24 | |
| 108 | 5 | AMD | 43 | | | | | | | | |
| 108 | 6 | AMD | 43 | | | | | | | | |
| 108 | 8 | AMD | 43 | | | | | | | | |
| 108 | 9 | AMD | 43 | | | | | | | | |
| 108 | 10 | AMD | 43 | | | | | | | | |
| 108 | 11 | REP | 43 | | | | | | | | |
| 108 | 13 | AMD | 43 | | | | | | | | |
| 108 | 15 | AMD | 43 | | | | | | | | |
| 108 | 17 | REP | 43 | | | | | | | | |
| 217 | 1 | AMD | 5 | E1 | | | | | | | |
| 217 | 1 | AMD | 5 | E1 | | | | | | | |
| 217 | 1 | AMD | 5 | E1 | | | | | | | |
| 217 | 1 | AMD | 5 | E1 | | | | | | | |
| 217 | 1 | AMD | 5 | E1 | | | | | | | |

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| <u>LAWS 1945</u> | | | <u>LAWS 1981</u> | | <u>LAWS 1947 (cont.)</u> | | | <u>LAWS 1981</u> | |
|------------------|-------------|---------------|--------------------|-------------|--------------------------|-------------|---------------|---------------------|-------------|
| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
| 35 | 68 | AMD | 35 | 3 | 79 | .32.01 | AMD | 339 | 20 |
| 35 | 73 | AMD | 35 | 4 | 79 | .32.17 | AMD | 339 | 21 |
| 35 | 80 | AMD | 35 | 5 | 79 | .33.06 | AMD | 104 | 1 |
| 35 | 87 | AMD | 35 | 6 | 80 | 1 | AMD | 256 | 5 |
| 35 | 93 | AMD | 302 | 39 | 80 | 59 | AMD | 294 | 13 |
| 35 | 117 | AMD | 67 | 30 | 105 | 2 | REP | 43 | 21 |
| 35 | 120 | AMD | 35 | 10 | 156 | 1 | AMD | 296 | 27 |
| 63 | 1 | AMD | 46 | 1 | 156 | 2 | AMD | 296 | 28 |
| 63 | 4 | AMD | 46 | 2 | 156 | 5 | AMD | 296 | 29 |
| 131 | 1 | AMD | 209 | 11 | 257 | 8 | REP | 87 | 3 |
| 150 | 1 | REP | 43 | 21 | 268 | 3 | AMD | 339 | 22 |
| 196 | 1 | AMD | 329 | 7 | 274 | 1 | AMD | 256 | 6 |
| 196 | 2 | AMD | 329 | 13 | 274 | 9 | AMD | 3 | 32 |
| 217 | 7 | AMD | 3 | 42 | 274 | 18 | AMD | 294 | 12 |
| 235 | 6 | AMD | 302 | 30 | 274 | 39 | AMD | 294 | 14 |
| 235 | 9 | AMD | 302 | 31 | 283 | 11 | REEN | 260 | 4 |
| 235 | 10 | AMD | 302 | 32 | | | | | |
| 235 | 40 | REP | 192 | 33 | | | | | |
| 235 | 41 | AMD | 192 | 30 | <u>LAWS 1949</u> | | | <u>LAWS 1981</u> | |
| 235 | 43 | REP | 192 | 33 | <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
| 235 | 45 | REP | 192 | 33 | 5 | 1 | AMD | 94 | 2 |
| 235 | 46 | REP | 192 | 33 | 5 | 6 | AMD | 5 E1 | 18 |
| 235 | 51 | AMD | 84 | 3 | 26 | 17 | AMD | 156 | 25 |
| 235 | 76 | AMD | 302 | 33 | 67 | 4 | AMD | 5 E1 | 9 |
| 261 | 3 | AMD | 3 | 26 | 223 | 1 | AMD | 32 | 5 |
| 261 | 6 | AMD | 213 | 7 | | | | | |
| 261 | 15 | AMD | 21 | 1 | <u>LAWS 1951</u> | | | <u>LAWS 1981</u> | |
| 261 | 16 | AMD | 21 | 2 | <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
| 261 | 17 | AMD | 21 | 4 | 117 | 2 | AMD | 2 E1 | 15 |
| 261 | 23 | AMD | 21 | 3 | 117 | 3 | REP | 2 E1 | 26 |
| | | | | | 117 | 6 | AMD | 2 E1 | 17 |
| | | | | | 117 | 7 | AMD | 2 E1 | 18 |
| | | | | | 125 | 6 | AMD | 65 | 1 |
| <u>LAWS 1947</u> | | | <u>LAWS 1981</u> | | 125 | 7 | AMD | 65 | 2 |
| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | 180 | 4 | AMD | 283 | 6 |
| 47 | 1 | REP | 137 | 39 | 184 | 5 | AMD | 119 | 1 |
| | | | (Effective 7/1/88) | | 222 | 23 | AMD | 67 | 22 |
| 79 | .03.06 | AMD | 339 | 2 | | | | | |
| 79 | .05.21 | AMD | 339 | 3 | <u>LAWS 1953</u> | | | <u>LAWS 1981</u> | |
| 79 | .06.20 | AMD | 302 | 37 | <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
| 79 | .07.07 | AMD | 302 | 38 | 102 | 1 | AMD | 331 | 13 |
| 79 | .07.13 | AMD | 339 | 5 | 108 | 1 | AMD | 156 | 29 |
| 79 | .13.16 | AMD | 339 | 6 | 133 | 1 | AMD | 96 | 1 |
| 79 | .14.01 | AMD | 111 | 1 | 160 | 2 | REP | 2 E1 | 26 |
| 79 | .14.06 | AMD | 6 | 2 | 169 | 1 | AMD | 136 | 67 |
| 79 | .15.07 | AMD | 199 | 1 | 223 | 4 | AMD | 213 | 6 |
| 79 | .17.01 | AMD | 339 | 9 | 250 | 9 | AMD | 169 | 2 |
| 79 | .17.09 | AMD | 339 | 10 | 251 | 3 | AMD | 45 | 10 |
| 79 | .17.12 | AMD | 111 | 2 | 290 | 26 | REP | 334 | 2 |
| 79 | .17.13 | AMD | 111 | 3 | | | | (Effective 6/30/88) | |
| 79 | .17.27 | AMD | 339 | 13 | 290 | 27 | REP | 334 | 2 |
| 79 | .17.34 | AMD | 339 | 14 | | | | (Effective 6/30/88) | |
| 79 | .17.38 | AMD | 339 | 15 | 290 | 28 | REP | 334 | 2 |
| 79 | .17.39 | AMD | 339 | 16 | | | | (Effective 6/30/88) | |
| 79 | .19.08 | AMD | 339 | 18 | 290 | 29 | REP | 334 | 2 |
| 79 | .23.08 | AMD | 247 | 3 | | | | (Effective 6/30/88) | |
| 79 | .23.12 | AMD | 247 | 4 | 290 | 30 | REP | 334 | 2 |
| 79 | .24.16 | AMD | 333 | 1 | | | | (Effective 6/30/88) | |
| 79 | .30.16 | REP | 339 | 26 | 290 | | | 334 | 2 |
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| 290 | 31 | REP | 334 | 2 | 13 | 32.08.150 | AMD | 86 | 3 |
| | | | (Effective 6/30/88) | | 13 | 32.12.010 | AMD | 192 | 27 |
| 290 | 32 | REP | 334 | 2 | 13 | 32.12.020 | AMD | 192 | 28 |
| | | | (Effective 6/30/88) | | 13 | 32.12.030 | REP | 192 | 33 |
| 290 | 33 | REP | 334 | 2 | 13 | 32.20.250 | REP | 86 | 16 |
| | | | (Effective 6/30/88) | | 13 | 32.20.260 | REP | 86 | 16 |
| 290 | 34 | REP | 334 | 2 | 13 | 32.20.270 | REP | 86 | 16 |
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| 290 | 35 | REP | 334 | 2 | 13 | 32.20.280 | AMD | 86 | 4 |
| | | | (Effective 6/30/88) | | 13 | 32.24.020 | AMD | 302 | 29 |
| 290 | 36 | REP | 334 | 2 | 15 | 25.08.010 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.020 | REP | 51 | 72 |
| 290 | 37 | REP | 334 | 2 | 15 | 25.08.030 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.040 | REP | 51 | 72 |
| 290 | 38 | REP | 334 | 2 | 15 | 25.08.050 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.060 | REP | 51 | 72 |
| 290 | 39 | REP | 334 | 2 | 15 | 25.08.070 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.080 | REP | 51 | 72 |
| 290 | 40 | REP | 334 | 2 | 15 | 25.08.090 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.100 | REP | 51 | 72 |
| 290 | 41 | REP | 334 | 2 | 15 | 25.08.110 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.120 | REP | 51 | 72 |
| 290 | 42 | REP | 334 | 2 | 15 | 25.08.130 | REP | 51 | 72 |
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| 290 | 43 | REP | 334 | 2 | 15 | 25.08.150 | REP | 51 | 72 |
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| 290 | 44 | REP | 334 | 2 | 15 | 25.08.170 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.180 | REP | 51 | 72 |
| 290 | 45 | REP | 334 | 2 | 15 | 25.08.190 | REP | 51 | 72 |
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| 290 | 46 | REP | 334 | 2 | 15 | 25.08.210 | REP | 51 | 72 |
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| 290 | 47 | REP | 334 | 2 | 15 | 25.08.230 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.230 | REP | 51 | 72 |
| 290 | 48 | REP | 334 | 2 | 15 | 25.08.240 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.250 | REP | 51 | 72 |
| 290 | 49 | REP | 334 | 2 | 15 | 25.08.260 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.270 | REP | 51 | 72 |
| 290 | 50 | REP | 334 | 2 | 15 | 25.08.280 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.290 | REP | 51 | 72 |
| 290 | 51 | REP | 334 | 2 | 15 | 25.08.300 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.08.310 | REP | 51 | 72 |
| 290 | 52 | REP | 334 | 2 | 15 | 25.98.010 | REP | 51 | 72 |
| | | | (Effective 6/30/88) | | 15 | 25.98.020 | REP | 51 | 72 |
| 290 | 53 | REP | 334 | 2 | 15 | 25.98.030 | REP | 51 | 72 |
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| | | | | | 15 | 25.98.050 | REP | 51 | 72 |
| | | | | | 33 | 30.04.020 | AMD | 88 | 1 |
| | | | | | 33 | 30.04.090 | REP | 89 | 7 |
| | | | | | 33 | 30.04.180 | AMD | 89 | 1 |
| | | | | | 33 | 30.04.230 | AMD | 89 | 2 |
| | | | | | 33 | 30.08.020 | AMD | 73 | 1 |
| | | | | | 33 | 30.08.040 | AMD | 302 | 15 |
| | | | | | 33 | 30.08.050 | AMD | 302 | 16 |
| | | | | | 33 | 30.08.060 | AMD | 302 | 17 |
| | | | | | 33 | 30.08.070 | AMD | 302 | 18 |
| | | | | | 33 | 30.08.095 | AMD | 302 | 19 |
| | | | | | 33 | 30.12.010 | AMD | 89 | 3 |
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| 12 | 75.04.070 | AMD | 227 | 3 | | | | | |
| 13 | | ADD | 86 | 10-15 | | | | | |
| 13 | 32.04.010 | AMD | 85 | 105 | | | | | |
| 13 | 32.04.020 | AMD | 85 | 106 | | | | | |
| 13 | 32.04.060 | AMD | 86 | 1 | | | | | |
| 13 | 32.08.060 | AMD | 302 | 26 | | | | | |
| 13 | 32.08.070 | AMD | 302 | 28 | | | | | |
| 13 | 32.08.140 | AMD | 86 | 2 | | | | | |

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| 33 | 30.20.010 | REP | 192 | 33 | 37 | 19 | REP | 259 | 6 |
| 33 | 30.20.015 | REP | 192 | 33 | 37 | 21 | AMD | 259 | 3 |
| 33 | 30.20.020 | REP | 192 | 33 | 37 | 22 | AMD | 259 | 4 |
| 33 | 30.20.030 | REP | 192 | 33 | 37 | 24 | REP | 259 | 6 |
| 33 | 30.40.020 | AMD | 73 | 2 | 52 | 27 | AMD | 277 | 6 |
| 36 | 77.04.030 | AMD | 338 | 11 | 80 | 1 | AMD | 302 | 26 |
| 36 | 77.12.170 | AMD | 310 | 2 | 80 | 8 | AMD | 302 | 27 |
| 36 | 77.16.020 | AMD | 310 | 3 | 150 | 3 | AMD | 156 | 19 |
| 36 | 77.16.240 | AMD | 310 | 6 | 153 | 16 | AMD | 156 | 1 |
| 36 | 77.32.010 | AMD | 310 | 7 | 171 | 3 | AMD | 201 | 1 |
| 36 | 77.32.020 | AMD | 310 | 9 | 227 | 3 | AMD | 136 | 41 |
| 36 | 77.32.050 | AMD | 310 | 16 | 227 | 8 | AMD | 136 | 43 |
| 36 | 77.32.060 | AMD | 310 | 17 | 246 | 1 | AMD | 32 | 4 |
| 36 | 77.32.070 | AMD | 310 | 18 | 246 | 2 | AMD | 115 | 1 |
| 36 | 77.32.090 | AMD | 310 | 19 | 248 | 2 | AMD | 302 | 16 |
| 36 | 77.32.240 | AMD | 310 | 28 | 250 | 2 | AMD | 338 | 3 |
| 36 | 77.32.250 | AMD | 310 | 29 | 259 | 3 | AMD | 132 | 1 |
| 39 | 1 | AMD | 255 | 1 | 259 | 6 | AMD | 331 | 15 |
| 52 | 2 | REP | 43 | 21 | 259 | 7 | AMD | 186 | 4 |
| 52 | 3 | REP | 43 | 21 | 263 | 2 | AMD | 5 E1 | 17 |
| 58 | 2 | AMD | 209 | 4 | | | | | |
| 58 | 3 | AMD | 209 | 5 | | | | | |
| 58 | 4 | AMD | 209 | 6 | | | | | |
| 58 | 5 | AMD | 209 | 9 | | | | | |
| 60 | 1 | AMD | 209 | 2 | | | | | |
| 65 | 10 | AMD | 262 | 1 | | | | | |
| 80 | 5 | REP | 86 | 16 | | | | | |
| 114 | 1 | AMD | 252 | 1 | | | | | |
| 122 | 4 | AMD | 84 | 1 | | | | | |
| 122 | 5 | AMD | 84 | 2 | | | | | |
| 133 | 7 | AMD | 136 | 36 | | | | | |
| 133 | 13 | AMD | 136 | 37 | | | | | |
| 188 | 1 | AMD | 195 | 9 | | | | | |
| 221 | 1 | AMD | 3 | 23 | | | | | |
| 270 | 2 | AMD | 338 | 9 | | | | | |
| 270 | 16 | AMD | 259 | 1 | | | | | |
| 270 | 17 | AMD | 259 | 2 | | | | | |
| 340 | 9 | REP | 137 | 39 | | | | | |
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| 340 | 10 | REP | 137 | 39 | | | | | |
| | | (Effective 7/1/88) | | | | | | | |
| 347 | 1 | REP | 192 | 33 | | | | | |
| 356 | 1 | REP | 89 | 7 | | | | | |
| 390 | 9 | AMD | 156 | 18 | | | | | |

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| 17 | 1 | AMD | 310 | 21 |
| 22 | 5 | AMD | 296 | 14 |
| 23 | 3 | AMD | 81 | 1 |
| 23 | 4 | AMD | 81 | 2 |
| 23 | 8 | AMD | 81 | 7 |
| 23 | 12 | AMD | 81 | 9 |
| 23 | 13 | AMD | 81 | 10 |
| 37 | 5 | AMD | 338 | 9 |
| 37 | 17 | AMD | 259 | 1 |
| 37 | 18 | AMD | 259 | 2 |

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| 18 | 3 | AMD | 169 | 1 |
| 25 | 71.06.140 | AMD | 136 | 65 |
| 26 | 74.04.005 | REEN | 8 | 1 |
| 26 | 74.04.005 | AMD | 8 | 1 |
| 26 | 74.04.005 | REEN | 6 E1 | 1 |
| 26 | 74.04.005 | AMD | 6 E1 | 1 |
| 26 | 74.04.015 | AMD | 8 | 2 |
| 26 | 74.04.015 | AMD | 6 E1 | 2 |
| 26 | 74.04.040 | AMD | 191 | 1 |
| 26 | 74.04.050 | AMD | 8 | 3 |
| 26 | 74.04.050 | AMD | 6 E1 | 3 |
| 26 | 74.04.200 | AMD | 8 | 4 |
| 26 | 74.04.200 | AMD | 6 E1 | 4 |
| 26 | 74.04.250 | REP | 8 | 23 |
| 26 | 74.04.250 | REP | 6 E1 | 28 |
| 26 | 74.08.025 | AMD | 8 | 8 |
| 26 | 74.08.025 | AMD | 6 E1 | 9 |
| 26 | 74.08.040 | AMD | 8 | 9 |
| 26 | 74.08.040 | REP | 6 E1 | 28 |
| 26 | 74.08.060 | AMD | 6 E1 | 13 |
| 26 | 74.08.070 | AMD | 6 E1 | 14 |
| 26 | 74.08.070 | AMD | 67 | 34 |
| 26 | 74.08.112 | REP | 8 | 23 |
| 26 | 74.08.112 | REP | 6 E1 | 28 |
| 26 | 74.08.120 | AMD | 8 | 12 |
| 26 | 74.08.120 | AMD | 6 E1 | 15 |
| 26 | 74.09.010 | AMD | 6 E1 | 18 |
| 26 | 74.09.020 | REP | 6 E1 | 28 |
| 26 | 74.09.030 | REP | 6 E1 | 28 |
| 26 | 74.09.070 | REP | 6 E1 | 28 |
| 26 | 74.09.120 | AMD | 2 E1 | 11 |
| 26 | 74.09.170 | REP | 260 | 18 |
| 26 | 74.09.010 | AMD | 8 | 17 |
| 26 | 74.09.020 | REP | 8 | 23 |

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| 26 | 74.09.030 | REP | 8 | 23 | 54 | 1 | AMD | 296 | 15 |
| 26 | 74.09.070 | REP | 8 | 23 | 54 | 16 | AMD | 296 | 16 |
| 26 | 74.10.010 | REP | 8 | 23 | 54 | 22 | AMD | 296 | 17 |
| 26 | 74.10.010 | REP | 6 | E1 28 | 54 | 24 | AMD | 296 | 18 |
| 26 | 74.10.020 | REP | 8 | 23 | 54 | 26 | AMD | 296 | 19 |
| 26 | 74.10.020 | REP | 6 | E1 28 | 54 | 29 | AMD | 296 | 20 |
| 26 | 74.10.030 | REP | 8 | 23 | 54 | 30 | AMD | 296 | 21 |
| 26 | 74.10.030 | REP | 6 | E1 28 | 91 | 2 | AMD | 3 | 31 |
| 26 | 74.10.070 | REP | 8 | 23 | 103 | 3 | AMD | 45 | 4 |
| 26 | 74.10.070 | REP | 6 | E1 28 | 103 | 15 | AMD | 24 | 3 |
| 26 | 74.12.010 | AMD | 8 | 21 | 104 | 4 | AMD | 216 | 2 |
| 26 | 74.12.010 | AMD | 6 | E1 23 | 106 | 2 | REP | 89 | 7 |
| 28 | 72.01.010 | AMD | 136 | 66 | 108 | 4 | AMD | 45 | 10 |
| 28 | 72.02.040 | AMD | 136 | 79 | 108 | 16 | AMD | 24 | 4 |
| 28 | 72.01.050 | AMD | 136 | 68 | 139 | 1 | AMD | 296 | 30 |
| 28 | 72.01.140 | AMD | 238 | 1 | 139 | 3 | AMD | 296 | 31 |
| 28 | 72.01.210 | AMD | 136 | 69 | 139 | 33 | AMD | 296 | 32 |
| 28 | 72.01.240 | AMD | 136 | 70 | 139 | 38 | AMD | 296 | 33 |
| 28 | 72.08.170 | REP | 136 | 121 | 140 | 1 | AMD | 136 | 74 |
| 28 | 72.08.380 | AMD | 136 | 87 | 207 | 1 | AMD | 302 | 13 |
| 28 | 72.12.020 | AMD | 136 | 88 | 210 | 1 | AMD | 136 | 71 |
| 28 | 72.12.140 | AMD | 136 | 89 | 214 | 1 | AMD | 136 | 91 |
| 28 | 72.23.010 | AMD | 136 | 99 | 214 | 4 | AMD | 136 | 92 |
| 28 | 72.33.160 | AMD | 166 | 1 | 214 | 6 | AMD | 136 | 93 |
| 28 | 72.50.040 | REP | 260 | 18 | 214 | 7 | AMD | 136 | 94 |
| 28 | 72.60.010 | REP | 136 | 121 | 214 | 12 | AMD | 136 | 95 |
| 28 | 72.60.020 | REP | 136 | 121 | 218 | 8 | AMD | 37 | 1 |
| 28 | 72.60.030 | REP | 136 | 121 | 218 | 11 | AMD | 37 | 2 |
| 28 | 72.60.040 | REP | 136 | 121 | 220 | 4 | AMD | 302 | 3 |
| 28 | 72.60.050 | REP | 136 | 121 | 225 | 1 | AMD | 339 | 1 |
| 28 | 72.60.060 | REP | 136 | 121 | 234 | 1 | AMD | 183 | 1 |
| 28 | 72.60.070 | REP | 136 | 121 | 234 | 1 | AMD | 324 | 2 |
| 28 | 72.60.080 | REP | 136 | 121 | 234 | 2 | AMD | 67 | 13 |
| 28 | 72.60.090 | REP | 136 | 121 | 234 | 3 | AMD | 324 | 4 |
| 28 | 72.60.100 | AMD | 136 | 101 | 234 | 15 | AMD | 64 | 2 |
| 28 | 72.60.120 | REP | 136 | 121 | 273 | 1 | REP | 136 | 121 |
| 28 | 72.60.130 | REP | 136 | 121 | 273 | 2 | REP | 136 | 121 |
| 28 | 72.60.140 | REP | 136 | 121 | 273 | 3 | REP | 136 | 121 |
| 28 | 72.60.150 | REP | 136 | 121 | 273 | 4 | REP | 136 | 121 |
| 28 | 72.60.160 | AMD | 136 | 103 | 273 | 5 | AMD | 136 | 106 |
| 28 | 72.60.170 | REP | 136 | 121 | 282 | 5 | AMD | 272 | 1 |
| 28 | 72.60.180 | REP | 136 | 121 | 282 | 7 | AMD | 272 | 2 |
| 28 | 72.60.190 | AMD | 136 | 104 | 282 | 8 | AMD | 272 | 3 |
| 28 | 72.60.200 | REP | 136 | 121 | 282 | 9 | AMD | 272 | 4 |
| 28 | 72.60.210 | REP | 136 | 121 | 282 | 32 | AMD | 272 | 6 |
| 28 | 72.60.220 | AMD | 136 | 105 | 282 | 39 | AMD | 272 | 8 |
| 28 | 72.60.230 | REP | 136 | 121 | 282 | 43 | AMD | 272 | 9 |
| 28 | 72.68.040 | AMD | 136 | 117 | 282 | 58 | AMD | 272 | 10 |
| 32 | 1 | REP | 137 | 39 | 282 | 59 | AMD | 272 | 11 |
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| 32 | 2 | REP | 137 | 39 | 287 | 5 | AMD | 136 | 119 |
| | | (Effective 7/1/88) | | | 331 | 1 | REP | 60 | 2 |
| 32 | 3 | REP | 137 | 39 | 331 | 2 | REP | 60 | 2 |
| | | (Effective 9/1/88) | | | 331 | 4 | REP | 60 | 2 |
| 40 | 1 | AMD | 136 | 72 | 331 | 6 | REP | 60 | 2 |
| 40 | 2 | AMD | 136 | 72 | 331 | 7 | REP | 60 | 2 |
| 41 | 4 | REP | 86 | 16 | 331 | 8 | REP | 60 | 2 |
| 41 | 5 | REP | 86 | 16 | | | | | |

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| 1 | 12 | AMD | 311 | 17 | 14 | 81.36.140 | REP | 41 | 46 |
| 1 | 15 | AMD | 311 | 18 | 14 | 81.36.150 | REP | 41 | 46 |
| 1 | 17 | AMD | 311 | 19 | 14 | 81.36.160 | REP | 41 | 46 |
| 1 | 18 | REP | 311 | 21 | 14 | 81.80.150 | AMD | 116 | 2 |
| 1 | 19 | REP | 311 | 21 | 14 | 81.92.010 | REP | 13 | 6 |
| 1 | 20 | REP | 311 | 21 | 14 | 81.92.020 | REP | 13 | 6 |
| 1 | 21 | REP | 311 | 21 | 14 | 81.92.030 | REP | 13 | 6 |
| 11 | 15.04.020 | AMD | 296 | 1 | 14 | 81.92.040 | REP | 13 | 6 |
| 11 | 15.04.030 | AMD | 296 | 2 | 14 | 81.92.050 | REP | 13 | 6 |
| 11 | 15.04.050 | REP | 296 | 39 | 14 | 81.92.060 | REP | 13 | 6 |
| 11 | 15.04.070 | AMD | 296 | 3 | 14 | 81.92.070 | REP | 13 | 6 |
| 11 | 15.08.010 | AMD | 296 | 4 | 14 | 81.92.080 | REP | 13 | 6 |
| 11 | 15.08.230 | AMD | 296 | 6 | 14 | 81.92.090 | REP | 13 | 6 |
| 11 | 15.32.160 | AMD | 321 | 1 | 14 | 81.92.100 | REP | 13 | 6 |
| 11 | 15.32.370 | REP | 260 | 18 | 14 | 81.92.110 | REP | 13 | 6 |
| 11 | 15.36.050 | REP | 297 | 41 | 14 | 81.92.120 | REP | 13 | 6 |
| 11 | 15.36.110 | AMD | 297 | 1 | 14 | 81.92.130 | REP | 13 | 6 |
| 11 | 15.36.120 | AMD | 297 | 2 | 14 | 81.92.140 | REP | 13 | 6 |
| 11 | 15.36.140 | AMD | 297 | 3 | 14 | 81.92.150 | REP | 13 | 6 |
| 11 | 15.36.290 | AMD | 297 | 4 | 14 | 81.92.160 | REP | 13 | 6 |
| 11 | 15.36.320 | AMD | 297 | 5 | 14 | 81.94.010 | REP | 13 | 6 |
| 11 | 15.36.580 | AMD | 67 | 17 | 14 | 81.94.020 | REP | 13 | 6 |
| 11 | 15.52.020 | REP | 297 | 41 | 14 | 81.94.030 | REP | 13 | 6 |
| 11 | 15.52.030 | REP | 297 | 41 | 14 | 81.94.040 | REP | 13 | 6 |
| 11 | 15.52.040 | REP | 297 | 41 | 14 | 81.94.050 | REP | 13 | 6 |
| 11 | 15.60.030 | AMD | 296 | 7 | 14 | 81.94.060 | REP | 13 | 6 |
| 11 | 15.60.040 | AMD | 296 | 8 | 14 | 81.94.070 | REP | 13 | 6 |
| 11 | 15.60.100 | AMD | 296 | 10 | 14 | 81.94.080 | REP | 13 | 6 |
| 11 | 15.60.120 | AMD | 296 | 11 | 14 | 81.94.090 | REP | 13 | 6 |
| 11 | 15.60.140 | AMD | 296 | 12 | 14 | 81.94.100 | REP | 13 | 6 |
| 11 | 15.60.150 | AMD | 296 | 13 | 14 | 81.94.110 | REP | 13 | 6 |
| 11 | 15.66.150 | AMD | 297 | 40 | 14 | 81.94.130 | REP | 13 | 6 |
| 12 | 46.16.060 | AMD | 342 | 8 | 15 | 82.04.240 | AMD | 172 | 1 |
| 12 | 46.16.160 | AMD | 318 | 1 | 15 | 82.04.250 | AMD | 172 | 2 |
| 12 | 46.20.130 | AMD | 245 | 4 | 15 | 82.04.260 | AMD | 172 | 3 |
| 12 | 46.44.092 | AMD | 63 | 1 | 15 | 82.04.260 | AMD | 178 | 1 |
| 12 | 46.48.120 | AMD | 105 | 1 | 15 | 82.04.270 | AMD | 162 | 4 |
| 12 | 46.68.030 | AMD | 342 | 9 | 15 | 82.04.275 | REP | 172 | 11 |
| 12 | 46.68.130 | AMD | 342 | 11 | 15 | 82.04.440 | AMD | 162 | 5 |
| 12 | 46.70.070 | AMD | 152 | 1 | 15 | 82.04.490 | REP | 7 | 4 |
| 12 | 46.70.090 | AMD | 152 | 4 | 15 | 82.08.070 | REP | 7 | 4 |
| 13 | 47.12.060 | REP | 260 | 18 | 15 | 82.08.150 | AMD | 5 E1 | 25 |
| 13 | 47.12.070 | REP | 260 | 18 | 15 | 82.08.160 | AMD | 5 E1 | 26 |
| 13 | 47.12.140 | AMD | 260 | 12 | 15 | 82.12.050 | REP | 7 | 4 |
| 13 | 47.12.140 | REEN | 260 | 12 | 15 | 82.16.010 | AMD | 144 | 2 |
| 13 | 47.58.070 | AMD | 3 | 39 | 15 | 82.16.070 | REP | 7 | 4 |
| 13 | 47.60.100 | AMD | 3 | 40 | 15 | 82.24.020 | AMD | 172 | 6 |
| 13 | 47.64.010 | AMD | 344 | 1 | 15 | 82.32.010 | AMD | 148 | 12 |
| 13 | 47.64.030 | REP | 344 | 10 | 15 | 82.32.090 | AMD | 7 | 2 |
| 14 | 80.01.060 | AMD | 67 | 35 | 15 | 82.32.090 | AMD | 172 | 8 |
| 14 | 80.04.270 | AMD | 144 | 5 | 15 | 82.36.010 | AMD | 342 | 1 |
| 14 | 80.12.020 | AMD | 117 | 1 | 15 | 84.09.030 | AMD | 26 | 4 |
| 14 | 81.04.010 | AMD | 13 | 2 | 15 | 84.36.060 | AMD | 141 | 1 |
| 14 | 81.08.010 | AMD | 13 | 3 | 15 | 82.44.020 | AMD | 222 | 10 |
| 14 | 81.12.010 | AMD | 13 | 4 | 15 | 82.44.050 | AMD | 222 | 11 |
| 14 | 81.24.030 | AMD | 13 | 5 | 15 | 82.44.060 | AMD | 222 | 12 |
| 14 | 81.24.040 | REP | 13 | 6 | 15 | 84.48.110 | REEN | 260 | 17 |
| 14 | 81.28.050 | AMD | 116 | 1 | 15 | 82.50.170 | AMD | 260 | 16 |

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| 15 | 82.50.170 | REEN | 260 | 16 | 293 | 8 | REP | 7 | 4 |
| 15 | 84.52.052 | AMD | 210 | 20 | 293 | 14 | REP | 7 | 4 |
| 15 | 84.56.020 | AMD | 322 | 2 | 299 | 22 | AMD | 331 | 9 |
| 15 | 84.64.030 | AMD | 322 | 3 | 299 | 23 | AMD | 186 | 5 |
| 15 | 84.64.050 | AMD | 322 | 4 | 299 | 110 | AMD | 330 | 1 |
| 15 | 84.64.080 | AMD | 322 | 5 | 299 | 113 | AMD | 331 | 7 |
| 15 | 84.64.200 | AMD | 322 | 6 | | | | | |
| 15 | 84.64.270 | AMD | 322 | 7 | | | | | |
| 15 | 84.69.020 | AMD | 228 | 1 | | | | | |
| 15 | 84.69.120 | AMD | 228 | 2 | | | | | |
| 23 | 51.08.070 | AMD | 128 | 1 | | | | | |
| 23 | 51.08.180 | AMD | 128 | 2 | | | | | |
| 23 | 51.12.020 | AMD | 128 | 3 | | | | | |
| 23 | 51.12.070 | AMD | 128 | 4 | | | | | |
| 23 | 51.16.060 | REEN | 260 | 13 | | | | | |
| 23 | 51.40.010 | REP | 260 | 18 | | | | | |
| 23 | 51.40.020 | REP | 260 | 18 | | | | | |
| 23 | 51.40.030 | REP | 260 | 18 | | | | | |
| 23 | 51.40.040 | REP | 260 | 18 | | | | | |
| 23 | 51.40.050 | REP | 260 | 18 | | | | | |
| 23 | 51.40.060 | REP | 260 | 18 | | | | | |
| 23 | 51.40.070 | REP | 260 | 18 | | | | | |
| 23 | 51.44.070 | AMD | 325 | 1 | | | | | |
| 23 | 51.44.100 | AMD | 3 | 41 | | | | | |
| 23 | 51.52.010 | AMD | 338 | 10 | | | | | |
| 44 | 2 | AMD | 204 | 1 | 40 | 2 | AMD | 186 | 1 |
| 44 | 3 | AMD | 204 | 2 | 60 | 1 | AMD | 302 | 37 |
| 44 | 5 | AMD | 204 | 3 | 68 | 1 | AMD | 208 | 1 |
| 44 | 6 | AMD | 204 | 4 | 68 | 1 | AMD | 345 | 1 |
| 80 | 4 | REP | 86 | 16 | 106 | 2 | AMD | 222 | 1 |
| 80 | 5 | REP | 86 | 16 | 106 | 3 | AMD | 222 | 2 |
| 80 | 6 | REP | 86 | 16 | 106 | 12 | AMD | 222 | 3 |
| 80 | 7 | REP | 86 | 16 | 106 | 13 | AMD | 222 | 4 |
| 104 | 1 | AMD | 154 | 3 | 106 | 14 | AMD | 222 | 6 |
| 133 | 1 | REP | 334 | 2 | 106 | 19 | AMD | 221 | 1 |
| | | | (Effective 6/30/88) | | 106 | 22 | AMD | 222 | 7 |
| 178 | 2 | AMD | 4 | 2 | 106 | 23 | REP | 222 | 13 |
| 193 | 1 | AMD | 136 | 75 | 106 | 24 | REP | 222 | 13 |
| 196 | 3 | AMD | 329 | 21 | 106 | 25 | REP | 222 | 13 |
| 207 | 4 | REP | 295 | 16 | 106 | 26 | REP | 222 | 13 |
| 217 | 3 | AMD | 136 | 45 | 106 | 28 | AMD | 222 | 8 |
| 217 | 4 | AMD | 136 | 46 | 106 | 29 | AMD | 222 | 9 |
| 217 | 5 | AMD | 136 | 47 | 111 | 1 | AMD | 45 | 11 |
| 217 | 6 | AMD | 136 | 48 | 124 | 1 | AMD | 296 | 37 |
| 217 | 7 | AMD | 136 | 49 | 124 | 13 | AMD | 296 | 38 |
| 217 | 8 | AMD | 136 | 50 | 124 | 50 | AMD | 297 | 25 |
| 249 | 7 | AMD | 297 | 21 | 156 | 1 | AMD | 304 | 34 |
| 249 | 11 | AMD | 297 | 22 | 169 | 7 | AMD | 309 | 1 |
| 249 | 22 | AMD | 297 | 24 | 169 | 14 | AMD | 309 | 2 |
| 256 | 8 | AMD | 67 | 18 | 169 | 17 | AMD | 309 | 3 |
| 261 | 1 | AMD | 190 | 5 | 169 | 22 | AMD | 309 | 4 |
| 261 | 2 | AMD | 190 | 6 | 169 | 23 | AMD | 309 | 5 |
| 280 | 2 | REP | 192 | 33 | 176 | 1 | AMD | 302 | 27 |
| 280 | 4 | AMD | 192 | 25 | 176 | 4 | REP | 192 | 33 |
| 280 | 5 | REP | 192 | 33 | 176 | 7 | REP | 86 | 16 |
| 280 | 6 | REP | 192 | 33 | 176 | 8 | REP | 86 | 16 |
| 280 | 7 | REP | 192 | 33 | 176 | 9 | REP | 86 | 16 |
| 281 | 4 | AMD | 3 | 38 | 176 | 12 | REP | 192 | 33 |

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| 176 | 13 | AMD | 192 | 31 | 7 | 35.18.020 | REEN | 260 | 7 |
| 176 | 15 | REP | 86 | 16 | 7 | 35.43.040 | AMD | 17 | 1 |
| 176 | 16 | AMD | 86 | 6 | 7 | 35.43.110 | AMD | 313 | 10 |
| 176 | 18 | AMD | 86 | 7 | 7 | 35.43.120 | AMD | 323 | 1 |
| 176 | 19 | AMD | 86 | 8 | 7 | 35.45.040 | AMD | 323 | 2 |
| 186 | 1 | REP | 260 | 18 | 7 | 35.45.130 | AMD | 323 | 3 |
| 194 | 1 | REP | 89 | 7 | 7 | 35.45.150 | AMD | 323 | 4 |
| 195 | 22 | AMD | 339 | 21 | 7 | 35.45.150 | REEN | 323 | 4 |
| 199 | 3 | AMD | 222 | 11 | 7 | 35.45.150 | REEN | 156 | 2 |
| 203 | 6 | AMD | 213 | 8 | 7 | 35.49.020 | AMD | 323 | 5 |
| 218 | 1 | AMD | 210 | 1 | 7 | 35.50.030 | AMD | 323 | 6 |
| 218 | 2 | AMD | 210 | 2 | 7 | 35.54.060 | AMD | 323 | 7 |
| 218 | 3 | AMD | 210 | 3 | 7 | 35.54.090 | AMD | 323 | 8 |
| 218 | 5 | AMD | 210 | 4 | 7 | 35.55.100 | AMD | 156 | 3 |
| 218 | 6 | AMD | 210 | 5 | 7 | 35.55.110 | AMD | 156 | 4 |
| 218 | 8 | AMD | 210 | 6 | 7 | 35.55.120 | AMD | 156 | 5 |
| 218 | 9 | AMD | 210 | 7 | 7 | 35.56.110 | AMD | 156 | 6 |
| 218 | 10 | AMD | 210 | 8 | 7 | 35.56.120 | AMD | 156 | 7 |
| 218 | 11 | AMD | 210 | 9 | 7 | 35.56.130 | AMD | 156 | 8 |
| 218 | 13 | AMD | 210 | 10 | 7 | 35.58.120 | AMD | 190 | 3 |
| 218 | 14 | AMD | 210 | 11 | 7 | 35.58.240 | AMD | 25 | 1 |
| 218 | 15 | REP | 210 | 22 | 7 | 35.73.060 | AMD | 156 | 9 |
| 218 | 16 | AMD | 210 | 13 | 7 | 35.91.020 | AMD | 313 | 11 |
| 218 | 17 | AMD | 210 | 14 | 7 | 35.92.060 | AMD | 25 | 2 |
| 218 | 18 | AMD | 210 | 15 | 8 | | ADD | 271 | 3 |
| 218 | 19 | AMD | 210 | 16 | 8 | 43.06.030 | AMD | 338 | 12 |
| 218 | 21 | AMD | 210 | 17 | 8 | 43.08.062 | AMD | 10 | 2 |
| 220 | 138 | REP | 260 | 18 | 8 | 43.08.070 | AMD | 10 | 3 |
| 228 | 3 | AMD | 8 | 3 | 8 | 43.09.290 | AMD | 336 | 6 |
| 232 | 4 | AMD | 296 | 33 | 8 | 43.10.067 | AMD | 268 | 1 |
| 233 | 4 | REEN | 260 | 8 | 8 | 43.19.015 | AMD | 115 | 2 |
| 236 | 1 | AMD | 77 | 1 | 8 | 43.19.450 | AMD | 136 | 63 |
| 236 | 3 | AMD | 77 | 2 | 8 | 43.22.160 | REP | 260 | 18 |
| 236 | 4 | AMD | 77 | 3 | 8 | 43.22.170 | REP | 260 | 18 |
| 236 | 12 | AMD | 77 | 4 | 8 | 43.31.040 | AMD | 295 | 13 |
| 236 | 13 | AMD | 77 | 5 | 8 | 43.33.020 | REP | 3 | 48 |
| 246 | 4 | AMD | 84 | 3 | 8 | 43.33.025 | REP | 3 | 48 |
| 246 | 6 | REP | 192 | 33 | 8 | 43.33.030 | AMD | 3 | 24 |
| | | | | | 8 | 43.38.010 | AMD | 270 | 1 |
| | | | | | 8 | 43.43.020 | AMD | 338 | 4 |
| | | | | | 8 | 43.43.040 | AMD | 165 | 1 |
| | | | | | 8 | 43.43.170 | AMD | 3 | 36 |
| | | | | | 8 | 43.43.175 | AMD | 3 | 37 |
| | | | | | 8 | 43.52.250 | AMD | 1 | E1 1 |
| | | | | | 8 | 43.52.341 | AMD | 1 | E1 2 |
| | | | | | 8 | 43.52.343 | AMD | 1 | E1 3 |
| | | | | | 8 | 43.52.370 | AMD | 3 | E1 1 |
| | | | | | 8 | 43.52.375 | AMD | 3 | E1 3 |
| | | | | | 8 | 43.78.010 | AMD | 338 | 6 |
| | | | | | 8 | 43.79.330 | AMD | 242 | 3 |
| | | | | | 8 | 43.84.080 | AMD | 3 | 18 |
| | | | | | 8 | 43.84.090 | AMD | 242 | 2 |
| | | | | | 8 | 43.84.140 | AMD | 3 | 19 |
| | | | | | 8 | 43.88.020 | AMD | 270 | 2 |
| | | | | | 8 | 43.88.020 | AMD | 280 | 6 |
| | | | | | 8 | 43.88.030 | AMD | 270 | 3 |
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| 8 | 43.88.120 | AMD | 270 | 8 | 75 | 3 | AMD | 67 | 29 |
| 8 | 43.88.140 | AMD | 270 | 9 | 76 | 1 | AMD | 210 | 1 |
| 8 | 43.88.150 | AMD | 270 | 10 | 76 | 2 | AMD | 210 | 2 |
| 8 | 43.88.160 | AMD | 270 | 11 | 80 | 2 | REP | 260 | 18 |
| 8 | 43.88.160 | AMD | 280 | 7 | 101 | 17 | AMD | 34 | 1 |
| 8 | 43.88.230 | AMD | 270 | 12 | 104 | 3 | AMD | 3 | 17 |
| 8 | 43.88.240 | AMD | 225 | 3 | 105 | 3 | AMD | 13 | 3 |
| 9 | 29.13.023 | AMD | 213 | 3 | 107 | 2 | REP | 43 | 21 |
| 9 | 29.13.024 | AMD | 213 | 4 | 107 | 3 | REP | 43 | 21 |
| 9 | 29.21.017 | AMD | 213 | 5 | 107 | 4 | AMD | 43 | 6 |
| 9 | 29.51.200 | AMD | 34 | 1 | 121 | 7 | REEN | 260 | 10 |
| 9 | 29.51.210 | REP | 34 | 3 | 121 | 11 | AMD | 245 | 1 |
| 9 | 29.51.215 | AMD | 34 | 2 | 121 | 17 | AMD | 245 | 2 |
| 10 | 1 | REP | 295 | 16 | 121 | 7 | AMD | 91 | 1 |
| 10 | 3 | REP | 295 | 16 | 121 | 41 | AMD | 92 | 1 |
| 10 | 4 | REP | 295 | 16 | 121 | 36 | AMD | 67 | 28 |
| 10 | 5 | AMD | 3 | 35 | 137 | 2 | REP | 60 | 2 |
| 10 | 5 | REP | 295 | 16 | 137 | 3 | REP | 60 | 2 |
| 10 | 7 | REP | 295 | 16 | 152 | 1-8 | REP | 288 | 82 |
| 10 | 8 | REP | 295 | 16 | | | (Decod.) | | |
| 10 | 9 | REP | 295 | 16 | 157 | 1-105 | AMD | 41 | 1 |
| 13 | 2 | AMD | 164 | 1 | 157 | 1-201 | AMD | 41 | 2 |
| 13 | 3 | AMD | 164 | 2 | 157 | 2-107 | AMD | 41 | 3 |
| 13 | 5 | AMD | 164 | 3 | 157 | 2-702 | AMD | 41 | 4 |
| 25 | 4 | AMD | 245 | 3 | 157 | 4-104 | AMD | 122 | 1 |
| 27 | 2 | AMD | 296 | 5 | 157 | 5-116 | AMD | 41 | 5 |
| 36 | 1 | REP | 260 | 18 | 157 | 7-204 | AMD | 13 | 1 |
| 49 | 3 | AMD | 5 | E1 23 | 157 | 9-102 | AMD | 41 | 6 |
| 53 | 54 | AMD | 302 | 4 | 157 | 9-103 | AMD | 41 | 7 |
| 53 | 135 | AMD | 230 | 3 | 157 | 9-104 | AMD | 41 | 8 |
| 73 | 1 | REP | 260 | 18 | 157 | 9-105 | AMD | 41 | 9 |
| 74 | 1 | AMD | 161 | 1 | 157 | 9-106 | AMD | 41 | 10 |
| 74 | 4 | AMD | 161 | 3 | 157 | 9-203 | AMD | 41 | 12 |
| 74 | 8 | AMD | 161 | 5 | 157 | 9-204 | AMD | 41 | 13 |
| 74 | 9 | AMD | 161 | 6 | 157 | 9-205 | AMD | 41 | 14 |
| 74 | 11 | AMD | 161 | 7 | 157 | 9-301 | AMD | 41 | 15 |
| 74 | 13 | AMD | 161 | 8 | 157 | 9-302 | AMD | 41 | 16 |
| 116 | 2 | AMD | 56 | 1 | 157 | 9-304 | AMD | 41 | 17 |
| 122 | 3 | AMD | 26 | 2 | 157 | 9-305 | AMD | 41 | 18 |
| 142 | 2 | AMD | 313 | 12 | 157 | 9-306 | AMD | 41 | 19 |
| 142 | 3 | AMD | 313 | 13 | 157 | 9-307 | AMD | 19 | 20 |
| 145 | 11.08.101 | AMD | 136 | 58 | 157 | 9-308 | AMD | 41 | 21 |
| 145 | 11.08.120 | AMD | 136 | 59 | 157 | 9-312 | AMD | 41 | 22 |
| | | | | | 157 | 9-313 | AMD | 41 | 23 |
| | | | | | 157 | 9-318 | AMD | 41 | 24 |
| | | | | | 157 | 9-401 | AMD | 41 | 25 |
| | | | | | 157 | 9-402 | AMD | 41 | 26 |
| | | | | | 157 | 9-403 | AMD | 41 | 27 |
| | | | | | 157 | 9-404 | AMD | 41 | 28 |
| | | | | | 157 | 9-405 | AMD | 41 | 29 |
| | | | | | 157 | 9-406 | AMD | 41 | 30 |
| | | | | | 157 | 9-407 | AMD | 41 | 31 |
| | | | | | 157 | 9-501 | AMD | 41 | 34 |
| | | | | | 157 | 9-502 | AMD | 41 | 35 |
| | | | | | 157 | 9-504 | AMD | 41 | 36 |
| | | | | | 157 | 9-505 | AMD | 41 | 37 |
| | | | | | 173 | 20 | AMD | 144 | 2 |
| | | | | | 173 | 30 | AMD | 5 E1 | 16 |
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| 3 | 4 | AMD | 283 | 6 | | | | | |
| 9 | 3 | AMD | 136 | 85 | | | | | |
| 9 | 4 | AMD | 136 | 86 | | | | | |
| 11 | 1 | AMD | 304 | 34 | | | | | |
| 23 | 4 | AMD | 322 | 5 | | | | | |
| 23 | 5 | AMD | 322 | 7 | | | | | |
| 31 | 6 | AMD | 297 | 17 | | | | | |
| 57 | 1 | AMD | 201 | 1 | | | | | |
| 62 | 1 | AMD | 253 | 1 | | | | | |
| 62 | 2 | AMD | 253 | 4 | | | | | |
| 75 | 2 | AMD | 95 | 1 | | | | | |

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| Ch. | Sec. | Action | Ch. | Sec. | | Ch. | Sec. | Action | Ch. | Sec. | |
| 17 | 1 | AMD | 136 | 110 | | 237 | 1 | AMD | 183 | 1 | |
| 17 | 2 | REP | 137 | 38 | | 237 | 1 | AMD | 324 | 2 | |
| 17 | 3 | REP | 137 | 38 | | 237 | 2 | AMD | 67 | 13 | |
| 17 | 4 | REP | 137 | 38 | | 237 | 3 | AMD | 324 | 3 | |
| 17 | 8 | AMD | 136 | 111 | | 237 | 12 | AMD | 67 | 14 | |
| 17 | 10 | AMD | 136 | 112 | | 239 | 4 | AMD | 308 | 2 | |
| 30 | 3 | AMD | 161 | 5 | | | | | | | |
| 32 | 115 | REP | 222 | 13 | | | | | | | |
| 32 | 116 | AMD | 222 | 9 | | | | | | | |
| 46 | 1 | AMD | 136 | 76 | | | | | | | |
| 55 | 1 | AMD | 5 | E1 | 19 | | | | | | |
| 72 | 1 | AMD | 313 | 14 | | 14 | 1 | AMD | 46 | 1 | |
| 72 | 2 | AMD | 313 | 1 | | 22 | 23 | AMD | 297 | 18 | |
| 72 | 3 | AMD | 313 | 15 | | 23 | 1 | AMD | 254 | 1 | |
| 72 | 5 | AMD | 313 | 16 | | 23 | 4 | AMD | 78 | 1 | |
| 72 | 20 | AMD | 313 | 2 | | 25 | 2 | AMD | 9 | 1 | |
| 72 | 22 | AMD | 313 | 3 | | 25 | 3 | AMD | 9 | 2 | |
| 72 | 23 | AMD | 313 | 4 | | 25 | 4 | AMD | 9 | 3 | |
| 72 | 24 | AMD | 313 | 5 | | 25 | 5 | AMD | 9 | 4 | |
| 72 | 25 | AMD | 313 | 17 | | 25 | 6 | AMD | 9 | 5 | |
| 72 | 26 | AMD | 313 | 18 | | 30 | 4 | AMD | 6 | E1 | 20 |
| 72 | 27 | AMD | 313 | 6 | | 30 | 4 | AMD | 8 | | 19 |
| 74 | 12 | REP | 157 | 7 | | 30 | 5 | AMD | 8 | E1 | 21 |
| 74 | 13 | AMD | 157 | 6 | | 40 | 1 | REP | 260 | | 20 |
| 104 | 3 | AMD | 136 | 64 | | 41 | 3 | REP | 270 | | 18 |
| 113 | 1 | AMD | 313 | 11 | | 50 | 11 | AMD | 67 | | 16 |
| 114 | 10 | AMD | 41 | 31 | | 54 | 1 | REP | 89 | | 24 |
| 133 | 1 | REP | 89 | 7 | | 60 | 1 | REP | 6 | E1 | 7 |
| 133 | 5 | REP | 192 | 33 | | 60 | 1 | REP | 8 | | 28 |
| 134 | 7 | AMD | 136 | 81 | | 60 | 2 | REP | 6 | E1 | 23 |
| 134 | 9 | AMD | 136 | 82 | | 60 | 2 | REP | 8 | | 28 |
| 134 | 10 | AMD | 136 | 83 | | 62 | 3 | AMD | 206 | | 23 |
| 134 | 11 | AMD | 136 | 84 | | 74 | 11 | AMD | 152 | | 2 |
| 145 | 1 | AMD | 192 | 27 | | 74 | 16 | AMD | 152 | | 5 |
| 145 | 6 | REP | 86 | 16 | | 75 | 5 | AMD | 5 | E1 | 6 |
| 145 | 7 | REP | 86 | 16 | | 75 | 6 | AMD | 5 | E1 | 40 |
| 145 | 11 | REP | 86 | 16 | | 83 | 12 | AMD | 315 | | 41 |
| 150 | 3 | AMD | 339 | 4 | | 83 | 14 | AMD | 315 | | 1 |
| 150 | 15 | AMD | 339 | 10 | | 83 | 18 | AMD | 315 | | 2 |
| 150 | 17 | AMD | 111 | 2 | | 83 | 25 | AMD | 315 | | 3 |
| 150 | 18 | AMD | 111 | 3 | | 83 | 46 | AMD | 315 | | 4 |
| 150 | 27 | AMD | 150 | 1 | | 83 | 47 | AMD | 315 | | 6 |
| 169 | 2 | AMD | 209 | 1 | | 83 | 48 | AMD | 315 | | 7 |
| 171 | 12 | AMD | 67 | 19 | | 83 | 49 | AMD | 315 | | 8 |
| 172 | 17 | AMD | 298 | 16 | | 83 | 51 | AMD | 315 | | 9 |
| 177 | 3 | AMD | 297 | 21 | | 83 | 53 | AMD | 315 | | 10 |
| 177 | 6 | AMD | 297 | 22 | | 94 | 2 | REP | 222 | | 12 |
| 180 | 14 | AMD | 81 | 12 | | 94 | 3 | REP | 222 | | 13 |
| 189 | 9 | AMD | 45 | 2 | | 94 | 4 | REP | 222 | | 13 |
| 189 | 9 | AMD | 332 | 9 | | 94 | 5 | REP | 222 | | 13 |
| 189 | 18 | AMD | 332 | 10 | | 94 | 6 | REP | 222 | | 13 |
| 194 | 7 | AMD | 156 | 13 | | 94 | 7 | REP | 222 | | 13 |
| 195 | 1 | REP | 296 | 39 | | 94 | 8 | REP | 222 | | 13 |
| 195 | 2 | REP | 296 | 39 | | 94 | 9 | REP | 222 | | 13 |
| 232 | 2 | AMD | 245 | 4 | | 94 | 10 | REP | 222 | | 13 |
| 233 | 16 | AMD | 291 | 1 | | 94 | 11 | REP | 222 | | 13 |
| 234 | 2 | AMD | 77 | 2 | | 94 | 12 | REP | 222 | | 13 |
| 235 | 82 | AMD | 230 | 5 | | 94 | 13 | REP | 222 | | 13 |

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| 94 | 14 | REP | 222 | 13 | 23 | | ADD | 265 | 1-6 |
| 119 | 35A.14.020 | AMD | 332 | 6 | 30 | 1 | AMD | 262 | 1 |
| 119 | 35A.14.300 | AMD | 332 | 7 | 33 | 3 | AMD | 218 | 1 |
| 119 | 35A.14.380 | AMD | 332 | 8 | 35 | 6 | AMD | 164 | 4 |
| 119 | 35A.70.070 | AMD | 2 E1 | 25 | 36 | 6 | AMD | 338 | 19 |
| 122 | 1 | AMD | 136 | 96 | 36 | 25 | REP | 311 | 21 |
| 122 | 8 | AMD | 136 | 97 | 38 | 1 | AMD | 5 E1 | 48 |
| 127 | 6 | AMD | 67 | 33 | 42 | 3 | AMD | 185 | 2 |
| 149 | 12 | REP | 172 | 11 | 46 | 2 | AMD | 136 | 77 |
| 149 | 16 | AMD | 162 | 5 | 53 | 1 | REP | 157 | 7 |
| | | | | | 89 | 9 | AMD | 157 | 2 |
| | | | | | 89 | 10 | AMD | 157 | 3 |
| | | | | | 89 | 16 | AMD | 157 | 4 |
| | | | | | 95 | 1 | AMD | 40 | 1 |
| | | | | | 99 | 1 | REP | 334 | 2 |
| | | | | | | | (Effective 6/30/88) | | |
| | | | | | 99 | 2 | REP | 334 | 2 |
| | | | | | | | (Effective 6/30/88) | | |
| | | | | | 99 | 3 | REP | 334 | 2 |
| | | | | | | | (Effective 6/30/88) | | |
| | | | | | 99 | 4 | REP | 334 | 2 |
| | | | | | | | (Effective 6/30/88) | | |
| | | | | | 99 | 5 | REP | 334 | 2 |
| | | | | | | | (Effective 6/30/88) | | |
| | | | | | 112 | 1 | AMD | 5 E1 | 17 |
| | | | | | 120 | 34 | AMD | 302 | 5 |
| | | | | | 120 | 39 | AMD | 302 | 6 |
| | | | | | 120 | 40 | AMD | 302 | 7 |
| | | | | | 120 | 45 | AMD | 302 | 8 |
| | | | | | 120 | 56 | AMD | 302 | 9 |
| | | | | | 120 | 90 | AMD | 230 | 6 |
| | | | | | 142 | 1 | AMD | 78 | 2 |
| | | | | | 148 | 4 | AMD | 45 | 6 |
| | | | | | 148 | 6 | AMD | 45 | 7 |
| | | | | | 153 | 4 | AMD | 200 | 1 |
| | | | | | 155 | 4 | AMD | 92 | 2 |
| | | | | | 155 | 5 | AMD | 22 | 1 |
| | | | | | 163 | 5 | AMD | 230 | 5 |
| | | | | | 165 | 6 | AMD | 60 | 1 |
| | | | | | 172 | 6 | AMD | 6 E1 | 5 |
| | | | | | 172 | 6 | AMD | 8 | 5 |
| | | | | | 172 | 10 | AMD | 6 E1 | 12 |
| | | | | | 172 | 10 | AMD | 8 | 11 |
| | | | | | 173 | 6 | AMD | 6 E1 | 13 |
| | | | | | 175 | 1 | REP | 137 | 38 |
| | | | | | 175 | 1 | AMD | 258 | 1 |
| | | | | | 176 | 104 | REP | 265 | 15 |
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| | | | | | 178 | 9 | AMD | 5 E1 | 46 |
| | | | | | 178 | 9 | AMD | 287 | 1 |
| | | | | | 197 | 3 | AMD | 3 | 38 |
| | | | | | 198 | 1 | AMD | 106 | 1 |
| | | | | | 199 | 39 | REP | 13 | 6 |
| | | | | | 209 | 3 | AMD | 256 | 4 |
| | | | | | 209 | 6 | AMD | 3 | 27 |
| | | | | | 209 | 7 | AMD | 3 | 28 |
| | | | | | 209 | 12 | AMD | 294 | 2 |
| | | | | | 209 | 13 | AMD | 294 | 3 |

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| 1 | 1 | REEN | 260 | 11 |
| 2 | 3 | AMD | 77 | 5 |
| 6 | 3 | AMD | 162 | 2 |
| 12 | 2 | AMD | 3 | 36 |
| 55 | 6 | REP | 86 | 16 |
| 55 | 11 | REP | 86 | 16 |
| 55 | 15 | AMD | 86 | 5 |
| 55 | 16 | REP | 86 | 16 |
| 62 | 1 | AMD | 254 | 1 |
| 62 | 2 | AMD | 254 | 2 |
| 62 | 3 | AMD | 254 | 4 |
| 63 | 22 | AMD | 297 | 6 |
| 63 | 28 | AMD | 297 | 7 |
| 63 | 29 | AMD | 297 | 8 |
| 63 | 31 | AMD | 297 | 9 |
| 63 | 32 | AMD | 297 | 10 |
| 63 | 33 | AMD | 297 | 11 |
| 63 | 34 | AMD | 297 | 12 |
| 63 | 35 | AMD | 297 | 13 |
| 63 | 37 | AMD | 297 | 14 |
| 63 | 38 | AMD | 297 | 15 |
| 63 | 41 | AMD | 297 | 16 |
| 80 | 2 | AMD | 44 | 1 |
| 91 | 2 | REP | 260 | 18 |
| 98 | 3 | AMD | 136 | 38 |
| 98 | 6 | AMD | 136 | 39 |
| 98 | 9 | REP | 137 | 39 |
| | | (Effective 7/1/88) | | |
| 103 | 2 | AMD | 136 | 60 |
| 107 | 7 | AMD | 84 | 1 |
| 115 | 2 | AMD | 339 | 22 |
| 128 | 4 | AMD | 3 | 32 |
| 136 | 2 | AMD | 89 | 1 |
| 223 | 28A.04.020 | AMD | 38 | 1 |
| 223 | 28A.04.050 | AMD | 38 | 2 |

| <u>LAWS 1969 EX.</u> | | | <u>LAWS 1981</u> | |
|----------------------|-------------|---------------|------------------|-------------|
| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
| 4 | 2 | AMD | 136 | 60 |
| 8 | 2 | AMD | 313 | 12 |
| 21 | 2 | AMD | 5 E1 | 32 |
| 21 | 9 | AMD | 5 E1 | 33 |
| 21 | 10 | AMD | 5 E1 | 34 |
| 21 | 12 | AMD | 5 E1 | 26 |

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| LAWS 1969 EX. (cont.) | | | LAWS 1981 | | LAWS 1969 EX. (cont.) | | | LAWS 1981 | |
|-----------------------|------------|--------------------|-----------|------|-----------------------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. | Ch. | Sec. | Action | Ch. | Sec. |
| 209 | 14 | AMD | 294 | 4 | 255 | 14 | AMD | 319 | 3 |
| 209 | 16 | AMD | 294 | 5 | 258 | 1 | AMD | 17 | 1 |
| 209 | 19 | AMD | 294 | 6 | 258 | 5 | AMD | 323 | 1 |
| 209 | 20 | AMD | 294 | 7 | 258 | 14 | AMD | 323 | 5 |
| 210 | 4 | AMD | 13 | 4 | 264 | 4 | AMD | 193 | 3 |
| 223 | | ADD | 16 | 2 | 264 | 11 | AMD | 193 | 4 |
| 223 | | ADD | 54 | 1-7 | 264 | 13 | AMD | 193 | 5 |
| 223 | | ADD | 55 | 1 | 264 | 28 | AMD | 193 | 6 |
| 223 | | ADD | 239 | 1 | 271 | 1 | AMD | 293 | 1 |
| 223 | | ADD | 246 | 4 | 271 | 2 | AMD | 292 | 1 |
| 223 | | ADD | 250 | 2 | 271 | 2 | AMD | 293 | 2 |
| 223 | | ADD | 257 | 2 | 271 | 4 | AMD | 291 | 2 |
| 223 | | ADD | 257 | 4 | 271 | 4 | AMD | 293 | 4 |
| 223 | | ADD | 257 | 6-9 | 271 | 7 | AMD | 293 | 4 |
| 223 | | ADD | 265 | 7 | 271 | 9 | AMD | 293 | 5 |
| 223 | | ADD | 265 | 12 | 271 | 10 | AMD | 293 | 6 |
| 223 | | ADD | 264 | 1-9 | 271 | 14 | AMD | 293 | 7 |
| 223 | | ADD | 307 | 1 | 271 | 15 | AMD | 293 | 8 |
| 223 | 28A.02.030 | AMD | 130 | 1 | 271 | 17 | AMD | 293 | 10 |
| 223 | 28A.03.030 | AMD | 249 | 1 | 271 | 30 | AMD | 293 | 9 |
| 223 | 28A.04.060 | AMD | 38 | 3 | | | | | |
| 223 | 28A.14.010 | REP | 103 | 1 | | | | | |
| 223 | 28A.14.020 | REP | 103 | 1 | | | | | |
| 223 | 28A.14.030 | REP | 103 | 1 | | | | | |
| 223 | 28A.14.040 | REP | 103 | 1 | | | | | |
| 223 | 28A.14.050 | REP | 103 | 1 | | | | | |
| 223 | 28A.14.060 | REP | 103 | 1 | | | | | |
| 223 | 28A.24.055 | AMD | 265 | 10 | | | | | |
| 223 | 28A.24.060 | REP | 265 | 15 | | | | | |
| | | (Effective 9/1/82) | | | | | | | |
| 223 | 28A.24.080 | REP | 265 | 15 | | | | | |
| | | (Effective 9/1/82) | | | | | | | |
| 223 | 28A.24.100 | AMD | 265 | 11 | | | | | |
| 223 | 28A.40.100 | AMD | 4 | 1 | | | | | |
| 223 | 28A.40.100 | AMD | 158 | 6 | | | | | |
| 223 | 28A.41.160 | AMD | 265 | 8 | | | | | |
| 223 | 28A.41.160 | AMD | 265 | 9 | | | | | |
| 223 | 28A.41.160 | AMD | 343 | 1 | | | | | |
| 223 | 28A.41.170 | AMD | 285 | 1 | | | | | |
| 223 | 28A.44.040 | REP | 264 | 12 | | | | | |
| 223 | 28A.44.080 | REP | 264 | 12 | | | | | |
| 223 | 28A.44.090 | REP | 264 | 12 | | | | | |
| 223 | 28A.44.100 | REP | 264 | 12 | | | | | |
| 223 | 28A.45.010 | AMD | 93 | 1 | | | | | |
| 223 | 28A.45.120 | AMD | 167 | 5 | | | | | |
| 223 | 28A.58.040 | AMD | 306 | 3 | | | | | |
| 223 | 28A.58.045 | AMD | 306 | 4 | | | | | |
| 223 | 28A.58.107 | AMD | 308 | 1 | | | | | |
| 223 | 28B.15.100 | AMD | 257 | 5 | | | | | |
| 223 | 28B.15.500 | AMD | 246 | 1 | | | | | |
| 223 | 28B.15.500 | REP | 257 | 11 | | | | | |
| 223 | 28B.50.040 | AMD | 72 | 1 | | | | | |
| 223 | 28B.50.090 | AMD | 246 | 2 | | | | | |
| 223 | 28B.70.040 | AMD | 338 | 14 | | | | | |
| 232 | 72 | REP | 260 | 18 | | | | | |
| 241 | 20 | AMD | 339 | 17 | | | | | |

| LAWS 1970 EX. | | | LAWS 1981 | |
|---------------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 2 | 19 | AMD | 35 | 1 |
| 6 | 8 | AMD | 294 | 3 |
| 8 | 1 | AMD | 144 | 3 |
| 13 | 1 | AMD | 5 E1 | 30 |
| 13 | 2 | AMD | 5 E1 | 45 |
| 15 | 15 | AMD | 5 | 32 |
| 15 | 15 | AMD | 282 | 1 |
| 18 | 57 | AMD | 136 | 79 |
| 30 | 9 | AMD | 313 | 20 |
| 39 | 5 | AMD | 344 | 6 |
| 42 | 21 | REP | 260 | 18 |
| 45 | 14 | AMD | 64 | 3 |
| 49 | 6 | REP | 260 | 18 |
| 50 | 1 | AMD | 136 | 78 |
| 56 | 36 | AMD | 323 | 3 |
| 56 | 37 | REEN | 156 | 2 |
| 56 | 37 | REEN | 323 | 4 |
| 56 | 37 | AMD | 323 | 4 |
| 56 | 50 | AMD | 313 | 13 |
| 56 | 52 | REP | 260 | 18 |
| 56 | 58 | AMD | 156 | 14 |
| 57 | 15 | AMD | 67 | 20 |
| 65 | 1 | AMD | 93 | 1 |
| 66 | 3 | AMD | 156 | 11 |
| 70 | 6 | AMD | 156 | 31 |
| 73 | 1 | REP | 136 | 121 |
| 83 | 3 | AMD | 194 | 3 |
| 87 | 6 | AMD | 148 | 10 |
| 93 | 2 | REEN | 156 | 2 |
| 93 | 2 | REEN | 323 | 4 |
| 93 | 2 | AMD | 323 | 4 |
| 94 | 3 | AMD | 144 | 4 |

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| LAWS 1971 | | | LAWS 1981 | | LAWS 1971 EX. (cont.) | | | LAWS 1981 | |
|-----------|-----------|--------|-----------|------|-----------------------|--------------------|--------|-----------|-------|
| Ch. | Sec. | Action | Ch. | Sec. | Ch. | Sec. | Action | Ch. | Sec. |
| 1 | 2 | AMD | 35 | 7 | 155 | 8 | AMD | 52 | 1 |
| 1 | 3 | AMD | 35 | 8 | 155 | 10 | AMD | 52 | 2 |
| 1 | 4 | AMD | 35 | 9 | 155 | 11 | AMD | 52 | 3 |
| 3 | 20 | AMD | 35 | 11 | 155 | 16 | AMD | 52 | 4 |
| 3 | 22 | AMD | 35 | 12 | 169 | 4 | AMD | 8 | 19 |
| 6 | 1 | AMD | 193 | 6 | 169 | 5 | REP | 6 | E1 28 |
| 9 | 1 | REP | 260 | 18 | 169 | 5 | REP | 8 | 23 |
| 20 | 1 | AMD | 266 | 3 | 171 | 2 | AMD | 136 | 80 |
| 48 | 4 | REP | 103 | 1 | 179 | 1 | AMD | 7 | 2 |
| 48 | 5 | REP | 103 | 1 | 184 | 5 | AMD | 29 | 1 |
| 48 | 18 | REP | 264 | 12 | 189 | 2 | AMD | 151 | 6 |
| 48 | 19 | AMD | 264 | 12 | 189 | 11 | REP | 136 | 121 |
| 48 | 20 | REP | 264 | 12 | 190 | 20 | AMD | 297 | 19 |
| 51 | 5 | AMD | 222 | 5 | 190 | 22 | AMD | 297 | 20 |
| 81 | 12 | AMD | 277 | 1 | 191 | 7 | AMD | 297 | 24 |
| 81 | 82 | AMD | 302 | 23 | 191 | 9 | AMD | 297 | 23 |
| 81 | 101 | REP | 311 | 21 | 195 | 2 | AMD | 270 | 15 |
| 81 | 118 | AMD | 259 | 3 | 205 | 5 | AMD | 294 | 13 |
| 81 | 133 | AMD | 67 | 33 | 207 | 8 | AMD | 28 | 1 |
| 81 | 134 | AMD | 136 | 97 | 210 | 1 | AMD | 271 | 1 |
| 308 | 69.50.505 | AMD | 67 | 32 | 210 | 2 | AMD | 271 | 2 |
| | | | | | 221 | 2 | AMD | 297 | 34 |
| | | | | | 221 | 3 | AMD | 297 | 35 |
| | | | | | 222 | 5 | REP | 86 | 16 |
| | | | | | 222 | 8 | REP | 86 | 16 |
| | | | | | 227 | 7 | AMD | 277 | 3 |
| | | | | | 231 | 14 | AMD | 304 | 2 |
| | | | | | 238 | 1 | REP | 198 | 1 |
| | | | | | 238 | 2 | REP | 198 | 1 |
| | | | | | 253 | 16 | AMD | 254 | 5 |
| | | | | | 257 | 20 | AMD | 119 | 1 |
| | | | | | 264 | 1 | AMD | 256 | 2 |
| | | | | | 266 | 21 | AMD | 53 | 16 |
| | | | | | 267 | 8 | AMD | 3 | 22 |
| | | | | | 279 | 2 | AMD | 257 | 1 |
| | | | | | 279 | 10 | REP | 257 | 11 |
| | | | | | 281 | 4 | AMD | 172 | 2 |
| | | | | | 281 | 6 | AMD | 162 | 4 |
| | | | | | 282 | 12 | AMD | 103 | 2 |
| | | | | | 282 | 32 | REP | 265 | 15 |
| | | | | | | (Effective 9/1/82) | | | |
| | | | | | 282 | 36 | REP | 264 | 12 |
| | | | | | 282 | 37 | REP | 264 | 12 |
| | | | | | 282 | 38 | REP | 264 | 12 |
| | | | | | 284 | 4 | AMD | 188 | 1 |
| | | | | | 284 | 8 | AMD | 188 | 2 |
| | | | | | 289 | 46 | AMD | 326 | 1 |
| | | | | | 289 | 56 | AMD | 325 | 1 |
| | | | | | 289 | 81 | AMD | 128 | 4 |
| | | | | | 292 | 8 | AMD | 193 | 5 |
| | | | | | 292 | 23 | REP | 43 | 21 |
| | | | | | 292 | 24 | REP | 43 | 21 |
| | | | | | 292 | 36 | AMD | 302 | 4 |
| | | | | | 292 | 48 | AMD | 339 | 15 |
| | | | | | 294 | 5 | AMD | 148 | 2 |
| | | | | | 294 | 8 | AMD | 4 | 6 |
| | | | | | 294 | 9 | AMD | 148 | 3 |
| | | | | | 294 | 11 | AMD | 148 | 4 |

| LAWS 1971 EX. | | | LAWS 1981 | |
|---------------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 31 | 2 | AMD | 136 | 45 |
| 31 | 3 | AMD | 136 | 46 |
| 31 | 4 | AMD | 136 | 47 |
| 31 | 5 | AMD | 136 | 48 |
| 31 | 6 | AMD | 136 | 49 |
| 31 | 7 | AMD | 136 | 50 |
| 34 | 3 | AMD | 338 | 15 |
| 45 | 1 | AMD | 279 | 1 |
| 45 | 8 | AMD | 279 | 2 |
| 57 | 2 | AMD | 324 | 11 |
| 57 | 3 | AMD | 324 | 12 |
| 57 | 4 | AMD | 324 | 13 |
| 57 | 12 | AMD | 67 | 26 |
| 58 | 2 | AMD | 136 | 113 |
| 65 | 1 | AMD | 92 | 2 |
| 72 | 2 | AMD | 9 | 6 |
| 85 | 8 | AMD | 315 | 3 |
| 88 | 1 | AMD | 156 | 15 |
| 88 | 1 | REP | 10 | 5 |
| 88 | 2 | AMD | 10 | 3 |
| 96 | 2 | AMD | 313 | 16 |
| 96 | 10 | AMD | 313 | 4 |
| 96 | 11 | AMD | 313 | 5 |
| 102 | 1 | AMD | 32 | 4 |
| 107 | 2 | AMD | 331 | 2 |
| 107 | 3 | AMD | 331 | 4 |
| 109 | | ADD | 290 | 1 |
| 135 | 4 | AMD | 296 | 16 |
| 135 | 5 | AMD | 296 | 17 |
| 143 | 7 | REP | 222 | 13 |
| 144 | 1 | AMD | 181 | 1 |
| 146 | 4 | AMD | 45 | 12 |
| 146 | 6 | AMD | 45 | 13 |

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| <u>LAWS 1971 EX. (cont.)</u> | | | <u>LAWS 1981</u> | | <u>LAWS 1972 EX. (cont.)</u> | | | <u>LAWS 1981</u> | |
|------------------------------|-------------|---------------|------------------|-------------|------------------------------|-------------|---------------|------------------|-------------|
| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
| 294 | 12 | AMD | 148 | 7 | 117 | 21 | REP | 76 | 6 |
| 294 | 13 | AMD | 148 | 8 | 117 | 22 | REP | 76 | 6 |
| 294 | 14 | AMD | 148 | 9 | 117 | 23 | REP | 76 | 6 |
| 294 | 15 | REP | 148 | 14 | 117 | 24 | REP | 76 | 6 |
| 295 | 1 | AMD | 136 | 35 | 117 | 25 | REP | 76 | 6 |
| 299 | 8 | REP | 7 | 4 | 117 | 26 | REP | 76 | 6 |
| 299 | 68 | AMD | 304 | 32 | 117 | 27 | REP | 76 | 6 |
| 303 | 8 | AMD | 25 | 1 | 117 | 28 | REP | 76 | 6 |
| 307 | 10 | REEN | 260 | 15 | 117 | 29 | REP | 76 | 6 |
| 308 | | ADD | 48 | 1 | 117 | 30 | REP | 76 | 6 |
| 308 | | ADD | 48 | 2 | 117 | 31 | REP | 76 | 6 |
| 308 | 69.50.210 | AMD | 147 | 2 | 117 | 33 | REP | 76 | 6 |
| 308 | 69.50.505 | AMD | 48 | 3 | 117 | 34 | REP | 76 | 6 |
| | | | | | 117 | 37 | REP | 76 | 6 |
| | | | | | 119 | | ADD | 189 | 2,4-6 |
| <u>LAWS 1972 EX.</u> | | | <u>LAWS 1981</u> | | 119 | 2 | AMD | 189 | 1 |
| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> | 119 | 3 | AMD | 189 | 3 |
| 7 | 4 | AMD | 136 | 107 | 119 | 1 | REP | 43 | 21 |
| 9 | 1 | AMD | 147 | 1 | 120 | 2 | REP | 264 | 12 |
| 10 | 3 | AMD | 16 | 1 | 124 | 3 | REP | 264 | 12 |
| 11 | 1 | AMD | 225 | 2 | 124 | 4 | REP | 264 | 12 |
| 13 | 1 | REP | 13 | 6 | 124 | 5 | REP | 264 | 12 |
| 24 | 8 | AMD | 342 | 10 | 124 | 6 | REP | 264 | 12 |
| 24 | 8 | REP | 344 | 10 | 124 | 7 | REP | 248 | 1 |
| 40 | 2 | AMD | 136 | 102 | 124 | 7 | REP | 264 | 12 |
| 47 | 1 | AMD | 77 | 1 | 124 | 11 | REP | 264 | 12 |
| 47 | 2 | AMD | 77 | 3 | 124 | 6 | AMD | 144 | 6 |
| 47 | 3 | AMD | 77 | 4 | 134 | 7 | AMD | 144 | 7 |
| 51 | 3 | AMD | 216 | 2 | 134 | 3 | AMD | 148 | 3 |
| 59 | 1 | AMD | 136 | 115 | 148 | 3 | AMD | 172 | 6 |
| 59 | 2 | AMD | 136 | 116 | 157 | | | | |
| 70 | 1 | AMD | 198 | 3 | | | | | |
| 76 | 2 | REP | 260 | 18 | | | | | |
| 81 | 1 | AMD | 308 | 2 | <u>LAWS 1973</u> | | | <u>LAWS 1981</u> | |
| 84 | 1 | AMD | 322 | 3 | <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
| 84 | 2 | AMD | 322 | 4 | 13 | 1 | AMD | 32 | 3 |
| 96 | 4 | AMD | 42 | 1 | 14 | 1 | AMD | 277 | 10 |
| 108 | 3 | AMD | 304 | 1 | 14 | 2 | AMD | 154 | 1 |
| 113 | 1 | REP | 51 | 72 | 20 | 2 | AMD | 136 | 113 |
| 113 | 2 | REP | 51 | 72 | 24 | 1 | AMD | 190 | 5 |
| 113 | 3 | REP | 51 | 72 | 24 | 2 | AMD | 190 | 6 |
| 113 | 4 | REP | 51 | 72 | 38 | 1 | AMD | 330 | 5 |
| 113 | 5 | REP | 51 | 72 | 70 | 2 | AMD | 230 | 6 |
| 117 | 1 | REP | 76 | 6 | 73 | 6 | AMD | 35 | 3 |
| 117 | 2 | REP | 76 | 6 | 73 | 8 | AMD | 35 | 10 |
| 117 | 3 | REP | 76 | 6 | 81 | 1 | REP | 110 | 1 |
| 117 | 4 | REP | 76 | 6 | 81 | 2 | REP | 110 | 1 |
| 117 | 5 | REP | 76 | 6 | 81 | 3 | REP | 110 | 1 |
| 117 | 6 | REP | 76 | 6 | 81 | 4 | REP | 110 | 1 |
| 117 | 7 | REP | 76 | 6 | 81 | 5 | REP | 110 | 1 |
| 117 | 8 | REP | 76 | 6 | 81 | 6 | REP | 110 | 1 |
| 117 | 9 | REP | 76 | 6 | 81 | 7 | REP | 110 | 1 |
| 117 | 10 | REP | 76 | 6 | 81 | 8 | REP | 110 | 1 |
| 117 | 11 | AMD | 76 | 5 | 81 | 9 | REP | 110 | 1 |
| 117 | 13 | AMD | 76 | 1 | 87 | 2 | AMD | 125 | 1 |
| 117 | 14 | AMD | 76 | 2 | 95 | 1 | AMD | 32 | 5 |
| 117 | 15 | REP | 76 | 6 | 103 | 3 | AMD | 342 | 9 |
| 117 | 20 | REP | 76 | 6 | 106 | 29 | REP | 260 | 18 |
| | | | | | 106 | 32 | REP | 136 | 121 |

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|-------------------|------|--------|-----------|------|---------------------------|------|--------|-----------|-------|
| Ch. | Sec. | Action | Ch. | Sec. | Ch. | Sec. | Action | Ch. | Sec. |
| 109 | 1 | AMD | 96 | 1 | 104 | 8 | AMD | 302 | 19 |
| 114 | 2 | AMD | 186 | 2 | 108 | 1 | AMD | 2 E1 | 15 |
| 115 | 1 | AMD | 222 | 3 | 122 | 7 | AMD | 6 E1 | 26 |
| 115 | 11 | AMD | 116 | 2 | 122 | 8 | AMD | 6 E1 | 27 |
| 151 | 3 | AMD | 339 | 6 | 123 | 2 | AMD | 136 | 51 |
| | | | | | 123 | 3 | AMD | 136 | 52 |
| | | | | | 123 | 4 | AMD | 136 | 53 |
| | | | | | 123 | 8 | AMD | 136 | 54 |
| | | | | | 132 | 8 | AMD | 152 | 1 |
| | | | | | 132 | 9 | AMD | 152 | 3 |
| | | | | | 132 | 13 | AMD | 152 | 4 |
| | | | | | 138 | 1 | REP | 27 | 17 |
| | | | | | 138 | 2 | AMD | 27 | 10 |
| | | | | | 140 | 2 | AMD | 24 | 3 |
| | | | | | 140 | 3 | AMD | 24 | 4 |
| | | | | | 154 | 7 | REP | 329 | 22 |
| | | | | | 154 | 8 | REP | 329 | 22 |
| | | | | | 154 | 9 | REP | 329 | 22 |
| | | | | | 154 | 10 | AMD | 329 | 20 |
| | | | | | 154 | 49 | REP | 192 | 33 |
| | | | | | 154 | 50 | REP | 192 | 33 |
| | | | | | 154 | 80 | REP | 260 | 18 |
| | | | | | 154 | 81 | REP | 260 | 18 |
| | | | | | 154 | 118 | REP | 13 | 6 |
| | | | | | 164 | 3 | AMD | 332 | 3 |
| | | | | | 164 | 15 | REEN | 260 | 6 |
| | | | | | 170 | 1 | AMD | 3 | 26 |
| | | | | | 186 | 3 | AMD | 120 | 1 |
| | | | | | 190 | 14 | AMD | 294 | 12 |
| | | | | | 193 | 3 | AMD | 224 | 1 |
| | | | | | 195 | 12 | AMD | 157 | 1 |
| | | | | | 195 | 14 | REEN | 260 | 6 |
| | | | | | 195 | 38 | AMD | 210 | 7 |
| | | | | | 195 | 39 | AMD | 210 | 10 |
| | | | | | 195 | 60 | AMD | 156 | 18 |
| | | | | | 204 | 1 | AMD | 5 E1 | 25 |
| | | | | | 204 | 2 | AMD | 5 E1 | 12 |
| | | | | | 208 | 4 | AMD | 338 | 13 |
| | | | | | 209 | 11 | AMD | 5 E1 | 11 |
| | | | | | 209 | 13 | AMD | 5 E1 | 34 |
| | | | | | 209 | 14 | AMD | 5 E1 | 35 |
| | | | | | 209 | 16 | AMD | 182 | 1 |
| | | | | | 209 | 17 | AMD | 5 E1 | 43 |
| | | | | | 209 | 18 | AMD | 5 E1 | 46 |
| | | | | | 209 | 18 | AMD | 287 | 1 |
| | | | | | 212 | 7 | AMD | 148 | 10 |
| | | | | | 218 | | ADD | 139 | 5 |
| | | | | | 218 | | ADD | 139 | 13-18 |
| | | | | | 218 | 2 | REEN | 139 | 1 |
| | | | | | 218 | 2 | AMD | 139 | 1 |
| | | | | | 218 | 3 | REEN | 139 | 2 |
| | | | | | 218 | 3 | AMD | 139 | 2 |
| | | | | | 218 | 7 | REEN | 139 | 3 |
| | | | | | 218 | 8 | AMD | 139 | 6 |
| | | | | | 218 | 9 | AMD | 139 | 7 |
| | | | | | 218 | 11 | AMD | 139 | 8 |
| | | | | | 218 | 13 | AMD | 139 | 10 |
| | | | | | 218 | 14 | AMD | 67 | 16 |

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| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
|------------|-------------|---------------|------------|-------------|
| 218 | 21 | AMD | 139 | 11 |
| 218 | 23 | AMD | 139 | 12 |

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| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
|------------|-------------|---------------|------------|-------------|
| 10 | 3 | AMD | 8 | 6 |
| 10 | 3 | AMD | 6 E1 | 7 |
| 10 | 6 | AMD | 8 | 7 |
| 10 | 6 | AMD | 6 E1 | 8 |
| 17 | 2 | REP | 270 | 16 |
| 20 | 1 | AMD | 165 | 1 |
| 40 | 5 | AMD | 141 | 1 |
| 40 | 6 | AMD | 141 | 3 |
| 40 | 7 | AMD | 141 | 4 |
| 40 | 8 | AMD | 141 | 5 |

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| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
|------------|-------------|---------------|------------|-------------|
| 9 | 1 | AMD | 342 | 11 |
| 38 | 1 | AMD | 296 | 22 |
| 38 | 3 | AMD | 296 | 23 |
| 44 | 2 | AMD | 67 | 23 |
| 58 | 2 | AMD | 190 | 4 |
| 58 | 4 | AMD | 45 | 5 |
| 62 | 1 | AMD | 97 | 1 |
| 66 | 1 | AMD | 67 | 31 |
| 70 | 5 | AMD | 190 | 3 |
| 89 | 2 | REP | 108 | 1 |
| 94 | 1 | AMD | 132 | 2 |
| 94 | 3 | AMD | 132 | 3 |
| 94 | 9 | AMD | 132 | 4 |
| 94 | 10 | AMD | 132 | 5 |
| 94 | 11 | AMD | 132 | 6 |
| 102 | 1 | AMD | 41 | 13 |
| 117 | 39 | REP | 192 | 33 |
| 117 | 40 | AMD | 192 | 28 |
| 117 | 41 | REP | 192 | 33 |
| 117 | 42 | AMD | 333 | 2 |
| 120 | 4 | AMD | 294 | 4 |
| 120 | 6 | AMD | 294 | 5 |
| 120 | 10 | AMD | 294 | 2 |
| 123 | 1 | REP | 288 | 82 |
| 123 | 2 | REP | 288 | 82 |
| 123 | 3 | REP | 288 | 82 |
| 123 | 4 | REP | 288 | 82 |
| 123 | 5 | REP | 288 | 82 |
| 123 | 6 | REP | 288 | 82 |
| 123 | 7 | REP | 288 | 82 |
| 123 | 8 | REP | 288 | 82 |
| 123 | 9 | REP | 288 | 82 |
| 123 | 10 | REP | 288 | 82 |
| 123 | 11 | REP | 288 | 82 |
| 123 | 12 | REP | 288 | 82 |
| 134 | 2 | AMD | 292 | 2 |
| 134 | 2 | AMD | 293 | 3 |
| 134 | 4 | AMD | 293 | 5 |
| 134 | 8 | AMD | 293 | 7 |

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| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
|------------|-------------|---------------|------------|-------------|
| 140 | 4 | AMD | 338 | 16 |
| 145 | 2 | AMD | 136 | 99 |
| 147 | 5 | AMD | 121 | 1 |
| 147 | 10 | AMD | 31 | 1 |
| 147 | 10 | AMD | 121 | 2 |
| 166 | 2 | AMD | 83 | 1 |
| 167 | 1 | AMD | 319 | 1 |
| 167 | 4 | AMD | 25 | 3 |
| 167 | 4 | AMD | 319 | 2 |
| 171 | 26 | AMD | 213 | 6 |
| 187 | 3 | AMD | 148 | 2 |
| 187 | 4 | AMD | 148 | 4 |
| 187 | 6 | AMD | 148 | 8 |
| 187 | 10 | REP | 148 | 14 |
| 187 | 14 | AMD | 148 | 5 |
| 187 | 15 | AMD | 148 | 6 |
| 187 | 16 | REP | 148 | 14 |
| 191 | 3 | AMD | 225 | 1 |
| 196 | 1 | AMD | 322 | 2 |
| 196 | 3 | AMD | 274 | 1 |
| 196 | 4 | AMD | 274 | 2 |

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| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
|------------|-------------|---------------|------------|-------------|
| 11 | 1 | AMD | 52 | 2 |
| 14 | 4 | AMD | 137 | 36 |
| 23 | 1 | REEN | 260 | 4 |
| 35 | 1 | AMD | 89 | 3 |
| 44 | 1 | REP | 136 | 121 |
| 48 | 2 | AMD | 10 | 1 |

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| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
|------------|-------------|---------------|------------|-------------|
| 9 | 1 | AMD | 260 | 16 |
| 9 | 1 | REEN | 260 | 16 |
| 11 | 2 | AMD | 218 | 1 |
| 14 | 1 | AMD | 123 | 1 |
| 14 | 4 | AMD | 136 | 57 |
| 15 | 20 | AMD | 310 | 20 |
| 15 | 27 | AMD | 310 | 22 |
| 15 | 28 | AMD | 310 | 23 |
| 15 | 28 | REEN | 310 | 23 |
| 15 | 30 | AMD | 310 | 25 |
| 15 | 32 | AMD | 310 | 30 |
| 30 | 21 | AMD | 277 | 2 |
| 30 | 31 | REP | 277 | 11 |
| 30 | 42 | AMD | 43 | 5 |
| 30 | 43 | AMD | 43 | 7 |
| 30 | 44 | AMD | 43 | 8 |
| 30 | 45 | AMD | 43 | 10 |
| 30 | 47 | REEN | 260 | 4 |
| 30 | 56 | AMD | 277 | 8 |
| 30 | 57 | REEN | 260 | 5 |
| 39 | 3 | AMD | 67 | 19 |
| 42 | 1 | REP | 222 | 13 |
| 42 | 2 | REP | 222 | 13 |
| 59 | 1 | AMD | 126 | 1 |

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| Ch. | Sec. | Action | Ch. | Sec. |
|-----|-----------|--------|------|------|
| 69 | 1 | AMD | 58 | 1 |
| 69 | 2 | AMD | 58 | 2 |
| 69 | 5 | REEN | 260 | 5 |
| 83 | 5 | AMD | 302 | 35 |
| 83 | 6 | AMD | 302 | 35 |
| 85 | 1 | AMD | 314 | 1 |
| 94 | 1 | AMD | 194 | 1 |
| 96 | 1 | REP | 260 | 18 |
| 96 | 2 | REP | 260 | 18 |
| 99 | 1 | AMD | 2 E1 | 17 |
| 99 | 3 | AMD | 2 E1 | 14 |
| 99 | 4 | AMD | 2 E1 | 20 |
| 99 | 5 | AMD | 2 E1 | 21 |
| 99 | 6 | AMD | 2 E1 | 22 |
| 99 | 11 | AMD | 2 E1 | 23 |
| 99 | 15 | REP | 2 E1 | 26 |
| 99 | 16 | AMD | 2 E1 | 19 |
| 105 | 1 | AMD | 20 | 1 |
| 118 | 1 | AMD | 214 | 1 |
| 118 | 3 | AMD | 342 | 8 |
| 120 | 1 | AMD | 274 | 3 |
| 120 | 2 | AMD | 274 | 1 |
| 127 | 2 | REP | 109 | 1 |
| 129 | 1 | AMD | 161 | 1 |
| 129 | 4 | AMD | 161 | 3 |
| 129 | 5 | AMD | 161 | 6 |
| 129 | 6 | AMD | 161 | 8 |
| 165 | 1 | REP | 192 | 33 |
| 166 | 7 | AMD | 139 | 10 |
| 166 | 12 | AMD | 139 | 4 |
| 170 | 1 | AMD | 299 | 17 |
| 173 | 4 | AMD | 5 E1 | 9 |
| 173 | 10 | AMD | 182 | 2 |
| 173 | 12 | AMD | 5 E1 | 47 |
| 175 | 2 | AMD | 2 E1 | 24 |
| 176 | 4 | AMD | 6 E1 | 27 |
| 180 | 1 | AMD | 78 | 2 |
| 183 | 5 | AMD | 313 | 3 |
| 188 | 14 | AMD | 169 | 1 |
| 191 | 3 | AMD | 245 | 1 |
| 191 | 4 | AMD | 245 | 2 |
| 196 | 1 | AMD | 229 | 1 |
| 207 | 2 | AMD | 3 | 43 |
| 213 | 1 | AMD | 2 E1 | 11 |
| 220 | 8 | AMD | 66 | 1 |
| 222 | 5 | AMD | 81 | 8 |
| 222 | 8 | AMD | 81 | 11 |
| 228 | 3 | AMD | 35 | 6 |
| 243 | 2 | AMD | 250 | 3 |
| 245 | 2 | AMD | 5 E1 | 44 |
| 246 | 6 | AMD | 166 | 1 |
| 257 | 9 | AMD | 297 | 18 |
| 260 | 9A.04.030 | AMD | 187 | 2 |
| 260 | 9A.04.080 | AMD | 203 | 1 |
| 260 | 9A.20.020 | AMD | 137 | 37 |
| 260 | 9A.28.020 | AMD | 203 | 3 |
| 260 | 9A.32.040 | AMD | 136 | 55 |
| 260 | 9A.32.040 | AMD | 138 | 21 |

LAWS 1975 1st EX. (cont.) LAWS 1981

| Ch. | Sec. | Action | Ch. | Sec. |
|--------------------|-----------|--------|-----|------|
| 260 | 9A.48.020 | AMD | 203 | 2 |
| 260 | 9A.48.100 | REEN | 260 | 2 |
| 260 | 9A.72.010 | AMD | 187 | 1 |
| 266 | 17 | AMD | 339 | 19 |
| 270 | 19 | AMD | 25 | 4 |
| 274 | 1 | AMD | 256 | 3 |
| 274 | 2 | AMD | 256 | 2 |
| 275 | 17 | AMD | 103 | 2 |
| 275 | 53 | REP | 103 | 1 |
| 275 | 54 | REP | 265 | 15 |
| (Effective 9/1/82) | | | | |
| 275 | 63 | REP | 264 | 12 |
| 275 | 64 | REP | 264 | 12 |
| 275 | 65 | REP | 264 | 12 |
| 275 | 66 | REP | 264 | 12 |
| 278 | 19 | REP | 192 | 33 |
| 278 | 20 | REP | 192 | 33 |
| 278 | 45 | REP | 7 | 4 |
| 278 | 53 | REP | 7 | 4 |
| 278 | 56 | REP | 7 | 4 |
| 278 | 97 | AMD | 260 | 16 |
| 278 | 97 | REEN | 260 | 16 |
| 291 | 5 | AMD | 144 | 3 |
| 291 | 21 | AMD | 228 | 1 |
| 291 | 35 | AMD | 322 | 1 |
| 293 | 11 | AMD | 270 | 12 |
| 296 | 33 | AMD | 344 | 1 |
| 296 | 34 | REP | 344 | 10 |

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| Ch. | Sec. | Action | Ch. | Sec. |
|---------------------|------|--------|-----|------|
| 5 | 1 | AMD | 338 | 21 |
| 9 | 1 | REP | 138 | 24 |
| 9 | 2 | REP | 138 | 24 |
| 9 | 3 | AMD | 136 | 56 |
| 9 | 3 | REP | 138 | 24 |
| 17 | 1 | AMD | 217 | 1 |
| 17 | 2 | AMD | 3 | 20 |
| 17 | 2 | AMD | 98 | 1 |
| 30 | 2 | AMD | 331 | 3 |
| 34 | 6 | AMD | 331 | 15 |
| 34 | 8 | REP | 137 | 39 |
| (Effective 7/1/88) | | | | |
| 34 | 65 | AMD | 272 | 11 |
| 34 | 73 | AMD | 338 | 19 |
| 34 | 84 | AMD | 256 | 3 |
| 34 | 111 | REP | 76 | 6 |
| 34 | 112 | REP | 3 | 48 |
| 34 | 122 | REP | 157 | 7 |
| 34 | 125 | AMD | 206 | 1 |
| 34 | 125 | AMD | 338 | 7 |
| 34 | 130 | AMD | 338 | 15 |
| 34 | 131 | AMD | 338 | 16 |
| 34 | 156 | REP | 334 | 2 |
| (Effective 6/30/88) | | | | |
| 34 | 169 | REP | 136 | 121 |
| 38 | 2 | AMD | 137 | 37 |

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| <u>1981</u> | | | | |
|-------------|-------------|--------------------|------------|-------------|
| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
| 43 | 2 | AMD | 311 | 17 |
| 43 | 3 | AMD | 311 | 19 |
| 43 | 4 | REP | 311 | 21 |
| 44 | 3 | AMD | 3 | 27 |
| 49 | 1 | AMD | 46 | 2 |
| 56 | 7 | AMD | 53 | 1 |
| 63 | 1 | REP | 137 | 39 |
| | | (Effective 7/1/88) | | |
| 64 | 21 | AMD | 229 | 1 |
| 70 | 1 | REP | 4 | 4 |
| 74 | 1 | AMD | 5 E1 | 36 |
| 76 | 1 | AMD | 21 | 1 |
| 76 | 2 | AMD | 21 | 2 |
| 76 | 5 | AMD | 21 | 3 |
| 80 | 1 | AMD | 250 | 3 |
| 87 | 1 | AMD | 139 | 9 |
| 91 | 4 | AMD | 67 | 27 |
| 100 | 1 | AMD | 36 | 1 |
| 105 | 7 | AMD | 3 | 33 |
| 105 | 10 | AMD | 3 | 34 |
| 105 | 11 | AMD | 294 | 8 |
| 105 | 26 | REP | 3 | 48 |
| 108 | 2 | REP | 295 | 16 |
| 108 | 3 | REP | 295 | 16 |
| 108 | 4 | REP | 295 | 16 |
| 108 | 5 | REP | 295 | 16 |
| 108 | 6 | AMD | 295 | 6 |
| 108 | 7 | REP | 295 | 16 |
| 108 | 10 | REP | 295 | 16 |
| 108 | 11 | AMD | 3 | 35 |
| 108 | 11 | REP | 295 | 16 |
| 108 | 15 | AMD | 295 | 11 |
| 108 | 18 | AMD | 281 | 1 |
| 108 | 19 | AMD | 281 | 2 |
| 112 | 10 | AMD | 102 | 1 |
| 118 | 24 | REP | 264 | 12 |
| 118 | 25 | REP | 264 | 12 |
| 118 | 26 | REP | 264 | 12 |
| 123 | 1 | AMD | 242 | 2 |

LAWS 1977

LAWS 1981

| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
|------------|-------------|---------------|------------|-------------|
| 6 | 2 | AMD | 311 | 16 |
| 6 | 2 | AMD | 338 | 20 |
| 17 | 1 | AMD | 9 | 6 |
| 41 | 1 | AMD | 125 | 1 |
| 43 | 1 | AMD | 310 | 24 |
| 75 | 2 | AMD | 260 | 1 |
| 75 | 2 | REEN | 260 | 1 |
| 75 | 4 | AMD | 139 | 7 |
| 75 | 7 | AMD | 296 | 1 |
| 75 | 16 | AMD | 253 | 6 |
| 75 | 17 | AMD | 249 | 1 |
| 275 | 37 | REP | 270 | 16 |
| 75 | 45 | AMD | 151 | 6 |
| 75 | 55 | REP | 76. | 6 |

LAWS 1977 (cont.)

| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
|------------|-------------|--------------------|------------|-------------|
| 75 | 64 | REP | 157 | 7 |
| 75 | 65 | REP | 260 | 18 |
| 75 | 70 | AMD | 339 | 1 |
| 77 | 1 | AMD | 95 | 2 |
| 77 | 2 | AMD | 67 | 29 |
| 80 | 1 | REP | 265 | 15 |
| | | (Effective 9/1/82) | | |
| 80 | 2 | AMD | 265 | 11 |

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LAWS 1981

| <u>Ch.</u> | <u>Sec.</u> | <u>Action</u> | <u>Ch.</u> | <u>Sec.</u> |
|------------|-------------|---------------|------------|-------------|
| 5 | 29 | AMD | 277 | 5 |
| 9 | 1 | AMD | 5 E1 | 37 |
| 9 | 2 | AMD | 5 E1 | 38 |
| 9 | 3 | AMD | 94 | 1 |
| 9 | 4 | AMD | 94 | 2 |
| 9 | 5 | AMD | 5 E1 | 19 |
| 15 | 1 | AMD | 101 | 1 |
| 22 | 5 | AMD | 318 | 1 |
| 26 | 3 | AMD | 297 | 12 |
| 28 | 1 | REP | 173 | 7 |
| 28 | 2 | AMD | 173 | 1 |
| 33 | 10 | REP | 35 | 14 |
| 44 | 3 | AMD | 25 | 4 |
| 42 | 1 | AMD | 252 | 1 |
| 53 | 2 | REEN | 260 | 3 |
| 55 | 1 | AMD | 193 | 3 |
| 70 | 6 | AMD | 295 | 13 |
| 76 | 1 | REEN | 139 | 1 |
| 76 | 1 | AMD | 139 | 1 |
| 76 | 2 | REEN | 139 | 3 |
| 76 | 2 | AMD | 139 | 3 |
| 77 | 1 | AMD | 48 | 3 |
| 77 | 1 | AMD | 67 | 32 |
| 78 | 3 | AMD | 95 | 3 |
| 78 | 6 | AMD | 260 | 12 |
| 78 | 6 | REEN | 260 | 12 |
| 80 | 25 | AMD | 164 | 1 |
| 80 | 26 | AMD | 164 | 2 |
| 80 | 29 | AMD | 164 | 4 |
| 89 | 5 | AMD | 198 | 2 |
| 90 | 1 | AMD | 210 | 19 |
| 92 | 1 | AMD | 222 | 2 |
| 93 | 2 | REP | 43 | 21 |
| 93 | 4 | AMD | 43 | 9 |
| 93 | 5 | AMD | 43 | 13 |
| 93 | 6 | AMD | 43 | 17 |
| 93 | 7 | AMD | 43 | 18 |
| 93 | 9 | AMD | 43 | 11 |
| 93 | 10 | REP | 43 | 21 |
| 98 | 1 | AMD | 329 | 8 |
| 98 | 2 | REP | 329 | 22 |
| 98 | 3 | AMD | 329 | 10 |
| 98 | 4 | REP | 329 | 22 |
| 102 | 1 | AMD | 171 | 1 |
| 104 | 1 | AMD | 86 | 2 |
| 104 | 3 | REP | 86 | 16 |

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| LAWS 1977 EX. (cont.) | | | LAWS 1981 | | LAWS 1977 EX. (cont.) | | | LAWS 1981 | |
|-----------------------|------|--------|-----------|------|-----------------------|------|--------|-----------|-------|
| Ch. | Sec. | Action | Ch. | Sec. | Ch. | Sec. | Action | Ch. | Sec. |
| 104 | 4 | REP | 86 | 16 | 243 | 6 | AMD | 67 | 20 |
| 104 | 6 | AMD | 86 | 7 | 244 | 1 | AMD | 2 | E1 12 |
| 104 | 7 | AMD | 86 | 8 | 248 | 2 | REEN | 260 | 3 |
| 104 | 8 | REP | 86 | 16 | 249 | 1 | REP | 147 | 6 |
| 104 | 9 | AMD | 86 | 9 | 249 | 2 | REP | 147 | 6 |
| 106 | 2 | AMD | 202 | 1 | 249 | 3 | REP | 147 | 6 |
| 112 | 3 | AMD | 260 | 1 | 249 | 4 | REP | 147 | 6 |
| 112 | 3 | REEN | 260 | 1 | 249 | 5 | REP | 147 | 5 |
| 119 | 2 | AMD | 156 | 30 | 250 | 1 | AMD | 247 | 3 |
| 125 | 3 | AMD | 152 | 5 | 251 | 1 | AMD | 3 | 33 |
| 125 | 4 | AMD | 152 | 6 | 251 | 2 | AMD | 3 | 34 |
| 134 | 1 | AMD | 126 | 1 | 251 | 3 | REP | 3 | 48 |
| 151 | 6 | AMD | 59 | 1 | 251 | 4 | REP | 3 | 48 |
| 151 | 7 | AMD | 59 | 2 | 251 | 6 | REP | 3 | 48 |
| 151 | 32 | AMD | 63 | 1 | 251 | 10 | AMD | 3 | 25 |
| 151 | 47 | REP | 260 | 18 | 251 | 11 | REP | 3 | 48 |
| 151 | 48 | REP | 260 | 18 | 260 | 4 | AMD | 2 | E1 2 |
| 151 | 52 | AMD | 260 | 12 | 260 | 5 | REP | 2 | E1 26 |
| 153 | 2 | AMD | 35 | 2 | 270 | 11 | REP | 112 | 2 |
| 153 | 6 | AMD | 177 | 1 | 279 | 3 | AMD | 304 | 4 |
| 165 | 2 | REEN | 139 | 2 | 279 | 4 | AMD | 304 | 5 |
| 165 | 2 | AMD | 139 | 2 | 279 | 5 | AMD | 304 | 37 |
| 166 | 5 | AMD | 260 | 14 | 279 | 6 | AMD | 304 | 18 |
| 166 | 5 | REEN | 206 | 14 | 279 | 7 | AMD | 304 | 19 |
| 169 | 5 | AMD | 296 | 28 | 279 | 8 | AMD | 304 | 21 |
| 169 | 42 | AMD | 324 | 11 | 289 | 14 | REEN | 260 | 9 |
| 169 | 94 | AMD | 162 | 1 | 291 | | ADD | 266 | 2 |
| 169 | 96 | REEN | 260 | 8 | 291 | 44 | AMD | 195 | 8 |
| 171 | 1 | AMD | 86 | 1 | 291 | 45 | AMD | 195 | 9 |
| 184 | 1 | AMD | 1 | E1 1 | 291 | 51 | AMD | 164 | 3 |
| 184 | 7 | AMD | 3 | E1 1 | 291 | 56 | AMD | 299 | 2 |
| 198 | 1 | AMD | 139 | 8 | 291 | 57 | AMD | 299 | 5 |
| 200 | 1 | AMD | 274 | 2 | 291 | 60 | AMD | 299 | 6 |
| 205 | 1 | AMD | 260 | 14 | 291 | 61 | AMD | 299 | 7 |
| 205 | 1 | REEN | 260 | 14 | 291 | 62 | AMD | 299 | 8 |
| 206 | 1 | REP | 138 | 24 | 291 | 66 | AMD | 299 | 9 |
| 206 | 2 | REP | 138 | 24 | 291 | 67 | AMD | 299 | 10 |
| 206 | 3 | AMD | 136 | 55 | 291 | 68 | AMD | 299 | 11 |
| 206 | 3 | AMD | 138 | 21 | 291 | 69 | AMD | 299 | 12 |
| 206 | 4 | REP | 138 | 24 | 291 | 70 | AMD | 299 | 13 |
| 206 | 5 | REP | 138 | 24 | 291 | 72 | AMD | 299 | 14 |
| 206 | 6 | AMD | 136 | 56 | 291 | 77 | AMD | 299 | 16 |
| 206 | 6 | REP | 138 | 24 | 292 | 11 | AMD | 35 | 7 |
| 206 | 7 | REP | 138 | 24 | 292 | 14 | AMD | 35 | 11 |
| 206 | 10 | REP | 138 | 24 | 292 | 22 | REP | 35 | 14 |
| 209 | 1 | AMD | 141 | 5 | 294 | 8 | AMD | 294 | 9 |
| 212 | 1 | AMD | 132 | 2 | 296 | 1 | AMD | 76 | 1 |
| 212 | 3 | AMD | 4 | 8 | 302 | 5 | AMD | 6 | E1 26 |
| 212 | 3 | AMD | 127 | 1 | 302 | 9 | REP | 6 | E1 28 |
| 222 | 13 | AMD | 67 | 25 | 303 | 1 | AMD | 306 | 1 |
| 232 | 11 | REEN | 260 | 8 | 304 | 8 | AMD | 296 | 32 |
| 234 | 28 | REP | 192 | 33 | 308 | 2 | AMD | 261 | 1 |
| 235 | 6 | AMD | 270 | 15 | 308 | 5 | AMD | 261 | 2 |
| 240 | 3 | AMD | 299 | 18 | 316 | 5 | AMD | 276 | 1 |
| 240 | 7 | AMD | 324 | 3 | 316 | 12 | AMD | 276 | 2 |
| 240 | 8 | AMD | 324 | 4 | 316 | 16 | AMD | 276 | 3 |
| 240 | 10 | AMD | 324 | 12 | 317 | 6 | AMD | 342 | 2 |
| 240 | 11 | AMD | 324 | 13 | 320 | 2 | AMD | 270 | 13 |

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|-----------------------|------|---------------------|-----------|------|-----------------------|------|--------|-----------|------|
| Ch. | Sec. | Action | Ch. | Sec. | Ch. | Sec. | Action | Ch. | Sec. |
| 322 | 1 | REP | 257 | 11 | 362 | 9 | AMD | 296 | 9 |
| 322 | 2 | AMD | 257 | 5 | 371 | 11 | AMD | 64 | 3 |
| 322 | 3 | REP | 257 | 11 | | | | | |
| 322 | 4 | REP | 257 | 11 | | | | | |
| 322 | 5 | AMD | 246 | 1 | | | | | |
| 322 | 5 | REP | 257 | 11 | | | | | |
| 322 | 7 | AMD | 257 | 3 | | | | | |
| 322 | 8 | REP | 257 | 11 | | | | | |
| 323 | 11 | REEN | 260 | 13 | | | | | |
| 325 | 1 | AMD | 210 | 20 | | | | | |
| 325 | 4 | AMD | 168 | 1 | | | | | |
| 325 | 4 | AMD | 264 | 10 | | | | | |
| 326 | 1 | REEN | 139 | 1 | | | | | |
| 326 | 1 | AMD | 139 | 1 | | | | | |
| 326 | 2 | REEN | 139 | 2 | | | | | |
| 326 | 2 | AMD | 139 | 2 | | | | | |
| 326 | 3 | REEN | 139 | 3 | | | | | |
| 326 | 3 | AMD | 139 | 3 | | | | | |
| 326 | 4 | AMD | 139 | 6 | | | | | |
| 326 | 6 | AMD | 139 | 9 | | | | | |
| 326 | 7 | AMD | 67 | 16 | | | | | |
| 326 | 15 | AMD | 139 | 11 | | | | | |
| 326 | 16 | AMD | 139 | 12 | | | | | |
| 328 | 5 | AMD | 281 | 2 | | | | | |
| 328 | 1 | AMD | 295 | 11 | | | | | |
| 335 | 1 | AMD | 129 | 1 | | | | | |
| 337 | 12 | AMD | 67 | 36 | | | | | |
| 347 | 1 | AMD | 148 | 1 | | | | | |
| 350 | 12 | AMD | 128 | 1 | | | | | |
| 350 | 15 | AMD | 128 | 2 | | | | | |
| 350 | 17 | AMD | 266 | 3 | | | | | |
| 350 | 26 | REEN | 260 | 13 | | | | | |
| 350 | 43 | AMD | 326 | 1 | | | | | |
| 350 | 61 | REP | 260 | 18 | | | | | |
| 350 | 62 | REP | 260 | 18 | | | | | |
| 350 | 63 | REP | 260 | 18 | | | | | |
| 350 | 64 | REP | 260 | 18 | | | | | |
| 350 | 65 | REP | 260 | 18 | | | | | |
| 350 | 66 | REP | 260 | 18 | | | | | |
| 350 | 67 | REP | 260 | 18 | | | | | |
| 350 | 74 | AMD | 338 | 10 | | | | | |
| 351 | 1 | REP | 334 | 2 | | | | | |
| | | (Effective 6/30/88) | | | | | | | |
| 351 | 2 | REP | 334 | 2 | | | | | |
| | | (Effective 6/30/88) | | | | | | | |
| 351 | 3 | REP | 334 | 2 | | | | | |
| 351 | 4 | REP | 334 | 2 | | | | | |
| | | (Effective 6/30/88) | | | | | | | |
| 353 | 1 | AMD | 26 | 3 | | | | | |
| 353 | 5 | AMD | 26 | 1 | | | | | |
| 359 | 6 | AMD | 265 | 8 | | | | | |
| 359 | 6 | AMD | 343 | 1 | | | | | |
| 359 | 10 | REP | 264 | 12 | | | | | |
| 359 | 11 | REP | 264 | 12 | | | | | |
| 359 | 12 | REP | 264 | 12 | | | | | |
| 362 | 3 | AMD | 296 | 7 | | | | | |
| 362 | 4 | AMD | 296 | 8 | | | | | |
| 362 | 7 | AMD | 296 | 10 | | | | | |

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|-----------|------|--------|-----------|-------|
| Ch. | Sec. | Action | Ch. | Sec. |
| 5 | 1 | AMD | 315 | 2 |
| 5 | 3 | AMD | 315 | 5 |
| 5 | 4 | AMD | 315 | 6 |
| 5 | 5 | AMD | 315 | 7 |
| 5 | 6 | AMD | 315 | 8 |
| 5 | 7 | AMD | 315 | 9 |
| 5 | 10 | AMD | 315 | 11 |
| 6 | 1 | AMD | 148 | 1 |
| 6 | 3 | AMD | 4 | 6 |
| 8 | 1 | AMD | 272 | 5 |
| 10 | 1 | AMD | 136 | 61 |
| 10 | 2 | AMD | 136 | 62 |
| 11 | 2 | AMD | 30 | 1 |
| 14 | 3 | AMD | 113 | 1 |
| 11 | 3 | AMD | 305 | 2 |
| 14 | 6 | AMD | 246 | 3 |
| 16 | 51 | AMD | 230 | 1 |
| 16 | 52 | AMD | 230 | 2 |
| 17 | 1 | AMD | 181 | 1 |
| 43 | 1 | AMD | 23 | 1 |
| 43 | 2 | AMD | 23 | 2 |
| 44 | 1 | AMD | 113 | 1 |
| 48 | 1 | AMD | 129 | 1 |
| 49 | 1 | REEN | 260 | 9 |
| 51 | 1 | AMD | 86 | 3 |
| 61 | 3 | REEN | 260 | 10 |
| 62 | 3 | AMD | 188 | 2 |
| 63 | 1 | REEN | 260 | 10 |
| 63 | 3 | AMD | 245 | 3 |
| 78 | 1 | AMD | 309 | 1 |
| 79 | 1 | AMD | 213 | 9 |
| 86 | 1 | AMD | 297 | 37 |
| 87 | 1 | AMD | 5 | E1 45 |
| 90 | 2 | AMD | 67 | 21 |
| 90 | 11 | AMD | 147 | 1 |
| 90 | 19 | AMD | 147 | 3 |
| 91 | 1 | AMD | 297 | 17 |
| 92 | 4 | AMD | 297 | 23 |
| 94 | 6 | REEN | 260 | 15 |
| 99 | 3 | REP | 118 | 2 |
| 99 | 6 | REP | 133 | 2 |
| 99 | 11 | REP | 337 | 12 |
| 99 | 13 | REP | 43 | 21 |
| 99 | 15 | REP | 112 | 2 |
| 99 | 16 | REP | 295 | 16 |
| 99 | 17 | REP | 107 | 2 |
| 99 | 19 | REP | 206 | 3 |
| 99 | 20 | AMD | 334 | 1 |
| 99 | 31 | REP | 136 | 121 |
| 99 | 45 | REP | 118 | 2 |
| 99 | 48 | REP | 133 | 2 |
| 99 | 49 | REP | 157 | 7 |

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|-------------------|------|--------|-----------|-------|-------------------|------|--------|-----------|-------|
| Ch. | Sec. | Action | Ch. | Sec. | Ch. | Sec. | Action | Ch. | Sec. |
| 99 | 53 | REP | 337 | 12 | 141 | 175 | AMD | 136 | 83 |
| 99 | 55 | REP | 43 | 21 | 141 | 176 | AMD | 136 | 84 |
| 99 | 57 | REP | 112 | 2 | 141 | 188 | AMD | 136 | 85 |
| 99 | 58 | REP | 295 | 16 | 141 | 189 | AMD | 136 | 86 |
| 99 | 59 | REP | 107 | 2 | 141 | 192 | AMD | 136 | 87 |
| 99 | 61 | REP | 206 | 3 | 141 | 193 | AMD | 136 | 88 |
| 99 | 62 | AMD | 334 | 2 | 141 | 198 | AMD | 136 | 89 |
| 99 | 73 | REP | 136 | 121 | 141 | 199 | AMD | 136 | 91 |
| 99 | 87 | REP | 295 | 16 | 141 | 200 | AMD | 136 | 92 |
| 101 | 6 | REP | 202 | 2 | 141 | 202 | AMD | 136 | 93 |
| 101 | 7 | AMD | 202 | 1 | 141 | 203 | AMD | 136 | 94 |
| 102 | 2 | AMD | 331 | 6 | 141 | 206 | AMD | 136 | 95 |
| 102 | 3 | AMD | 331 | 7 | 141 | 211 | AMD | 136 | 96 |
| 102 | 4 | AMD | 331 | 10 | 141 | 254 | REP | 136 | 121 |
| 107 | 3 | REP | 192 | 33 | 141 | 255 | REP | 136 | 121 |
| 113 | 2 | AMD | 302 | 32 | 141 | 256 | REP | 136 | 121 |
| 113 | 14 | AMD | 84 | 2 | 141 | 257 | REP | 136 | 121 |
| 119 | 1 | REP | 3 | 48 | 141 | 258 | REP | 136 | 121 |
| 119 | 2 | REP | 3 | 48 | 141 | 259 | REP | 136 | 121 |
| 119 | 3 | AMD | 3 | 20 | 141 | 260 | AMD | 136 | 103 |
| 128 | 1 | AMD | 128 | 3 | 141 | 261 | REP | 136 | 121 |
| 134 | 2 | AMD | 222 | 6 | 141 | 262 | REP | 136 | 121 |
| 141 | 1 | AMD | 136 | 36 | 141 | 263 | REP | 136 | 121 |
| 141 | 2 | AMD | 136 | 37 | 141 | 264 | REP | 136 | 121 |
| 141 | 3 | AMD | 136 | 38 | 141 | 274 | AMD | 136 | 110 |
| 141 | 4 | AMD | 136 | 39 | 141 | 275 | REP | 137 | 38 |
| 141 | 5 | AMD | 136 | 40 | 141 | 277 | REP | 137 | 38 |
| 141 | 6 | AMD | 136 | 41 | 141 | 279 | AMD | 136 | 111 |
| 141 | 8 | AMD | 136 | 43 | 141 | 280 | AMD | 136 | 112 |
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| Avena, Sherry, member, public broadcasting commission | |
| Bachofner, Will, member, horse racing commission | |
| Bratton, Robert W, chairman, utilities and transportation commission | |
| Brooks, Norward J, commissioner, department of employment security | |

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- Burchim, G W, D.C., member, board of trustees, Lower Columbia community college district No. 13
- Chinn, Warren, member, horse racing commission
- Collins, Charles T, member, pacific northwest electric power and conservation planning council
- Conoley, Karen B, member, board of prison terms and paroles
- Conrad, Les, member, state jail commission
- Corpuz, Ray E Jr, member, commission on Asian-American affairs
- Crockett, Dave, member, public broadcasting commission
- Damon, Captain Henry R, member, board of pilotage commissioners
- Daniel, Teruko Ogata, member, commission on Asian-American affairs
- DeCano, Pio II, member, commission on Asian-American affairs
- Edwards, Conrad D, member, public broadcasting commission
- Ellis, M Keith, director, department of agriculture
- Ellis, W P, member, board of pilotage commissioners
- Endresen, Mark C, member, public employment relations commission
- Evans, Daniel J, member, pacific northwest electric power and conservation planning council
- Evans, Virginia B, member, board of trustees, Columbia Basin community college district No. 19
- Flavel, Captain M R, member, board of pilotage commissioners
- Fowler, Hugh, director, department of emergency services
- Freeman, Beverly A, member, hospital commission
- Garabato, Davis M Jr, member, commission on Asian-American affairs
- Gibbs, Alan J, secretary, department of social and health services
- Gustafson, Jack R, M.D., member, state parks and recreation commission
- Hagley, Thomas R, member, board of trustees, Clark community college district No. 14
- Hamai, Wendy F, member, commission on Asian-American affairs
- Heinemann, Helen V, member, board of trustees, Big Bend community college district No. 18
- Henry, William E, chairman, board of prison terms and paroles
- Herron, Larry V, CPA, member, board of trustees, Olympic community college district No. 3
- Hollister, Robert L Jr, Dr, director, department of retirement systems
- Hubbard, Walter T, member, board of prison terms and paroles
- Huleen, Fred, member, state personnel board
- Ikeda, Gary L, member, commission on Asian-American affairs
- Jackson, Thelma J, member, board of trustees, The Evergreen State College
- Kafer, Majorie J, member, public disclosure commission
- Kelly, Samuel E, member, board of trustees, Shoreline community college district No. 7
- Kinville, Sam, director, department of labor and industries
- Knutsen, Ina V, member, board of trustees, Shoreline community college district No. 7
- LeCocq, I Charles, member, state board for community college education
- Lewis, Nicholas D, chairman, energy facility site evaluation council
- Loveland, Valoria Ann, member, public disclosure commission
- Manor, Barbara, member, board of trustees, Skagit community college district No. 4
- McNeill, Vicki S, member, public broadcasting commission
- Mead, Robert L, member, horse racing commission
- Moos, Donald W, director, department of ecology
- Munger, Diane N, member, board of trustees, Spokane community college district No. 17
- Neils, Betty Jo, member, public broadcasting commission

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| Nordby, Benay Mrs, member, board of trustees, Green River community college district No. 10 | |
| Olivas, Richard, member, board of trustees, Yakima community college district No. 16 | |
| Pang, Sun Y, member, commission on Asian-American affairs | |
| Pascall, Glenn R, director, department of revenue | |
| Philip, Robert F, member, board of regents, University of Washington .. | |
| Plath, Dorothy D, member, state board for community college education | |
| Pooley, Ed, member, board of trustees, Highline community college district No. 9 | |
| Prins, Ruth Balkema, member, public broadcasting commission | |
| Rahm, Karen, director, planning and community affairs agency | |
| Remund, Rene J, member, board of trustees, Centralia community college district No. 12 | |
| Richardson, Patricia A, member, board of trustees, Walla Walla community college district No. 20 | |
| Robinson, Charles E, member, state jail commission | |
| Rothrock, Gayle, member, pollution control hearings board | |
| Ryan, Thomas M, member, state parks and recreation commission | |
| Sandison, Gordon, member, board of trustees, Western Washington University | |
| Sandstrom, Ann, member, judicial qualifications commission | |
| Sanford, Larry, member, state board for community college education .. | |
| Schmittin, Rolland A, director, department of fisheries | |
| Schrock, Richard T, director, department of commerce and economic development | |
| Shearer, Burt A, member, board of pilotage commissioners | |
| Sheets, Edward W, director, state energy office | |
| Siegal, Arthur, member, board of trustees, Seattle community college district No. 6 | |
| Simpson, W Hunter, member, board of regents, University of Washington | |
| Smiley, Jon D, member, hospital commission | |
| Stewart, Melvin M, member, board of pilotage commissioners | |
| Stidham, Charles C, member, board of tax appeals | |
| Taller, Joe A, director, office of financial management | |
| Thomas, Claire, member, board of trustees, Bellevue community college district No. 8 | |
| Thomas, David P, member, forest practices appeals board | |
| Thomas, Jacob, state historic preservation officer | |
| Torres, Hector Luis, director, department of veterans affairs | |
| Vue, Pao, member, commission on Asian-American affairs | |
| Wanamaker, Floyd A "Pat", member, state transportation commission .. | |
| Wareham, Kathleen A, member, council for postsecondary education .. | |
| Westine, Carl G, member, state personnel board | |
| Whyte, Anthony J, member, commission on Asian-American affairs .. | |
| Wilkinson, Jane Rae, member, public employment relations commission | |
| Winchester, E Anne, member, state board for community college education | |
| Winn, Norman, member, forest practices appeals board | |
| Wong, H T, professor, member, commission on Asian-American affairs | |
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INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS

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| Initiatives to the People | 1995 |
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| History of amendments adopted since statehood | 1999 |
| Text, Proposed Constitutional Amendments | 1794 |

INITIATIVES TO THE PEOPLE

HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

(SUPPLEMENTING 1979 LAWS, PAGE 2568)

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 372 (State Lottery)—Filed January 4, 1980 by Mr. Lawrence C. Clever of Olympia. This measure was refiled as Initiative Measure No. 380.
- INITIATIVE MEASURE NO. 373 (Shall a Retiree's Residence be Taxed at its 1977 Value or, when Retirement Occurs after 1981, its Retirement Year Value?)—Filed January 4, 1980 by Doyle R. Conner of Longview. No signatures presented for checking.
- INITIATIVE MEASURE NO. 374 (Shall Property Tax Increases be Limited to Two Percent Annually and Special Property Tax Exemptions Granted to Retired Persons?)—Filed January 4, 1980 by Bill E. Hughes of Vancouver. No signatures presented for checking.
- INITIATIVE MEASURE NO. 375 (Shall There be Mandatory Minimum Sentences, Restricted Local Firearms Regulations, No Affirmative Action for Police and Firemen, and Additional Prisons?)—Filed by Kent Pullen of Kent. No signatures presented for checking.
- INITIATIVE MEASURE NO. 376 (Shall Minimum Age Requirements for Various Legal Purposes, other than for Allowing Alcoholic Beverage consumption, be Reduced to Eighteen Years?)—Filed January 16, 1980 by Martin Ringhofer of Seattle. No signature presented for checking.
- INITIATIVE MEASURE NO. 377 (Shall Liquor Retailing Become a Private Business and any Required Food to Liquor Sales Ratio in Licensed Restaurants be Prohibited?)—Filed January 24, 1980. No signatures presented for checking. Sponsored by Walter M. Friel of Tacoma.
- INITIATIVE MEASURE NO. 378 (Shall the State be Absolutely Prohibited from Levying any Property Taxes and School Districts be Similarly Restricted with Limited Exceptions?)—Filed by Art Lee of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE NO. 379 (Shall Binding Arbitration of Public School Collective Bargaining Disputes be Required, Strikes by Public School Employees Prohibited and Penalties Established?)—Filed by Cathleen R. Pearsall of Tacoma. No signatures presented for checking. Filed on February 11, 1980.
- INITIATIVE MEASURE NO. 380 (Shall a State Lottery be Established and Operated by the Gambling Commission, with the Profits Deposited in the General Fund?)—Filed February 11, 1980 by Lawrence C. Clever of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 381 (Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions Including Rodent Control and Public Health?)—Filed January 31, 1980 by Curtiss J. Clumpner and Howard F. McGraw of Bellingham. The sponsors refiled the measure as No. 386.
- INITIATIVE MEASURE NO. 382 (Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?)—Filed February 15, 1980 by Tom Casey. Measure was later refiled as No. 385.
- *INITIATIVE MEASURE NO. 383 (Shall Washington Ban the Importation and Storage of Non-medical Radioactive Wastes Generated Outside Washington, Unless Otherwise Permitted by Interstate Compact?)—Filed February 7, 1980 by Allan H. Jones of Seattle. Sponsor submitted 148,166 signatures and the measure was subsequently certified to the ballot. Submitted to the voters at the November 4, 1980 general election and was approved by the following vote: For—1,211,606 Against—393,415.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 384 (**Shall Limitations on Property Taxes and Assessments be Imposed and Other Tax Increases Prohibited Except by a Two-thirds Legislative Vote?**)-- Filed February 20, 1980 by Normal Hildebrand of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 385 (**Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?**)--Filed March 3, 1980 by Tom Casey of Elma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 386 (**Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions, Including Rodent Control and Public Health?**)-- Filed March 3, 1980 by Curtiss Clumpner of Lynnwood. No signatures presented for checking.
- INITIATIVE MEASURE NO. 387 (**Shall Political Contributions and Campaign Practices be Limited, Conflicts of Interest Regulated, Disclosure Requirements Increased and Statutes in Conflict Repealed?**)--Filed March 11, 1980 by Ann Quantock of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 388 (**Shall Congress be Memorialized to Create a Space Shuttle/Energy Lottery to Increase Space Travel and Achieve Energy Independence?**)-- Filed March 11, 1980 by Jeff Vale of Des Moines. No signatures presented for checking.
- INITIATIVE MEASURE NO. 389 (**Shall it be Unlawful to Drive a Motor Vehicle Between the Hours of One and Two O'Clock on Sunday Afternoon?**)--Filed March 12, 1980 by Keith G. Wesley of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 390 (**Shall Private Retailers Replace State Liquor Stores with Sunday Package Sales Permitted, Tax Rates Revised and Certain Licensing Conditions Prohibited?**)--Filed April 1, 1980 by John Franco of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 391 (**Shall an Initiative be Adopted Providing that all Washington Land Shall be Taxed Exclusive of any Improvements on the Land?**)--Filed April 11, 1980 by Jimmy D. Whittenburg of Olympia. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

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INITIATIVE TO THE LEGISLATURE NO. 73 (Shall Government Agencies, Employees, and Private Individuals be Prohibited from Promoting Certain Sexual Practices, and the Age of Consent Raised?)—Filed May 13, 1980 by David Estes of Seattle. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 74 (Shall There be Mandatory Minimum Prison Sentences for Certain Felonies, Expanded Concealed Weapons' Permits and State Preemption of Firearms' Regulation?)—Filed July 31, 1980 by Kent Pullen of Kent, WA. No signatures presented for checking.

REFERENDUM BILLS

- *REFERENDUM BILL NO. 37** (Chapter 221, Laws of 1979, 1st Extraordinary Session, Shall \$25 Million in State General Obligation Bonds be Authorized for Facilities to Train, Rehabilitate and Care for Handicapped Persons?)—Filed June 11, 1979. Measure submitted to the voters for decision at the November 6, 1979 state general election and was approved by the following vote: **For**--576,882 **Against**--286,365.
- *REFERENDUM BILL NO. 38** (Chapter 234, Laws of 1979, 1st Extraordinary Session, Shall \$125 Million in State General Obligation Bonds be Authorized for Planning, Acquisition, Construction and Improvement of Water Supply Facilities?)—Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: **For**--1,008,646 **Against**--527,454.
- *REFERENDUM BILL NO. 39** (Chapter 159, Laws of 1980, 46th Legislature, Shall \$450,000,000 in State General Obligation Bonds be Authorized for Planning, Designing, Acquiring, Constructing and Improving Public Waste Disposal Facilities?)—Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: **For**--964,450 **Against**--558,328.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

- No. 68. Amending Section 12, Article II. Re: **Legislative Sessions, When—Duration.** Adopted November, 1979.
- No. 69. Amending Section 13, Article II. Re: **Limitation on Members Holding Office in the State.** Adopted November, 1979.
- No. 70. Adding Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1979.

Notes