

1967  
SESSION LAWS  
OF THE  
STATE OF WASHINGTON

---

EXTRAORDINARY SESSION, FORTIETH LEGISLATURE  
Convened March 10, 1967. Adjourned April 30, 1967.

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VOLUME NO. 2  
ALL LAWS OF THE 1967 EXTRAORDINARY SESSION



Compiled in Chapters by  
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Secretary of State

MARGINAL NOTES AND INDEX

By  
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Code Reviser

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Published by Authority

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## *Preface*

The Extraordinary Session of the 1967 Legislature convened at Olympia on March 10, 1967 (the day following the adjournment of the Regular Session) at the call of Governor Daniel J. Evans. The special session adjourned fifty-two days later *sine die* on April 30, 1967 and enacted 150 measures into law.

All acts passed by the Extraordinary Session, approved by the Governor, took effect ninety days after adjournment, on July 30, 1967 (**midnight**, July 29), except relief bills, appropriations and other acts declaring an emergency.



A. LUDLOW KRAMER  
*Secretary of State*





# LAWS OF WASHINGTON

PASSED AT THE

## Extraordinary Session

# 1967

### CHAPTER 1.

[Senate Bill No. 633.]

#### APPROPRIATION—LEGISLATIVE EXPENSE AND MEMBERS' SUBSISTENCE.

AN ACT relating to the expenses and costs of the legislature including subsistence payments; making appropriations therefor; and declaring an emergency.

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

Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of three hundred eighty thousand three hundred eighteen dollars (\$380,318), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than one hundred seventy-one thousand one hundred thirty-eight dollars (\$171,138); and

(2) The House of Representatives shall not expend more than two hundred nine thousand one hundred eighty dollars (\$209,180): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.

Sec. 2. There is hereby appropriated out of the state general fund to the legislature the sum of forty thousand dollars (\$40,000), or so much thereof as may be necessary, for printing, indexing, binding

Appropriation  
—Legislative  
expenses—  
Limitation  
on use.

Appropriation  
Legislature—  
Printing  
expenses.

and editing the session laws, Senate and House journals, and other printing, and binding public documents.

Appropriation  
—Legislative  
members'  
per diem.

Sec. 3. There is hereby appropriated to the legislature out of the state general fund the sum of eighty-five thousand six hundred seventy-five dollars (\$85,675) for payment to members of the legislature and the president of the senate at the rate of twenty-five dollars per day in lieu of subsistence and lodging while in attendance at the first extraordinary session of the fortieth legislature.

Emergency.

Sec. 4. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the Senate March 21, 1967.

Passed the House March 21, 1967.

Approved by the Governor March 23, 1967.

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## CHAPTER 2.

[Engrossed House Bill No. 107.]

### INVESTMENT OF EDUCATIONAL PERMANENT FUNDS.

AN ACT relating to the investment of the permanent common school fund, the agricultural college permanent fund, the normal school permanent fund, the scientific school permanent fund, and the university permanent fund; amending section 1, chapter 104, Laws of 1965 extraordinary session and RCW 43.84.011; repealing section 2, chapter 104, Laws of 1965 extraordinary session and RCW 43.84.021; and declaring an emergency.

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

RCW 43.84.011  
amended.

Section 1. Section 1, chapter 104, Laws of 1965 extraordinary session and RCW 43.84.011 are each amended to read as follows:

Whenever there are surplus moneys available for investment in the permanent common school fund, the agricultural college permanent fund, the normal school permanent fund, the scientific school permanent fund, or the university permanent fund, the state finance committee shall have full power to invest or reinvest such funds in the following classes of securities, and not otherwise:

Schools—  
Investment of  
permanent  
common  
school fund.

(1) Bonds, notes, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof;

(2) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by any other state of the United States and the Commonwealth of Puerto Rico;

(3) Bonds, debentures, notes, or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder;

(4) Bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state: *Provided*, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

Schools—  
Investment of  
permanent  
common  
school fund.

(5) Bonds, notes, or other obligations issued, guaranteed or assumed by any municipal or political subdivision of any other state of the United States: *Provided*, That any such municipal or political subdivision, or the total of its component parts, shall have a population as shown by the last preceding federal census of not less than ten thousand and shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(6) Bonds, debentures, notes, or other obligations issued, guaranteed, or assumed as to both principal and interest by any city of Canada which has a population of not less than one hundred thousand inhabitants: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: *Provided further*, That the issuer shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(7) Bonds, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, or by the federal national mortgage association;

(8) Bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1916, known as the "federal farm loan act," as amended or supplemented from time to time;

(9) Obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority;

(10) Obligations of any other state, municipal

authority or political subdivision within the state issued pursuant to the laws of such state with principal and interest payable from tolls or other special revenues: *Provided*, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(11) Corporate bonds and debentures issued by any corporation duly organized and operating in any state of the United States: *Provided*, That such securities are rated not less than "A" by two nationally recognized rating agencies: *Provided further*, That investment in bonds and debentures in this subsection (11) shall be limited to twenty percent of any one issue;

(12) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state: *Provided*, That the investment of any one fund in any one such savings and loan association shall not exceed the amount insured by the federal savings and loan insurance corporation;

(13) Savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: *Provided*, That the deposit of any one fund in any such banks shall not exceed the amount insured by the federal deposit insurance corporation;

(14) First mortgages on unencumbered real property which are insured by the Federal Housing Administration under the National Housing Act (as from time to time amended), or are guaranteed by the Veterans Administration under the Servicemen's Readjustment Act of 1944 (as from time to

Schools—  
Investment of  
permanent  
common  
school fund.

time amended), or are otherwise insured or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, so as to give the investor protection essentially the same as that provided by the said National Housing Act or the said Servicemen's Readjustment Act.

(15) Capital notes or debentures of any national or state bank doing business in the United States of America; and

(16) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America.

The state finance committee shall have the power to make purchases, sales, exchanges, investments and reinvestments, of any of the securities and investments in which any of the funds enumerated herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds: *Provided*, That no sale or exchange shall be at a price less than the market price of the securities or investments to be sold or exchanged.

Any investments made under this section shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Repeal.

Sec. 2. Section 2, chapter 104, Laws of 1965 extraordinary session and RCW 43.84.021 are each repealed.

Emergency.

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 March 14, 1967.

Passed the Senate March 22, 1967.

Approved by the Governor March 24, 1967.

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### CHAPTER 3.

[Senate Bill No. 152.]

#### MOTOR VEHICLE FINANCIAL RESPONSIBILITY.

AN ACT relating to motor vehicle financial responsibility; increasing the amounts required for proof of financial responsibility and deposits in lieu thereof; and amending sections 9, 26, 39, 49 and 55, chapter 169, Laws of 1963 and RCW 46.29.090, 46.29.260, 46.29.390, 46.29.490 and 46.29.550; and providing an effective date.

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

Section 1. Section 9, chapter 169, Laws of 1963 and RCW 46.29.090 are each amended to read as follows:

RCW 46.29.090 amended.

(1) No policy or bond shall be effective under RCW 46.29.080 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subsection (2) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than five thousand dollars because

Motor vehicle financial responsibility. Requirements as to policy or bond.

Motor vehicle financial responsibility. Requirements as to policy or bond.

of injury to or destruction of property of others in any one accident.

(2) No policy or bond shall be effective under RCW 46.29.080 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the director of licenses to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(3) The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

RCW 46.29.260 amended.

Sec. 2. Section 26, chapter 169, Laws of 1963 and RCW 46.29.260 are each amended to read as follows:

"Proof of financial responsibility for the future", defined.

The term "proof of financial responsibility for the future" as used in this chapter shall mean: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership maintenance or use of a vehicle of a type subject to registration under the laws of this state, in the amount of fifteen thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms "proof of financial



responsibility” or “proof” shall be synonymous with the term “proof of financial responsibility for the future.”

Sec. 3. Section 39, chapter 169, Laws of 1963 and RCW 46.29.390 are each amended to read as follows:

RCW 46.29.390 amended.

(1) Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

Payments of judgments sufficient to satisfy requirements.

(a) When fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(b) When, subject to such limit of ten thousand dollars because of bodily injury to or death of one person, the sum of thirty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

(2) Provided, however, payments made in settlements of any claims because of bodily injury, death or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section.

Sec. 4. Section 49, chapter 169, Laws of 1963 and RCW 46.29.490 are each amended to read as follows:

RCW 46.29.490 amended.

(1) Certification. A “motor vehicle liability policy” as said term is used in this chapter shall mean an “owner’s policy” or an “operator’s policy” of liability insurance, certified as provided in RCW 46.29.460 or 46.29.470 as proof of financial responsibility for the future, and issued, except as otherwise

“Motor-vehicle liability policy” defined.

Motor vehicles  
—Financial  
responsibility  
—“Motor-ve-  
hicle liability  
policy”:  
defined.

provided in RCW 46.29.470, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(2) Owner's policy. Such owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and

(b) Shall insure the person named therein and any other person, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle as follows: Fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and five thousand dollars because of injury to or destruction of property of others in any one accident.

(3) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded

by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(5) Policy need not insure workmen's compensation, etc. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(6) Provisions incorporated in policy. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier shall have the right to settle any claim covered by the policy, and if such

Motor vehicles  
—Financial  
responsibility  
—“Motor ve-  
hicle liability  
policy”,  
defined.

settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (b) of subsection (2) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

(7) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term “motor vehicle liability policy” shall apply only to that part of the coverage which is required by this section.

(8) Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(9) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carrier which policies together meet such requirements.

(11) Binders. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 5. Section 55, chapter 169, Laws of 1963 and RCW 46.29.550 are each amended to read as follows:

RCW 46.29.550  
amended.

Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him thirty-five thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of thirty-five thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Money or securities as proof of financial responsibility.

Sec. 6. This amendatory act shall take effect on July 1, 1968. Effective date.

Passed the Senate March 22, 1967.

Passed the House March 20, 1967.

Approved by the Governor March 28, 1967.

---

## CHAPTER 4.

[House Bill No. 295.]

### COMPREHENSIVE COMMUNITY HEALTH CENTERS AND OTHER FACILITIES.

AN ACT relating to state government; providing for the establishment of comprehensive community health centers; empowering certain state agencies to apply for and to disburse federal, state, and other funds to municipal corporations for construction of such centers, or of separate community health, mental health, or mental retardation facilities; and authorizing such agencies to work together in jointly developing programs and policies.

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

Section 1. It is declared to be the policy of the legislature of the state of Washington that, wherever feasible, community health, mental health and mental retardation services shall be combined

Comprehensive community health centers. Public policy.

Comprehen-  
sive commu-  
nity health  
centers.  
Public policy.

within single facilities in order to provide maximum utilization of available funds and personnel, and to assure the greatest possible coordination of such services for the benefit of those requiring them. It is further declared to be the policy of the legislature to authorize the state to cooperate with counties, cities, and other municipal corporations in order to encourage them to take such steps as may be necessary to construct comprehensive community health centers in communities throughout the state.

"Comprehen-  
sive commu-  
nity health  
center"  
defined.

Sec. 2. The term "comprehensive community health center" as used in this act shall mean a health facility housing community health, mental health, and mental retardation services.

Application  
for federal aid  
—Disbursal to  
local  
authorities.

Sec. 3. The several agencies of the state authorized to administer within the state the various federal acts providing federal moneys to assist in the cost of establishing community health, mental health, and mental retardation facilities, are authorized to apply for and disburse federal grants, matching funds, or other funds, including gifts or donations from any source, available for use by counties, cities, other municipal corporations or nonprofit corporations. Upon application, these agencies shall also be authorized to distribute such state funds as may be appropriated by the legislature for such local construction projects: *Provided*, That where state funds have been appropriated to assist in covering the cost of constructing a comprehensive community health center, or a community health, mental health, or mental retardation facility, and where any county, city, other municipal corporation or nonprofit corporation has submitted an approved application for such state funds, then, after any applicable federal grant has been deducted from the total cost of construction, the state agency or agencies in charge of each program may allocate to such appli-

cant an amount not to exceed fifty percent of that particular program's contribution toward the balance of remaining construction costs.

Sec. 4. Any application for federal or state funds to be used for construction of the community health, mental health, or mental retardation facility, which will be part of the comprehensive community health center as defined in section 2, shall be separately processed and approved by the state agency which has been designated to administer the particular federal or state program involved. Any application for federal or state funds for a construction project to establish a community health, mental health, or mental retardation facility not part of a comprehensive health center shall be processed by the state agency which is designated to administer the particular federal or state program involved. This agency shall also forward a copy of the application to the other agency or agencies designated to administer the program or programs providing funds for construction of the facilities which make up a comprehensive health center. The agency or agencies receiving this copy of the application shall have a period of time not to exceed sixty days in which to file a statement with the agency to which the application has been submitted and to any statutory advisory council or committee which has been designated to advise the administering agency with regard to the program, stating that the proposed facility should or should not be part of a comprehensive health center.

Federal or  
state aid—  
Approval by  
state agency.

Sec. 5. The several state agencies processing applications for the construction of comprehensive health centers for community health, mental health, or mental retardation facilities shall cooperate to develop general procedures to be used in implementing the statute and to attempt to develop appli-

Cooperation  
of state  
agencies.

cation forms and procedures which are as nearly standard as possible, after taking cognizance of the different information required in the various programs, to assist applicants in applying to various state agencies.

Adoption of  
rules and  
regulations.

Sec. 6. In furtherance of the legislative policy to authorize the state to cooperate with the federal government in facilitating the construction of comprehensive community health centers, the state agencies involved shall adopt such rules and regulations as may become necessary to entitle the state and local units of government to share in federal grants, matching funds, or other funds, unless the same be expressly prohibited by this act. Any section or provision of this act susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling the state and local units of government to receive federal grants, matching funds or other funds for the construction of comprehensive community health centers.

Passed the House March 14, 1967.

Passed the Senate March 22, 1967.

Approved by the Governor March 30, 1967.



CHAPTER 5.

[Reengrossed House Bill No. 355.]

HIGHER EDUCATION FACILITIES COMMISSION—TITLE VI, HIGHER EDUCATION ACT OF 1965. STATE COLLEGE TRUSTEES, TERMS OF OFFICE.

AN ACT relating to higher education; and amending section 4, chapter 128, Laws of 1965 extraordinary session and RCW 28.90.040; and amending section 3, Laws of 1957 and RCW 28.81.020.

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

Section 1. Section 4, chapter 128, Laws of 1965 extraordinary session and RCW 28.90.040 are each amended to read as follows:

RCW 28.90.040 amended.

The higher education facilities commission shall:

(1) Prepare plans of participation as required by Title I of the Higher Education Facilities Act of 1963 and Title VI of the Higher Education Act of 1965. The plans so prepared shall set forth objective standards and methods, consistent with basic criteria prescribed by the United States commissioner of education, for determining the relative priorities, and the federal share of development costs of eligible projects for construction of academic facilities and for the purchase of undergraduate instructional equipment submitted by institutions of higher education in the state.

Higher education facilities commission. Duties.

(2) Conduct surveys and studies as may be necessary for the determination of state participation in Title I of the Higher Education Facilities Act and Title VI of the Higher Education Act of 1965 and to this end may cooperate with other agencies.

(3) Provide for affording to every applicant who has submitted a project to the commission an opportunity for a fair hearing before the commission as to the priority assigned to such project or as to any other determination of the commission adversely affecting such applicant.

Higher education facilities commission. Duties.

(4) Provide for such fiscal control and fund accounting as may be necessary to assure proper disbursement of and accounting for federal funds paid to the commission and for the making of such reports in such form and containing such information as may be necessary to enable the commissioner of education to perform his functions.

(5) Supervise the federal program of low interest insured loans to students in institutions of higher education as provided by Title IV B of the Higher Education Act of 1965.

RCW 28.81.020 amended.

Sec. 2. Section 3, chapter 147, Laws of 1957 and RCW 28.81.020 are each amended to read as follows:

State colleges. Board of trustees—Appointment and term.

The government of each of the state colleges shall be vested in a board of trustees consisting of five members. They shall be appointed by the governor with the consent of the senate and shall hold their offices for a term of six years from the second Monday in March next succeeding their appointment and until their successors are appointed and qualified. In case of a vacancy the governor shall fill the vacancy for the unexpired term of the trustee whose office has become vacant.

The trustees incumbent as of the effective date of this 1967 amendatory act shall serve during the term of their original appointment.

The term of the first appointees under this 1967 amendatory act shall commence upon the expiration of the term of the particular incumbent for which the appointment is made and shall expire six years from the second Monday of March next succeeding the effective date of the appointment.

To assure that no more than the terms of two members will expire simultaneously on the second Monday of March in any one year, the term of not more than one trustee incumbent on the effective date of this 1967 amendatory act shall be extended by the governor for one year at which time an ap-

pointment shall be made for a term expiring six years from the second Monday in March next succeeding the effective date of that appointment.

Passed the House March 23, 1967.

Passed the Senate March 22, 1967.

Approved by the Governor April 1, 1967.

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CHAPTER 6.

[Senate Bill No. 529.]

ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR STATE EMPLOYEES AND OFFICIALS.

AN ACT relating to state government; authorizing the departments thereof to procure accidental death and dismemberment insurance for state employees and state elected officials including legislators while passengers on nonscheduled aircraft flights; and amending section 1, chapter 68, Laws of 1965 extraordinary session and RCW 43.01.120.

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

Section 1. Section 1, chapter 68, Laws of 1965 extraordinary session and RCW 43.01.120 are each amended to read as follows:

RCW 43.01.120 amended.

The departments of state government are authorized to procure at state expense accidental death and dismemberment coverage not to exceed one hundred thousand dollars per person for the benefit of state employees and state elected officials, including legislators, while they are, in the course of their employment, passengers on or crew members of any nonscheduled aircraft flight.

Insurance for state employees flying in nonscheduled aircraft on state business.

Passed the Senate March 15, 1967.

Passed the House March 23, 1967.

Approved by the Governor April 3, 1967.

## CHAPTER 7.

[Senate Bill No. 545.]

## HIGHWAY CONSTRUCTION BONDS.

AN ACT relating to public highways; amending section 47.10.706, chapter 13, Laws of 1961 and RCW 47.10.706; amending section 47.10.724, chapter 13, Laws of 1961 and RCW 47.10.724; repealing sections 1 through 11, chapter 163, Laws of 1965 extraordinary session and RCW 47.10.740 through 47.10.750; and making appropriations.

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

RCW 47.10.706  
amended.

Section 1. Section 47.10.706, chapter 13, Laws of 1961 and RCW 47.10.706 are each amended to read as follows:

Highways—  
Tacoma-Seat-  
tle-Everett  
highway  
bonds. Issu-  
ance and sale  
authorized.

In order to finance the immediate construction of the project referred to in RCW 47.10.700 pending receipt of federal grants in aid and in accordance with the federal-aid highway act of 1956, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of forty-five million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of RCW 47.10.700 through 47.10.724 until the congress of the United States shall approve the estimated cost of completing the federal interstate system to be submitted to it within ten days subsequent to January 2, 1958, as provided by section 108 (d), federal-aid highway act of 1956. 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 Washington state highway 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 may be necessary for the orderly progress of said project.

Sec. 2. Section 47.10.724, chapter 13, Laws of 1961 and RCW 47.10.724 are each amended to read as follows:

RCW 47.10.724 amended.

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959 the sum of forty-five million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.700 through 47.10.724, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund.

Appropriations from motor vehicle fund.

Sec. 3. Increased costs of construction combined with an unprecedented increase in motor vehicle use in this state have created an urgent demand for additional highway construction funds. It is vital to the economy of this state and the safety of the public that additional funds be provided for the construction of state highways.

Additional highway construction bonds—Necessity.

Sec. 4. In order to provide funds for the construction and improvement of state highways, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of thirty million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. 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 highway 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 highway commission.

Issuance and sale of limited obligation bonds.

Sec. 5. Each of such bonds shall be made payable at any time not exceeding twenty-five years

Highways—  
Additional  
construction  
bonds—Term  
and form.

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 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.

Sale of bonds  
—Legal in-  
vestment.

Sec. 6. The 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 sections 3 through 12 of this 1967 amendatory act shall be legal investment for any of the funds of the state, except the permanent school fund.

Bond proceeds  
—Deposit and  
use.

Sec. 7. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of state

highways and for payment of the expenses incurred in the printing, issuance, and sale of any such bonds.

Sec. 8. Bonds issued under the provisions of sections 3 through 12 of this 1967 amendatory act shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in sections 3 through 12 of this 1967 amendatory act from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of sections 3 through 12 of this 1967 amendatory act, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of sections 3 through 12 of this 1967 amendatory act.

Bonds not  
general obli-  
gations—Taxes  
pledged.

Sec. 9. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is or may be appropriated to the state highway commission for state highway purposes, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available to the state for construction of state highways proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Source of  
funds for pay-  
ment of bonds.

Sec. 10. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state

Highway bond  
retirement  
fund.

Highway bond  
retirement  
fund.

finance committee shall estimate, subject to the provisions of section 9 of this 1967 amendatory act, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle 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 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 fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely 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.

Excess sums—  
Use.

Sec. 11. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of 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 the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Appropriation.

Sec. 12. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1969, the sum of



thirty million dollars, or so much thereof as may be necessary to carry out the provisions of sections 3 through 12 of this 1967 amendatory act.

Sec. 13. It is the purpose of sections 13 through 23 of this 1967 amendatory act, to provide reserve funds to the state highway commission for the following purposes:

**Reserve fund for highway, street and road purposes.**

(1) For construction, reconstruction, or repair of any state highway made necessary by slides, storm damage, or other unexpected or unusual causes.

(2) For construction or improvement of any state highway when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within any area of the state.

(3) To advance funds to any city or county to be used exclusively for the construction or improvement of any city street or county road when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within a particular area of the state. Before funds provided by the sale of bonds as authorized in sections 13 through 22 of this 1967 amendatory act, are loaned to any city or county for the purposes specified herein, the state highway commission shall enter into an agreement with the city or county providing for repayment to the motor vehicle fund of such funds, together with the amount of bond interest thereon, from the city's or the county's share of the motor vehicle funds arising from excise taxes on motor vehicle fuels, over a period not to exceed twenty-five years.

Sec. 14. In order to provide reserve funds for the purposes specified in section 13 of this 1967 amendatory act, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-five million dollars or such amount thereof

**Limited obligation bonds.**

and at such times as may be determined to be necessary by the state highway commission. 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 Washington state highway 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 may be necessary for the orderly scheduled construction of the interstate highway system.

Highways—  
Reserve fund  
—Bonds  
—Terms and  
conditions.

Sec. 15. Each of such bonds shall be made payable at any time not exceeding twenty-five 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 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.

Denomina-  
tions—Sale—  
Legal invest-  
ment.

Sec. 16. The 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 sections 13 through 23 of this 1967 amendatory act shall be legal investment for any of the funds of the state, except the permanent school fund.

Sec. 17. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the purposes enumerated in section 13 of this 1967 amendatory act and for payment of the expense incurred in the drafting, printing, issuance and sale of any such bonds.

Bond proceeds  
—Deposit and  
use.

Sec. 18. Bonds issued under the provisions of sections 13 through 23 of this 1967 amendatory act shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in sections 13 through 23 of this 1967 amendatory act from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of sections 13 through 23 of this 1967 amendatory act, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of sections 13 through 23 of this 1967 amendatory act.

Limited obligation—State  
—Pledge  
of excise  
taxes.

Sec. 19. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the im-

Source of  
funds to repay  
bonds.

Highways—  
Reserve fund  
—Bonds.

position of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Federal aid  
funds may be  
pledged.

Sec. 20. As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the state highway commission, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956, as amended, for the construction of Washington's portion of the national system of interstate and defense highways.

Repayment  
procedure—  
Bond retire-  
ment fund.

Sec. 21. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of section 19 of this 1967 amendatory act, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which, together with federal funds which may be pledged as provided in section 20 of this 1967 amendatory act, 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 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

fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely 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. 22. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels and the federal funds which may be pledged as provided in section 20 of this 1967 amendatory act, 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 of 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 the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Excess sums—  
Use.

Sec. 23. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1969, the sum of twenty-five million dollars, or so much thereof as may be necessary to carry out the provisions of sections 13 through 23 of this 1967 amendatory act.

Appropriation  
from motor  
vehicle fund.

Sec. 24. Sections 1 through 11, chapter 163, Laws of 1965 extraordinary session and RCW 47.10.740 through 47.10.750 are each repealed.

Repeal.

Passed the Senate March 16, 1967.

Passed the House March 23, 1967.

Approved by the Governor April 3, 1967.

## CHAPTER 8.

[Engrossed Substitute House Bill No. 548.]

## COMMUNITY COLLEGES.

AN ACT relating to education; adding new sections to chapter 28.09 RCW; adding new sections to chapter 28.10 RCW; amending section 7, chapter 1, Laws of 1961 as amended by section 1, chapter 179, Laws of 1961 and RCW 41.06.070; amending section 2, chapter 1, Laws of 1961 and RCW 41.06.020; amending section 43.88.160, chapter 8, Laws of 1965 and RCW 43.88.160; amending section 1, chapter 212, Laws of 1957 and RCW 28.76.390; amending section 43.19.190, chapter 8, Laws of 1965 and RCW 43.19.190; amending section 1, chapter 160, Laws of 1919 as amended by section 1, chapter 183, Laws of 1939 and RCW 28.09.070; amending section 2, chapter 160, Laws of 1919 and RCW 28.09.080; amending section 6, chapter 160, Laws of 1919 and RCW 28.09.090; amending section 2, chapter 176, Laws of 1933 as last amended by section 2, chapter [118], Laws of 1967 (SSB 409) and RCW 28.10.010; amending section 3, chapter 176, Laws of 1933, as last amended by section 5, chapter [118], Laws of 1967 (SSB 409) and RCW 28.10.030; amending section 5, chapter 176, Laws of 1933, as last amended by section 6, chapter [118], Laws of 1967 (SSB 409) and RCW 28.10.050; amending section 1, chapter [118], Laws of 1967 (SSB 409); amending section 4, chapter [118], Laws of 1967 (SSB 409); amending section 8, chapter [118], Laws of 1967 (SSB 409); amending section 5, chapter 169, Laws of 1947, as last amended by section 1, chapter 105, Laws of 1965, and RCW 28.58.360; repealing section 1, chapter 115, Laws of 1945 and RCW 28.84.119; repealing section 2, chapter 115, Laws of 1945, section 13, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.120; repealing section 3, chapter 115, Laws of 1945, section 15, chapter 2, Laws of 1963 extraordinary session, section 16, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.130 and 28.84.140; repealing section 4, chapter 115, Laws of 1945 and RCW 28.84.150; repealing section 2, chapter 198, Laws of 1961, section 1, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.180; repealing section 3, chapter 198, Laws of 1961, section 2, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.190; repealing section 4, chapter 198, Laws of 1961, section 3, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.200; repealing section 4, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.205; repealing section 6, chapter 198, Laws of 1961 and RCW 28.84.220; repealing section 7, chapter 198, Laws of 1961 and RCW 28.84.230; repealing section 8,

chapter 198, Laws of 1961 and RCW 28.84.240; repealing section 9, chapter 198, Laws of 1961 and RCW 28.84.250; repealing section 7, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.280; repealing section 8, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.290; repealing section 11, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.300; repealing section 17, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.310; repealing section 10, chapter 198, Laws of 1961 and RCW 28.84.900; repealing section 3, chapter 20, Laws of 1961 extraordinary session and RCW 28.84.910; repealing section 18, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.920; repealing section 1, chapter 198, Laws of 1961, section 2, chapter 159, Laws of 1965 extraordinary session and RCW 28.84.170; repealing section 2, chapter 89, Laws of 1965 extraordinary session and RCW 28.84.211; repealing section 10, chapter 2, Laws of 1963 extraordinary session, section 5, chapter 98, Laws of 1965 extraordinary session and RCW 28.84.215; repealing section 11, chapter 198, Laws of 1961, section 9, chapter 2, Laws of 1963 extraordinary session, section 1, chapter 159, Laws of 1965 extraordinary session and RCW 28.84.260; repealing section 2, chapter 20, Laws of 1961 extraordinary session, section 6, chapter 2, Laws of 1963 extraordinary session, section 2, chapter 146, Laws of 1965 extraordinary session and RCW 28.84.270; repealing section 1, chapter 98, Laws of 1965 extraordinary session and RCW 28.84.500; repealing section 2, chapter 98, Laws of 1965 extraordinary session and RCW 28.84.501; repealing section 3, chapter 98, Laws of 1965 extraordinary session and RCW 28.84.502; repealing section 4, chapter 98, Laws of 1965 extraordinary session and RCW 28.84.503; repealing section 2, chapter 179, Laws of 1957 and RCW 28.09.010; repealing section 2, chapter 136, Laws of 1965 and RCW 28.09.130; repealing section 7, chapter 160, Laws of 1919 and RCW 28.09.110; repealing section 3, chapter 179, Laws of 1957 and RCW 28.09.020; repealing section 4, chapter 179, Laws of 1957 and RCW 28.09.030; repealing section 5, chapter 179, Laws of 1957 and RCW 28.09.040; repealing section 5, chapter 160, Laws of 1919 as last amended by section 3, chapter 183, Laws of 1939 and RCW 28.09.050; repealing section 1, chapter 136, Laws of 1965 and RCW 28.09.120; repealing section 1, chapter [165], Laws of 1967 (SHB 533); repealing section 3, chapter [118], Laws of 1967 (SSB 409); repealing section 4, chapter [118], Laws of 1967 (SSB 409); and declaring an emergency.

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

## Short title.

Section 1. This act shall be known as and may be cited as the Community College Act of 1967.

Community  
College Act—  
Purpose.

Sec. 2. The purpose of this act is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational training, by creating a new, independent system of community colleges which will:

(1) Offer an open door to every citizen, regardless of his academic background or experience, at a cost normally within his economic means;

(2) Ensure that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature;

(3) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training and service to meet the needs of the community and students;

(4) Allow for the growth, improvement, flexibility, and modification of the community colleges and their education, training and service programs as future needs occur;

(5) Establish firmly that community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.



Sec. 3. As used in this act, unless the context requires otherwise, the term: Definitions.

(1) "System" shall mean the state system of community colleges, which shall be a system of higher education;

(2) "College board" shall mean the state board for community college education created by this act;

(3) "Director" shall mean the administrative director for the state system of community colleges;

(4) "District" shall mean any one of the community college districts created by this act;

(5) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;

(6) "Council" shall mean the coordinating council for occupational education;

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree.

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade.

(9) "Common school board" shall mean the public school district board of trustees.

(10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education.

Sec. 4. The state of Washington is hereby divided into twenty-two community college districts as follows:

Community College Act—  
Community college districts enumerated.

(1) The first district shall encompass the counties of Clallam and Jefferson;

(2) The second district shall encompass the counties of Grays Harbor and Pacific;

Community  
College Act—  
Community  
college  
districts  
enumerated.

(3) The third district shall encompass the counties of Kitsap and Mason;

(4) The fourth district shall encompass the counties of San Juan, Skagit and Island;

(5) The fifth district shall encompass Snohomish county except for the Northshore common school district;

(6) The sixth district shall encompass the present boundaries of the common school districts of Seattle and Vashon Island, King county;

(7) The seventh district shall encompass the present boundaries of the common school districts of Shoreline in King county and Northshore in King and Snohomish counties;

(8) The eighth district shall encompass the present boundaries of the common school districts of Lake Washington, Bellevue, Issaquah, Lower Snoqualmie, Mercer Island, Skykomish and Snoqualmie, King county;

(9) The ninth district shall encompass the present boundaries of the common school districts of Federal Way, Highline and South Central, King county;

(10) The tenth district shall encompass the present boundaries of the common school districts of Auburn, Black Diamond, Renton, Enumclaw, Kent, Lester and Tahoma, King county;

(11) The eleventh district shall encompass all of Pierce county, except for the present boundaries of the common school districts of Tacoma and Peninsula;

(12) The twelfth district shall encompass the counties of Lewis and Thurston;

(13) The thirteenth district shall encompass the counties of Cowlitz, and Wahkiakum;

(14) The fourteenth district shall encompass the counties of Clark, Skamania and that portion of

Klickitat county not included in the sixteenth district;

(15) The fifteenth district shall encompass the counties of Chelan, Douglas and Okanogan;

(16) The sixteenth district shall encompass the counties of Kittitas, Yakima, and that portion of Klickitat county included in United States census divisions 1 through 4;

(17) The seventeenth district shall encompass the counties of Ferry, Lincoln (except consolidated school district 105-157-166J), Pend Oreille, Spokane, Stevens and Whitman;

(18) The eighteenth district shall encompass the counties of Adams and Grant, and that portion of Lincoln county comprising consolidated school district 105-157-166J;

(19) The nineteenth district shall encompass the counties of Benton and Franklin;

(20) The twentieth district shall encompass the counties of Asotin, Columbia, Garfield and Walla Walla;

(21) The twenty-first district shall encompass Whatcom county;

(22) The twenty-second district shall encompass the present boundaries of the common school districts of Tacoma and Peninsula, Pierce county.

Sec. 5. There is hereby created the "state board for community college education", to consist of seven members, one from each congressional district, who shall be appointed by the governor, with the consent of the senate. The terms of the initial members shall be as follows: Two members shall serve for a term of one year, two members shall serve for a term of two years, two members shall serve for a term of three years, and one member shall serve for a term of four years, respectively, following the effective date of this act. The successors of the members initially appointed shall be ap-

State board  
for community  
college  
education.

Community  
College Act—  
State bond.

pointed for terms of four years except that any persons appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. All members shall be citizens and bona fide residents of the state. No member of the college board shall be, during his term of office, also a member of the state board of education or a member of a K-12 board, or be employed by the common school system, or have any direct pecuniary interest in education within this state.

No member of the college board shall receive any salary for his services, but shall receive the sum of twenty-five dollars per diem for each day actually spent in attending to his duties as a member of the college board, and mileage at the rate of ten cents per mile.

The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28.76.290.

Director—Ap-  
pointment—  
Salary—Du-  
ties.

Sec. 6. A director of the state system of community colleges shall be appointed by the college board and shall serve at the pleasure of the college board. He shall be appointed with due regard to his fitness and background in education, by his knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have any direct pecuniary interest in or any stock or bonds of any business

connected with or selling supplies to the field of education within this state.

He shall receive a salary to be fixed by the college board and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

He shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state. He shall attend, but not vote at, all meetings of the college board. He shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community colleges. At the direction of the college board, he shall, together with the chairman of the college board, execute all contracts entered into by the college board.

Subject to the provisions of chapter 41.06 RCW, the state civil service law, the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated. All employees of the state board of education who are governed by the provisions of chapter 41.06 RCW, and who are employed exclusively or principally in performing the powers and duties and functions transferred by this act to the state board for community college education, and who are transferred to the state board for community college education, shall continue to be governed by the pro-

Community  
College Act.

visions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this act. Such delegated powers and duties may be exercised by the director in the name of the college board.

State board—  
Appointments—  
Meetings.

Sec. 7. The governor shall, within thirty days after the effective date of this act, make the appointments to the college board.

The college board shall, within thirty days after its appointment, organize, adopt a seal, and adopt by-laws for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such by-laws. At such organizational meeting it shall elect from among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers; all to serve until their successors are appointed and qualified. The college board shall at its initial meeting fix a date and place for its regular meeting. Four members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of the college board.

After organization, the first order of business for the college board shall be to assist the district college boards in the assumption of administration, control and occupancy of the various community college and such other vocational facilities as are covered by this act which are now under the administration, control and occupancy of the common school boards.

Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the college board's established offices in Olympia, but whenever the convenience of the public or of the parties may be promoted, or delay

or expenses may be prevented, it may hold its meetings, hearings or proceedings at any other place designated by it. The college board shall transmit a report in writing to the governor before December 1st of each year which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and all expenditures made by or on behalf of the college board, such other information as it may deem necessary or useful and any other additional information which may be requested by the governor. The fiscal year of the college board shall conform to the fiscal year of the state.

Sec. 8. Suitable offices and office equipment shall be provided by the state for the college board in the city of Olympia, and the college board may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this act.

Office space  
and equip-  
ment.

Sec. 9. The college board shall have general supervision and control over the state system of community colleges. In addition to the other powers and duties imposed upon the college board by this act, the college board shall be charged with the following powers, duties and responsibilities:

Community  
College Act—  
State board—  
Powers and  
duties.

(1) Review the budgets prepared by the community college boards of trustees, prepare a single budget for the support of the state system of community colleges, and submit this budget to the governor as provided in RCW 43.88.090; the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for maintenance and operation and capital support of the community college districts in conformance with

Community  
College Act—  
State board—  
Powers and  
duties.

the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority,

(a) that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature: *Provided*, That notwithstanding any other provisions of this act, a community college shall not be required to offer a program of vocational-technical training, when such a program as approved by the coordinating council for occupational education is already operating in the district;

(b) that each community college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of his residence or because of his educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: *Provided*, That the administrative officers of a community college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, he would not be competent to profit from the curriculum offerings of the community college, or would, by his presence or conduct, create a disruptive atmosphere within



the community college not consistent with the purposes of the institution;

(4) Prepare a comprehensive master plan for the development of community college education and training in the state; and assist the state census board in the preparation of enrollment projections to support plans for providing adequate community college facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new community colleges or campuses within the existing districts;

(6) Establish and administer criteria and procedures for modifying district boundary lines;

(7) Establish minimum standards to govern the operation of the community colleges with respect to:

(a) qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) the content of the curriculums and other educational and training programs, and the requirements, degrees and diplomas awarded by the colleges,

(d) standard admission policies.

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various community college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

Community  
College Act—  
State board—  
Powers and  
duties.

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this act.

The college board shall have the power of eminent domain.

District  
boards of  
trustees.

Sec. 10. There is hereby created a community college board of trustees for each community college district as set forth in this act. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor from a list of nominees submitted by the nominating committee in accordance with section 11 of this act.

The initial appointees to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, one for three years, one for four years, and one for five years.

Thereafter, until July 1, 1969, the successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term.

Every trustee shall be a resident and qualified elector of his community college district. No trustee may serve as a member of the board of directors of any school district, or as an elected officer or member of the legislative authority of any municipal corporation.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president,

or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Sec. 11. In each community college district of the state there is hereby created a nominating committee to select no less than five nominees for consideration by the governor for the initial trustees. The nominating committee shall be composed of each member of the state legislature residing within the boundaries of the community college district to be served.

Nominating committees for initial district trustees.

The senior legislator on each committee shall serve as chairman of the committee and shall call the meeting at some conveniently located place and shall set the time of the meeting.

The members of the nominating committee shall be entitled to per diem and expenses as provided in RCW 44.04.120 and such payments shall be a proper charge to the college board.

Sec. 12. Within forty-five days after the effective date of this act, each nominating committee shall submit a list of no less than five nominees, who shall be residents of the community college district, to the governor for selection of the community college district board of trustees for that district. In preparing the list of names to be submitted to the governor, the members of the committee shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture and the professions. In the event that the nominating committee from any district fails to submit a list of nominees to the governor by the prescribed date, he shall appoint the trustees for that district from registered voters residing within that district, observing the same considerations as prescribed for the committee in making its nominations.

Nominations to governor for appointments.

Community  
College Act—  
District boards  
of trustees—  
Organization,  
officers, etc.

Sec. 13. Within thirty days of their appointment or July 1, 1967, whichever is sooner, the various district boards of trustees shall organize, adopt by-laws for its own government, and make such rules and regulations not inconsistent with this 1967 act as they deem necessary. At such organizational meeting it shall elect from among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. The chief executive officer of the community college district shall serve as secretary of the board. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the board. The first order of business after organization shall be to prepare for the orderly assumption of the duties and responsibilities of the administration and management of the community college district and the facilities thereof. The district boards shall transmit a report in writing to the college board before October 1st of each year which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and all expenditures made by or on behalf of the district boards, such other information as it may deem necessary or useful, and any other additional information which may be requested by the college board. The fiscal year of the district boards shall conform to the fiscal year of the state.

Powers and  
duties of  
boards of  
trustees.

Sec. 14. Each community college board of trustees:

- (1) Shall operate all existing community colleges and vocational-technical institutes in its district;
- (2) Shall create comprehensive programs of community college education and training and

maintain an open-door policy in accordance with the provisions of section 9(3) of this act;

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand.

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, issue and sell revenue bonds for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28.76.180 through 28.76.210 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing re-

Community  
College Act.

garding the management, operation, and government of such facilities, and any board entering into such an agreement may:

Powers and  
duties of  
boards of  
trustees.

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same.

(8) May receive such gifts, grants, conveyances, devises and bequests of personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon gradua-

tion or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: *Provided*, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships and discipline: *Provided, further*, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this act. Such delegated powers and duties may be exercised in the name of the district board.

(15) May perform such other activities consistent with this act and not in conflict with the directives of the college board; and

(16) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. 15. Any resident of the state may enroll in any program or course maintained or conducted by a community college district upon the same terms and conditions regardless of the district of his residence.

Open  
enrollment.

Sec. 16. In order to facilitate the greatest possible coordination and cooperation between the agencies of the state and the federal government, and to

Coordinating  
council for  
occupational  
education.

**Community  
College Act.**

carry out the purposes and intent of this act and the acts of Congress relating to distribution of federal funds for the support of vocational education and vocational rehabilitation, there is hereby created the coordinating council for occupational education to serve as the sole agency of the state for the receipt of federal funds made available by acts of Congress for vocational education and for vocational rehabilitation within this state.

**Coordinating  
council for  
occupational  
education—  
Creation, pur-  
pose—Powers  
and duties.**

Consistent with the requirements of Public Law 88-210, and other acts of Congress dealing with vocational education, and to the extent necessary to comply therewith the coordinating council shall have power to supervise the administration of the state plan for vocational education in the community college system; and, subject to the supervisory powers of the state superintendent of public instruction, the coordinating council shall have the power to administer the state plan for vocational education in the public schools of the state.

**Members—  
Appointment.**

Sec. 17. The coordinating council for occupational education shall consist of nine members, who shall be chosen by July 1, 1967. Three of the members shall be selected by the state board of education from its membership; and they shall serve at the pleasure of the state board of education. Three members shall be selected by the community college state board from its membership; and they shall serve at the pleasure of the state board for community college education. Three members shall be appointed by the governor, one of whom shall represent the field of labor, and one of whom shall represent the field of management, both of whom shall have had recent actual experience in or association with the fields of management and labor within the state to assure their familiarity with the vocational education needs of management and labor within the state. The governor's appointees shall



serve at his pleasure. No member appointed by the governor shall, during the time he serves on the council, be a member of any other education board, state or local.

No member of the council shall receive any salary for his services, but shall receive the sum of twenty-five dollars per diem for each day actually spent in attending to his duties as a member of the council, and mileage at the rate of ten cents per mile.

Sec. 18. The council shall, within thirty days after its appointment, organize, and adopt such by-laws for its own administration, not inconsistent herewith, as it may deem expedient, and may from time to time amend such by-laws. At such organizational meeting it shall elect from among its members a chairman and vice chairman, to serve for one year, and annually thereafter shall elect such officers who are to serve until their successors are appointed and qualified or until their term expires, whichever is sooner. The council shall at its initial meeting fix a date and place for its regular meeting. Five members shall constitute a quorum, and no action shall be taken by less than a majority of the council. Special meetings may be called as provided by its by-laws. Regular meetings shall be held in the city of Olympia, but whenever the convenience of the public may be better served, or delay or expense may be prevented, it may hold its meetings, hearings or proceedings at any other place in the state of Washington. The council shall transmit a report in writing to the state board of education and the state board for community college education before October 1st of each year, which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all moneys allocated to the council either by the state or by a branch of the federal government, and all

Organization—  
Officers—  
Meetings.

Community  
College Act.

expenditures made by or on behalf of the council, budget projections for the next fiscal year, such other information as is necessary and useful, and any other additional information which may be requested by the boards. The fiscal year of the council shall conform to the fiscal year of the state.

Divisions of  
coordinating  
council.

Sec. 19. There is hereby established under the direction and control of the coordinating council for occupational education, a division for vocational education and a division for vocational rehabilitation. The purpose of the division of vocational education is to furnish staff services to the coordinating council in carrying out its duties with respect to vocational education under the state plan for vocational education. The purpose of the division of vocational rehabilitation is to furnish staff services to the coordinating council in carrying out its duties with respect to vocational rehabilitation in the state.

Division of  
vocational  
education—  
Director,  
appointment,  
duties, etc.

Sec. 20. A director of the division of vocational education shall be appointed by the coordinating council and shall serve at the pleasure of the coordinating council. He shall be appointed with due regard to his fitness and background in education, by his knowledge of and recent practical experience in the field of vocational educational administration. The council may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies in the field of education in the state.

He shall receive a salary to be fixed by the council and shall be reimbursed for all traveling and

other expenses incurred by him in the discharge of his official duties in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

He shall be the executive officer of the division of vocational education and under the council's supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state pertaining to vocational education. He shall attend, but not vote at, all meetings of the council. He shall be in charge of offices of the division of vocational education and responsible to the council for the preparation of reports and the collection and dissemination of data and other public information relating to vocational education in the state. At the direction of the council, he shall, together with the chairman of the council, execute all contracts entered into by the division of vocational education.

The director shall, subject to the approval of the coordinating council, pursuant to chapter 41.06 RCW, the state civil service law, appoint such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the division of vocational education. All employees of the former state board for vocational education who are employed exclusively or principally in performing the powers, duties and functions transferred by this act to the division of vocational education shall, upon the effective date of this act, be transferred to the division of vocational education. All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law. The coordinating council, in cooperation with the state board of education and the state board for community college education shall prepare a study for the forty-first legislature evaluating

Community  
College Act.

the effectiveness and efficiency of the division of vocational education, including a study of the permanent placement of the employees of the former state board for vocational education.

The coordinating council may, by written order filed in its office, delegate to the director any of the powers and duties relating to vocational education vested in or imposed upon it by this act and the federal vocational education acts. Such delegated powers and duties may be exercised by the director in the name of the council. The coordinating council shall have the power to cooperate with all agencies of government, local, state, and federal, in the promulgation and conducting of public service training with particular reference to fire training and law enforcement training.

Division of  
vocational re-  
habilitation—  
Director,  
appointment,  
duties, etc.

Sec. 21. A director of the division of vocational rehabilitation shall be appointed by the coordinating council and shall serve at the pleasure of the council. He shall be appointed with due regard to his knowledge of, and recent practical experience in, the field of vocational rehabilitation. The coordinating council may also take into consideration an applicant's proven management background even though not particularly in the field of vocational rehabilitation.

The director shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have any direct pecuniary interest in or any stock or bonds of any business connected with the field of vocational rehabilitation within the state.

He shall receive a salary to be fixed by the coordinating council and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties in accordance with

RCW 43.03.050 and 43.03.060, as now or hereafter amended.

He shall be the executive officer of the division of vocational rehabilitation and under the council's supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state. He shall attend, but not vote at, all meetings of the coordinating council. He shall be in charge of offices of the division of vocational rehabilitation and responsible to the council for the preparation of reports and the collection and dissemination of data and other public information relating to vocational rehabilitation within the state. At the direction of the council he shall, together with the chairman of the council, execute all contracts entered into by the division of vocational rehabilitation.

The director shall, subject to the approval of the coordinating council, pursuant to chapter 41.06 RCW, the state civil service law, appoint such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the division of vocational rehabilitation and for whose services funds have been appropriated. All employees of the former division of vocational rehabilitation of the state board for vocational education who are employed exclusively or principally in performing the powers, duties and functions transferred by this act to the division of vocational rehabilitation of the coordinating council shall, upon the effective date of this act, be transferred to the division of vocational rehabilitation of the coordinating council. All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law. The state board of education, the state board for community college education

Community College Act.

and the coordinating council shall prepare a study for the forty-first legislature for the permanent placement of the employees of the former division of vocational rehabilitation of the state board for vocational education.

Additional powers and duties of coordinating council.

The coordinating council may, by written order filed in its office, delegate to the director any of the powers and duties relating to vocational rehabilitation vested in or imposed upon it by this act. Such delegated powers and duties may be exercised by the director in the name of the council.

State plan for vocational education.

Sec. 22. In addition to its other powers and duties, the coordinating council shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational education and the state plan for vocational rehabilitation;

(2) To adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the provisions of this act and the federal acts: *Provided*, That the coordinating council shall meet, consult and cooperate with the office of the state superintendent of public instruction on all matters falling within his constitutional supervisory powers in advance of exercising any of the powers or duties granted to the council by this section;

(3) To carry out the aims and purposes of the acts of Congress pertaining to vocational education and vocational rehabilitation.

State plan—Considerations.

Sec. 23. (1) The coordinating council in preparing the state plan for vocational education shall give consideration to the following:

(a) Vocational education for persons attending high school;

(b) Vocational education for persons who have completed or left high school and who are available

for full time study in preparation for entering the labor market;

(c) Vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962, Public Law 87-415, the Area Redevelopment Act, Public Law 87-27, or the Trade Expansion Act of 1962, Public Law 87-794) who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment;

(d) Vocational education for persons who have academic, socio-economic, or other handicaps that prevent them from succeeding in the regular vocational education program;

(e) Construction of area vocational educational school facilities, as authorized by the state board for community colleges and the state board of education; and

(f) Ancillary services and activities to assure quality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstrations and experimental programs, development of instructional materials, and state administration and leadership, including periodic evaluation of state and local vocational education programs and services in the light of information regarding current and projected manpower needs and job opportunities.

(2) In determining the allocation of funds, the council shall comply with federal statute.

Sec. 24. The state board of education shall have the power to authorize the school districts to offer vocational education programs which are a part of the high school curriculum and to offer adult education and post-high school vocational educational programs which are not in conflict with community

School district  
vocational  
education programs—Scope.

Community College Act.

college programs, as determined by the coordinating council.

Vocational education and community service programs by school districts.

Sec. 25. The state board for community college education is hereby authorized to cooperate with the state board of education to permit, on an ad hoc basis, the common school districts to conduct a program of vocational education and community service of an educational, recreational or cultural nature which is not a part of the high school curriculum when such program will not conflict with existing programs of the same nature and in the same geographical area conducted by the community college districts.

Division business conducted separately.

Sec. 26. The council shall conduct business for the division of vocational education separately from its business for the division of vocational rehabilitation, and when so separately considered, the director of the appropriate division shall be the secretary of the council for the conduct of such business.

RCW 28.09.070 amended.

Sec. 27. Section 1, chapter 160, Laws of 1919, as last amended by section 1, chapter 183, Laws of 1939 and RCW 28.09.070 are each amended to read as follows:

Acceptance of federal acts.

The state of Washington hereby accepts all the provisions and benefits of an act passed by the senate and house of representatives of the United States of America in congress assembled, entitled "An act to provide for the promotion of vocational education, to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917; and of an act of congress entitled "An act to provide for the further development of vocational education in the several states and territories," ap-



proved June 8, 1936, and the Vocational Education Act of 1946 and supplemental vocational education acts including but not limited to Public Law 88-210.

Sec. 28. Section 2, chapter 160, Laws of 1919 and RCW 28.09.080 are each amended to read as follows:

RCW 28.09.080 amended.

The state treasurer is hereby designated and appointed custodian of all moneys received by the state from the appropriations made by the said acts of congress and is authorized to receive and to provide for the proper custody of the same and to make disbursements therefrom in the manner provided in said acts and for the purposes therein specified. He shall also, upon the order of the appropriate agency in accordance with the provisions of this act, pay out any moneys appropriated by the state of Washington for the purpose of carrying out the provisions of this chapter.

State treasurer  
custodian of  
federal funds.

Sec. 29. Section 6, chapter 160, Laws of 1919 and RCW 28.09.090 are each amended to read as follows:

RCW 28.09.090 amended.

For the purposes of this chapter vocational schools or classes may be established, (1) as all day schools or classes giving instruction in vocational subjects; (2) as part time schools or classes giving instruction in vocational subjects; (3) as evening school classes giving instruction supplemental to the daily employment.

Classification  
of vocational  
schools.

Sec. 30. Title to or all interest in real estate, choses in action and all other assets, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the date of passage of this act by or for a school district and obtained indentifiably with federal, state or local funds appropriated for community college purposes or post-high school vocational educational purposes, or used or obtained with funds budgeted for commu-

Transfer of  
property from  
school districts  
to community  
college dis-  
tricts.

Community  
College Act.

Transfer of  
property from  
school districts  
to community  
college dis-  
tricts.

nity college purposes or post-high school vocational educational purposes, or used or obtained primarily for community college or vocational education purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the state board for community college education: *Provided*, That cash, funds, accounts or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before the effective date of this act for community college purposes shall remain with and continue to be, after the effective date of this act, an asset of the school district: *And provided further*, That any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for community college purposes: *And provided further*, That unexpended funds of a common school district derived from the sale, prior to July 1, 1967, of bonds authorized for any purpose which includes community college purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

For the purposes of this section and to facilitate the process of allocating the assets, the board of directors of each school district in which a community college is located, and the president of each community college, shall each submit to the state board of education, and the state board for community college education within sixty days of the effective date of this act, an inventory listing all

real estate, personal property choses in action and other assets, held by a school district which, under the criteria of this section, will become the assets of the state board for community college education: *Provided*, That assets used "primarily" for community college purposes shall include, but not be limited to, all assets currently held by school districts which have been used on an average of at least seventy-five percent of the time during the school year 1965-1966, or if acquired subsequent to July 1, 1966, since its time of acquisition, for community college purposes: *Provided, further*, That the ultimate decision and approval with respect to the allocation and disposition of the assets under this section shall be made by the governor, or an advisory committee appointed by him for that purpose. The decision of the governor or his advisory committee may be appealed within sixty days after such decision is issued by appealing to the district court of Thurston county. The decision of the superior court may be appealed to the supreme court of the state in accordance with the provision of the Administrative Procedure Act, chapter 34.04 RCW.

Sec. 31. The board of trustees of each community college district shall charge to and collect from each of the students registered therein such general tuition, incidental fees and other fees for quarters other than summer session as follows:

Community colleges—Tuition and other fees.

(1) Resident students:

(a) general tuition fees, fifty dollars per quarter; and

(b) incidental fees not more than twenty dollars per quarter.

(2) Nonresident students:

(a) general tuition fees, one hundred-fifty dollars per quarter; and

Community  
colleges—Tul-  
tion and other  
fees.

(b) incidental fees, not more than twenty dollars per quarter.

(3) Tuition and incidental fees consistent with the above schedules will be fixed by the state board for community colleges for summer school students.

(4) The board of trustees shall charge such fees for part time students, ungraded courses, noncredit courses, and short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

The term "resident students" as used in this section shall mean students who have been domiciled in this state at least one year prior to the commencement of the quarter for which he registers, federal employees and military personnel, the children and spouses of federal employees and military personnel residing within the state, and staff members of the community college and their children and spouses. The term "nonresident students" shall mean all students other than resident students.

The term "general tuition fees" as used in this section shall mean the general tuition fee charged students registered at the community college for quarters other than summer session, which fees shall be used as prescribed in sections 32, 36 and 37 of this act. The term "incidental fees" as used in this section shall include the fees other than general tuition fees, charged all students registering at the college for quarters other than summer sessions but shall not include fees for correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, laboratory, gymnasium, health fees, or fee charges, rentals and other income derived from any or all revenue-producing lands, buildings and facilities of the colleges heretofore or hereafter acquired, constructed or installed, including but not limited to

income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon or such other special fees as may be established by the board of trustees from time to time.

Sec. 32. Sixty percent of all general tuition fees, all incidental fees, and all other income which the trustees are authorized to impose shall be deposited as the trustees may direct. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the trustees shall conform to the collateral requirements required for deposit of other state funds.

Depository  
requirements  
for district.

Disbursement shall be made by check signed by the president of the community college or his designee appointed in writing, and such other person as may be designated by the board of trustees of the community college district. Each person authorized to sign as provided above, shall execute a surety bond in the sum of not less than the average amount on deposit in the fund during the preceding six months, or ten thousand dollars, whichever is greater. Said bonds shall be filed in the state auditor's office.

Sec. 33. The boards of trustees of community college districts are empowered in accordance with the provisions of this act to provide for the construction, reconstruction, erection, equipping, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with section 14 of this act; to be financed by bonds payable out of special funds from revenues hereafter derived from

State board  
approval of  
district construction.

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College Act.

income received from such facilities, gifts, bequests or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements or repairs, or other work, the trustees shall have and be subject to the same powers or duties as are authorized and imposed upon school directors by the provisions of RCW 28.58.135 as now or hereafter amended.

State board  
approval of  
district  
construction.

Sec. 34. In addition to the powers conferred under section 9 of this act, the community college state board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the community college state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to forty percent of the general tuition fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

Financing  
community  
college con-  
struction—  
Bonds—  
Pledging of  
tuition.

Sec. 35. For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable.

Said bonds:

(1) Shall not constitute

(a) an obligation, either general or special, of the state; or

(b) a general obligation of the college or of the college board;

(2) Shall be

(a) either registered or in coupon form; and

(b) issued in denominations of not less than one hundred dollars; and

(c) fully negotiable instruments under the laws of this state; and

(d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) the date of issue; and

(b) the series of the issue and be consecutively numbered within the series; and

(c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed six percent per annum over the life thereof, and no single interest or coupon rate shall exceed six percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

Financing  
community  
college  
construction—  
Bonds—  
Pledge of  
tuition.

Financing  
community  
college  
construction—  
Bonds—  
Pledge of  
tuition.

(7) Shall be sold in such manner as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with sections 33 through 40 of this act, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, and for the purposes set forth in (8) (b) above;

(9) Shall constitute a prior lien and charge against forty percent of all general tuition fees of the community colleges.



Sec. 36. There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter forty percent of all general tuition fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

Bond retirement fund.

(1) On or before June 30th of each year the college board if issuing bonds payable out of general tuition fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. The amounts deposited in the bond retirement fund shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by the college board as authorized by this act. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the forty percent of all general tuition fees not required for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be

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appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

Bonds—  
Source of  
funds for  
repayment.

Sec. 37. For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the bond retirement fund of the state board for community college education, the following:

(1) Amounts derived from up to forty percent of all general tuition fees as are necessary to pay the principal of and interest on the bonds and to secure the same;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect general tuition fees as established by this act and deposit up to forty percent of such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

Sec. 38. In accordance with the provisions of section 34 of this act the college board is hereby empowered:

Additional powers of state board relative to bonds.

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the college board's capital projects account to the bond retirement fund when necessary to prevent a default in the payments required to be made; and

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds.

Sec. 39. The college board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by sections 33 through 40 of this act for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college board. The effective interest cost to maturity on such refunding bonds shall not exceed six percent per annum nor shall any single interest or coupon rate exceed six percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the college.

Refunding bonds.

Sec. 40. The bonds authorized to be issued pursuant to the provisions of sections 33 through 40 of this act shall not be general obligations of the state

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of Washington, but shall be limited obligation bonds payable only from the special funds created for their payment. The legislature may specify additional means for providing funds for the payment of principal and interest of said bonds. Sections 33 through 40 of this act shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide for additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

Limited obligation bonds—Additional sources of funds.

RCW 28.10.010 amended.

Sec. 41. Section 2, chapter 176, Laws of 1933, as last amended by section 2, chapter [118], Laws of 1967 (SSB 409), and RCW 28.10.010 are each amended to read as follows:

Vocational rehabilitation—Definitions.

(1) "Handicapped person" means any individual:

(a) Who has a physical or mental disability, which constitutes a substantial handicap to employment, of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a gainful occupation consistent with his capacities and abilities; or

(b) Who, because of lack of social competence or mobility, experience, skills, training, or other factors, is in need of vocational rehabilitation services in order to become fit to engage in a gainful occupation or to attain or maintain a maximum degree of self-support or self-care; or

(c) For whom vocational rehabilitation services are necessary to determine rehabilitation potential.

(2) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. The term includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with

family and community which may result from vocational, educational, cultural, social, environmental or other factors.

(3) "Vocational rehabilitation services" means goods or services provided handicapped persons to enable such persons to be fit for gainful occupation or to attain or maintain a maximum degree of self-support or self-care and includes every type of goods and services for which federal funds are available for vocational rehabilitation purposes, including, but not limited to, the establishment, construction, development, operation and maintenance of workshops and rehabilitation facilities.

(4) "Self-care" means a reasonable degree of restoration from dependency upon others for personal needs and care and includes but is not limited to ability to live in own home, rather than requiring nursing home care and care for self rather than requiring attendant care.

(5) "State agency" means the coordinating council for occupational education.

**Note: See also section 2, chapter 118, Laws of 1967.**

Sec. 42. Section 3, chapter 176, Laws of 1933, as last amended by section 6, chapter [118], Laws of 1967 (SSB 409), and RCW 28.10.030 are each amended to read as follows:

RCW 28.10.030  
amended.

The state agency shall:

(1) Provide vocational rehabilitation services to handicapped persons, including the placing of such persons in gainful occupations;

(2) Disburse all funds provided by law and may receive, accept and disburse such gifts, grants, conveyances, devises and bequests of real and personal property from public or private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out vocational rehabilitation services as specified by law and the regulations of the state

Vocational re-  
habilitation—  
Powers and  
duties of state  
agency.

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agency; and may sell, lease or exchange real or personal property according to the terms and conditions thereof. Any money so received shall be deposited in the state treasury for investment, reinvestment or expenditure in accordance with the conditions of its receipt and RCW 43.88.180;

(3) Appoint and fix the compensation, and prescribe the duties, of the personnel necessary for the administration of this 1967 amendatory act, unless otherwise provided by law;

(4) Make exploratory studies, make reviews, and do research relative to vocational rehabilitation.

**Note:** See also section 6, chapter 118, Laws of 1967.

RCW 28.10.050 amended.

Sec. 43. Section 5, chapter 176, Laws of 1933, as last amended by section 9, chapter [118], Laws of 1967 (SSB 409), and RCW 28.10.050 are each amended to read as follows:

Acceptance of federal aid.

The state of Washington does hereby:

(1) Accept the provisions and maximum possible benefits resulting from any acts of congress which provide benefits for the purposes of this chapter;

(2) Designate the state treasurer as custodian of all moneys received by the state from appropriations made by the congress of the United States for purposes of this 1967 amendatory act, and authorize the state treasurer to make disbursements therefrom upon the order of the state agency; and

(3) Empower and direct the state agency to cooperate with the federal government in carrying out the provisions of this 1967 amendatory act or of any federal law or regulation pertaining to vocational rehabilitation, and to comply with such conditions as may be necessary to assure the maximum possible benefits resulting from any such federal law or regulation.

**Note:** See also section 9, chapter 118, Laws of 1967.

Sec. 44. If any part of this 1967 amendatory act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such findings or determination shall not affect the operation of the remainder of this act.

Construction—  
Conflict with  
federal re-  
quirements.

Sec. 45. Section 7, chapter [118], Laws of 1967 (SSB 409) is amended to read as follows:

The state agency shall make available vocational rehabilitation services to the departments of institutions, labor and industries, public assistance, and employment security, and other state or other public agencies, in accordance with cooperative agreements between the state agency and the respective agencies.

Vocational  
rehabilitation  
services avail-  
able.

**Note: See also section 7, chapter 118, Laws of 1967.**

Sec. 46. Section 8, chapter [118], Laws of 1967 (SSB 409) is amended to read as follows:

The state agency may purchase, from any source, by contract, vocational rehabilitation services for handicapped persons, payments for such services to be made subject to procedures and fiscal controls approved by the budget director. The performance of and payment for such services shall be subject to post audit review by the state auditor.

Purchase of  
vocational  
rehabilitation  
services—  
Post audit.

**Note: See also section 8, chapter 118, Laws of 1967.**

Sec. 47. Section 7, chapter 1, Laws of 1961 as amended by section 1, chapter 179, Laws of 1961 and RCW 41.06.070 are each amended to read as follows:

RCW 41.06.070  
amended.

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

State civil  
service—  
Exclusions.

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(2) The judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of state government;

State civil  
service—  
Exclusions.

(3) Academic personnel of the institutions of higher learning and other such positions as are exempted under provisions of RCW 41.06.050;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, health, fisheries, institutions and public assistance, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen;

(a) All members of such boards, commissions or committees;

(b) If the members of the board, commission, or committee serve on a part time basis and there is a statutory executive officer: (i) the secretary of the board, commission or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full time basis: (i) the chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) the chief executive



officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part time or temporary employees, and part time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(18) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(19) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(20) Professional education employees of the state board for community college education.

Sec. 48. Section 2, chapter 1, Laws of 1961 and RCW 41.06.020 are each amended to read as follows:

RCW 41.06.020  
amended.

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Institutions of higher learning" are the University of Washington, Washington State Uni-

State civil  
service—  
Definitions.

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versity, Central Washington State College, Eastern Washington State College, Western Washington State College, new, four-year state colleges subsequently authorized, and the various state community colleges;

State civil  
service—  
Definitions.

(2) "Agency" means an office, department, board, commission or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature;

(3) "Board" means the state personnel board established under the provisions of RCW 41.06.110, the personnel committee established under RCW 41.06.050 and the personnel board established under RCW 41.06.060, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070;

(4) "Classified service" means all positions in the state service subject to the provisions of this chapter;

(5) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(6) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

(7) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board or council, by law empowered to operate the agency responsible either to (1) no other public officer or (2) the governor.

Sec. 49. Section 43.88.160, chapter 8, Laws of 1965 and RCW 43.88.160 are each amended to read as follows:

RCW 43.88.160 amended.

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.

Budget and accounting—  
Duties of state officers.

(1) Governor; budget director. The governor, through his budget director, 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 central budget agency. The budget director may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the budget director, 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 dupli-

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cation of effort or lack of coordination among agencies;

Budget and  
accounting—  
Duties of state  
officers.

(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 the legislative budget committee and the legislative council 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; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; new, four-year state colleges subsequently authorized, professional education employees of the state board for community college education; and the various state community colleges;

(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; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges;

(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 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 budget director. 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 and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made. 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.

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

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accounting—  
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officers.

(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:

(i) Determinations as to whether agencies, in making expenditures, complied with the will of the legislature; and

(ii) Such plans as he 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.

(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 budget director. It shall be the duty of the budget director 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 such of the financial transactions as it may determine of any agency and to this end may in its discretion examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds.

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

(c) Make its 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:

(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; and

(iii) A report on the efficiency and accuracy of the post audit operations of the state government.

Sec. 50. Section 1, chapter 212, Laws of 1957 and RCW 28.76.390 are each amended to read as follows:

RCW 28.76.390 amended.

The associated students of the University of Washington, the associated students of Washington State University, the student associations of the state community colleges and the student associations of the state colleges shall contract for all purchases for printing of athletic programs, athletic tickets, athletic press brochures, yearbooks, magazines, newspapers and letting of concessions, exceeding one thousand dollars, notice of call for bid on the same to be published in at least two newspapers of general circulation in the county wherein the institution is located two weeks prior to the award being made. The contract shall be awarded to the lowest responsible bidder, if the price bid is fair and reasonable and not greater than the market value and price, and if the bid satisfactorily covers the

Associated students at universities, colleges and community colleges.

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Associated  
students at  
universities,  
colleges and  
community  
colleges.

quality, design, performance, convenience and reliability of service of the manufacturer and/or dealer. The associated students of the University of Washington, the associated students of Washington State University and the student associations of the state colleges or community colleges may require such security as they deem proper to accompany the bids submitted, and they shall also fix the amount of the bond or other security that shall be furnished by the person to whom the contract is awarded. The associated students of the University of Washington, the associated students of Washington State University and the student associations of the state colleges or community colleges may reject any or all bids submitted, if for any reason it is deemed for the best interest of their organizations to do so and readvertise in accordance with the provisions of this section. The associated students of the University of Washington, the associated students of Washington State University and the student associations of the state colleges or community colleges may reject the bid of any person who has had a prior contract, and who did not, in its opinion, faithfully comply with its terms: *Provided*, That nothing in this section shall apply to printing done or presses owned and operated by the associated students of the University of Washington, the associated students of Washington State University or the student associations of the state colleges or community colleges, or to printing done on presses owned or operated by their respective institutions.

RCW 43.19.190  
amended.

Sec. 51. Section 43.19.190, chapter 8, Laws of 1965 and RCW 43.19.190 are each amended to read as follows:

State  
purchasing.

The director of general administration, through the division of purchasing, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing



as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the administrative and other departments of state government, and the offices of all appointive officers of the state: *Provided, however,* That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges, community colleges and universities: *Provided further,* That primary authority for the purchase of materials, supplies and equipment for resale to other than state agencies shall rest with the state agency concerned;

(3) Provide the required staff assistance for the state purchasing committee through the division of purchasing;

(4) Have authority to delegate to state agencies a limited authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment and supplies: *Provided,* That acceptance of the limited purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939 or from policies established by the state purchasing committee;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

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(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications when approved by the purchasing committee;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors.

**Note:** See also section 2, chapter 104, Laws of 1967 ex. sess.

Receipt of federal funds authorized.

Sec. 52. The state board for community college education or any community college board of trustees is authorized to receive federal funds made available for the assistance of community colleges, and providing physical facilities, maintenance or operation of schools, or for any educational purposes, according to the provisions of the acts of congress making such funds available.

Agreements for joint use of facilities and services.

Sec. 53. The district boards of trustees and the common school boards are hereby authorized to enter into agreements for the use by either of the other's services, facilities or equipment and for the presentation of courses of either for students of the other where such agreements are deemed to be in the best interests of the education of the students involved.

Community college teachers.

Sec. 54. The provisions of RCW 28.67.070 applicable to existing teacher contracts between the common school boards and the various teachers in the various community colleges and vocational-technical

institutes shall continue to apply with equal effect after the college district boards assume control and supervision of the said community colleges and vocational-technical institutes pursuant to the provisions of this act.

The state board for community college education is hereby directed to prepare a study report on teacher tenure agreements and to recommend legislation to effectuate the best possible teacher tenure plan consistent with the best interests of the state. The study report and proposed legislation shall be presented to the members of the forty-first legislature no later than November 30, 1968.

Sec. 55. When the college district boards assume control and supervision of the respective community colleges and vocational-technical institutes, the teachers and non-academic personnel shall be deemed to remain an employee of the common school board for the purposes of any sick leave credit plan of the common school board until the district board has established a sick leave credit plan for its employees, whereupon the district board shall place to the credit of the employee the sick leave credits standing to his credit in the plan of such common school board. Where applicable, the prior vacation with pay rights of the employees shall be treated in the same manner as above.

Sick leave and other leave.

The provisions of this section also include the leave provisions of RCW 28.58.100, chapter [12], Laws of 1967 (SB 135).

Sec. 56. (1) When the college district boards assume administration, control and occupancy of the respective community colleges and vocational-technical institutes, the faculty and nonacademic personnel employed therein shall be deemed to remain an employee of the common school board for the purpose of any health care service contract or

Health care contracts.

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hospitalization insurance contract provided as a benefit for such faculty or nonacademic personnel, and shall continue to be entitled to all rights thereunder as if they had remained an employee of the common school board.

Until the state board for community college education adopts a new hospitalization insurance contract or health care service contract for all employees in the community college system, the district college boards shall deduct from the remuneration of such employee the amount which such employee is or may be required to pay in accordance with the provisions of any existing hospitalization insurance or health care service contract and the district college boards shall pay to the hospitalization insurance company or health care service contractor the employer's share required to be paid under the provisions of such existing plans by the employer and the employee.

(2) The state board for community college education is hereby directed to secure the best possible health care service plan available under the provisions of RCW 41.04.180 as now or hereafter amended.

## Pension plans.

Sec. 57. (1) When the college district boards assume administration control and occupancy of the respective community colleges and vocational technical institutes, the faculty and nonacademic personnel employed therein shall be deemed to remain an employee of the common school board for the purpose of any pension plan of such employees, and shall continue to be entitled to all rights and benefits thereunder as if they had remained employed by the common school board.

Until the legislature adopts a new pension plan for such employees, the district boards shall deduct from the remuneration of such employee the amount which such employee is or may be required

to pay in accordance with the provisions of the pension plan of the Washington state teachers retirement system and the district boards shall pay to the retirement system any amounts required to be paid under the provisions of such plan by the employer and the employee.

(2) Faculty hired by the college district boards after the effective date of this act, who are members of a teachers' pension plan in operation in the state of Washington or who are members of a nationwide teachers' pension plan, may continue to retain membership in such plan if they so elect and if the election is not inconsistent with the regulations of such retirement plan.

Until the legislature adopts a new pension plan for such employees, the district boards shall deduct from the remuneration of such employee the amount which such employee is or may be required to pay in accordance with the provisions of the pension plan he has elected to continue and the college district boards shall pay to the pension plan any amounts required to be paid under the provisions of such plan by the employer and the employee.

(3) The state board for community college education is hereby directed to consult with the public pension commission and prepare a study report on pension plans for faculty and to recommend legislation to adopt a plan for the best interests of the state. The study report shall be presented to the members of the forty-first legislature no later than November 30, 1968.

Sec. 58. Whenever the provisions of the professional negotiations law, chapter 28.72 RCW, as now or hereafter amended, applies to the faculty and staff of the said community colleges and vocational-technical institutes, it shall continue to apply after the effective date of this act, but negotiations and appeals shall be conducted with the

Professional  
negotiation.

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respective board and the director of the state board for community college education.

The state board for community colleges shall prepare a study for presentation to the members of the forty-first legislature with respect to the applicability of such law to the state system of community colleges.

Sharing  
facility by  
community  
college and  
common  
school district.

Sec. 59. Whenever, prior to the effective date of this act, the use of a single building facility is being shared between an existing community college program and a K-12 program, hereafter the respective boards shall continue to share the use of the facility until such time as it is convenient to remove one of the two programs to another facility. The determination of convenience shall be based solely upon the best interests of the students involved.

Whenever a community college district board and a common school district board are sharing the use of a single facility, the program occupying the majority of the space of such facility, exclusive of space utilized equally by both, shall determine which board will be charged with the administration and control of such facility. The determination of occupancy shall be based upon the space occupied as of January 1, 1967.

The board which is charged with the administration and control of such facility may share expenses with the other board for the use of the facility.

In the event that the two boards are unable to agree upon which board is to administer and control the facility or upon a fair share of expenses for the use of the facility, the governor shall appoint an arbitrator to settle the matter. The decisions of the arbitrator shall be final and binding upon both boards. The expenses of the arbitration shall be divided equally by each board.

Sec. 60. Whenever a common school board has contracted to redeem general obligation bonds used

for the construction or acquisition of facilities which are now to be under the administration, control and occupancy of the community college district board, the common school board shall continue to redeem the bonds in accordance with the provisions of the bonds.

Honoring  
bond pledge  
of common  
school.

Sec. 61. In all cases where an existing office, board, commission, bureau, or department of the state is abolished by this act, or where the powers and duties vested in, and required to be performed by, any existing officer, board, commission, common school district board, bureau, or department, are transferred to, vested in and required to be performed by, an existing or a newly created department, council, district board, state board, or a state officer, all books, papers, maps, charts, plans, records, and all other equipment or property in the possession of such existing officer, board, commission, common school district board, bureau or department or any officer or member thereof, and pending business in any way pertaining to the powers and duties of such office, board, commission, bureau, or department abolished by this act, shall be delivered and transferred to the administrative and executive head of the department, the council, district board, state board, or state officer to which his or its powers and duties are transferred. In case such powers and duties are divided between two or more departments, councils, district boards, state boards, committees, or state officers, each shall receive such books, papers, maps, charts, plans, records, other equipment and property, and pending business as pertain to the powers and duties transferred to that department, council, district board, state board, or officer. In all cases where any question shall arise as to the proper custody of any such books, papers, maps, charts, plans, records, other

Transfer of  
records, etc.

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equipment and property, and pending business, the governor shall settle the dispute.

All parties to such transfer are hereby directed to cooperate to the extent that the changeover shall be accomplished in the best interest of education and the people served by such state board, department, council, or district board.

Transfer— Pending proceedings saved.

Sec. 62. All petitions, hearings, and other proceedings pending before any existing officer, board, commission, bureau, common school district board, or department which is abolished by this act, or the powers and duties of which are vested in, and required to be performed by, an existing or newly created department, or state officer, and all prosecutions, legal or other proceedings and investigations begun by any such officer, board, commission, bureau, or department, and not completed at the time of the taking effect of this act, shall continue and remain in full force and effect notwithstanding the passage of this act, and may be completed before or by the department, board, council or district board, or officer which succeeds to the powers and duties of such office, board, commission, bureau, or department.

Transfer— Orders, rules and regulations saved.

Sec. 63. All orders, rules, and regulations made by any existing officer, board, commission, bureau, common school district board, or department which is abolished by this act, or the powers and duties of which are vested in, and required to be performed by, an existing or newly created department, board, council, or district board, or a state officer, shall remain in full force and effect until revoked, or modified in accordance with law by the department, board, council, or district board, or officer which succeeds to the powers and duties of such existing office, board, commission, district board, bureau, or department.



Sec. 64. All existing contracts and obligations of the officers, boards, commissions, bureaus, departments, common school district boards, abolished by this act, or the powers and duties of which are vested in, and required to be performed by, an existing or newly created department, council, board, district board, or a state officer, shall remain in full force and effect, and shall be performed by the respective departments, council, board, district board, or state officers to which the powers and duties of such existing office, board, commission, bureau, department or district board are transferred.

Transfer—  
Contracts and  
obligations  
saved.

Sec. 65. All reports required by law to be made by any existing office, board, commission, bureau, department, district board, abolished by this act, or the powers and duties of which are vested in, and required to be performed by, an existing or newly created department, board, council, district board, created by this act, or a state officer, shall hereafter be made by the executive and administrative head of the department, or board, council, district board or officer to which the powers and duties of such existing office, board, commission, bureau, department or district board are transferred.

Transfer—  
Reports  
required by  
law.

Sec. 66. In all cases where by this act power is vested in a department or officer to inspect, examine, secure data or information from, or procure assistance from, another department or officer, it shall be the duty of such other department or officer to submit to such inspection or examination, and to furnish the data, information, or assistance required.

Transfer—  
Agency coop-  
eration.

Sec. 67. In all cases where any powers and duties, which have heretofore been vested in, or performed by, any existing officer, board, commission, common school district board, bureau or department, or any deputy or subordinate officer thereof, are by this act transferred, either in whole or in

Transfer—  
Legal effect—  
Obligations.

Community  
College Act.

part, to, or vested in and required to be performed by, an existing or newly created department, or state officer, such powers and duties shall be vested in, and shall be performed by, the department, council board, district board, or officer to which the same are hereby transferred, and not otherwise. And every act done in the exercise of such powers and duties shall have the same legal effect as if done by the former officer, board, commission, bureau, common school district board, or department or any deputy or subordinate officer thereof. Every person and corporation shall be subject to the same obligations and duties, and shall have the same rights arising from the exercise of such powers and the performance of such duties, as if such powers and duties were exercised and performed by the officer, board, commission, bureau, district board, or department, or any deputy or subordinate officer thereof, designated in the respective laws which are to be administered by the departments, council, board, district boards, or state officers to which such powers and duties are transferred.

Teachers and  
other employ-  
ees—Transfer.

Sec. 68. In all cases where an existing office, board, commission, bureau, department, or common school district board is abolished by this act, or where the powers and duties vested in, and required to be performed by, any existing officer, board, commission, bureau, department or district board are transferred to, vested in, and required to be performed by an existing or newly created department, council, state board, or district board, or a state officer, all teachers and other employees of such office, board, common school district board, commission, bureau, or department so abolished, or the powers and duties of which are so transferred, as the director of the department or council, state board, or district board, or officer to which the powers and duties of such office, board, commission, bu-

reau, district board, or department are transferred may select, shall continue to perform their usual duties upon the same terms and conditions as heretofore, until removed, or appointed to positions in accordance with the provisions of this act relative to such department, board, or district board or transferred to some other department, board, or district board. In all cases where the powers and duties of any such existing office, board, commission, bureau, district board, or department are divided between departments, boards, council, district boards, or state officers, each of such departments, committees, or officers shall receive, on the above terms and conditions, such of the employees of said office, board, commission, bureau, or department as are selected by the respective directors of the department, or by the council, state board, or district board, or state officer to which the functions thereof are by this act transferred.

Sec. 69. The appropriations made to the state board for vocational education abolished by this chapter shall be transferred to and made available to the coordinating council for occupational education in accordance with the powers, duties and functions assigned to it by this act. Appropriations for the exercise of powers, duties and functions transferred to the state board for community college education from the state board of education shall be transferred to and made available to the state board for community college education in accordance with the provisions of section 70 of this act.

Transfer—  
Appropriations.

Sec. 70. The transfer of equipment, funds and appropriations from the state board of education to the state board for community college education, as provided in sections 59 through 70 of this act, shall be accomplished in accordance with apportionments among the several agencies by the director of the

Transfer—  
Apportionment by  
director of  
budget.

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budget, who shall have due consideration to the total of the appropriations to the several agencies, the size and nature of the functions to be transferred and the feasibility of segregating such equipment to the various functions. The director of the budget shall certify such apportionments to the agencies affected and to the state auditor, the state treasurer and department of general administration, each of whom shall make the appropriate transfers and adjustments in their funds and appropriation accounts and equipment records in accordance with such certification.

Special service revolving funds—Disbursements—Transfer.

Sec. 71. All funds remaining to the credit of the various special service revolving funds created pursuant to RCW 28.84.290 (herein repealed) shall be disbursed in accordance with the provisions of RCW 28.84.290 until July 1, 1967, thereafter such funds shall be transferred to the community college district boards of trustees.

Severability.

Sec. 72. 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.

Repeal.

Sec. 73. The following acts or parts of acts are each hereby repealed:

(1) Section 1, chapter 115, Laws of 1945 and RCW 28.84.119;

(2) Section 2, chapter 115, Laws of 1945, section 13, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.120;

(3) Section 3, chapter 115, Laws of 1945, section 15, chapter 2, Laws of 1963 extraordinary session, section 16, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.130 and RCW 28.84.140;

(4) Section 4, chapter 115, Laws of 1945 and RCW 28.84.150;

(5) Section 2, chapter 198, Laws of 1961, section 1, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.180;

(6) Section 3, chapter 198, Laws of 1961, section 2, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.190;

(7) Section 4, chapter 198, Laws of 1961, section 3, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.200;

(8) Section 4, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.205;

(9) Section 6, chapter 198, Laws of 1961 and RCW 28.84.220;

(10) Section 7, chapter 198, Laws of 1961 and RCW 28.84.230;

(11) Section 8, chapter 198, Laws of 1961 and RCW 28.84.240;

(12) Section 9, chapter 198, Laws of 1961 and RCW 28.84.250;

(13) Section 7, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.280;

(14) Section 8, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.290;

(15) Section 11, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.300;

(16) Section 17, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.310;

(17) Section 10, chapter 198, Laws of 1961 and RCW 28.84.900;

(18) Section 3, chapter 20, Laws of 1961 extraordinary session and RCW 28.84.910;

(19) Section 18, chapter 2, Laws of 1963 extraordinary session and RCW 28.84.920;

(20) Section 1, chapter 198, Laws of 1961, section 2, chapter 159, Laws of 1965 extraordinary session and RCW 28.84.170;

(21) Section 2, chapter 89, Laws of 1965 extraordinary session and RCW 28.84.211;

## Repeal.

(22) Section 10, chapter 2, Laws of 1963 extraordinary session, section 5, chapter 98, Laws of 1965 extraordinary session and RCW 28.84.215;

(23) Section 11, chapter 198, Laws of 1961, section 9, chapter 2, Laws of 1963 extraordinary session, section 1, chapter 159, Laws of 1965 extraordinary session and RCW 28.84.260;

(24) Section 2, chapter 20, Laws of 1961 extraordinary session, section 6, chapter 2, Laws of 1963 extraordinary session, section 2, chapter 146, Laws of 1965 extraordinary session and RCW 28.84.270;

(25) Section 1, chapter 98, Laws of 1965 extraordinary session and RCW 28.84.500;

(26) Section 2, chapter 98, Laws of 1965 extraordinary session and RCW 28.84.501;

(27) Section 3, chapter 98, Laws of 1965 extraordinary session and RCW 28.84.502;

(28) Section 4, chapter 98, Laws of 1965 extraordinary session and RCW 28.84.503;

(29) Section 2, chapter 179, Laws of 1957 and RCW 28.09.010;

(30) Section 2, chapter 136, Laws of 1965 and RCW 28.09.130;

(31) Section 7, chapter 160, Laws of 1919 and RCW 28.09.110;

(32) Section 3, chapter 179, Laws of 1957 and RCW 28.09.020;

(33) Section 4, chapter 179, Laws of 1957 and RCW 28.09.030;

(34) Section 5, chapter 179, Laws of 1957 and RCW 28.09.040;

(35) Section 5, chapter 160, Laws of 1919, as last amended by section 3, chapter 183, Laws of 1939 and RCW 28.09.050;

(36) Section 1, chapter 136, Laws of 1965 and RCW 28.09.120;

(37) Section 1, chapter [165], Laws of 1967 (SHB 533);

**Note:** See also section 1, chapter 165, Laws of 1967.

(38) Section 3, chapter [118], Laws of 1967 (SSB 409).

**Note:** See also section 3, chapter 118, Laws of 1967.

Sec. 74. Notwithstanding any other statutory provision relating to indebtedness of school districts, bonds heretofore issued by any common school district for the purpose of providing funds for community college facilities shall not be considered as indebtedness in determining the maximum allowable indebtedness under any statutory limitation of indebtedness when the sum of all indebtedness therein does not exceed the maximum constitutional allowable indebtedness applied to the value of the taxable property contained in such school district: *Provided*, That nothing contained herein shall be construed to affect the distribution of state funds under any applicable distribution formula.

School district bonds for community college—Effect on indebtedness.

Sec. 75. Until the community college district board has actually assumed the duties and responsibilities of the administration, management, or development of existing or authorized community college facilities, those duties and responsibilities shall continue to be discharged by the common school district operating or developing such community college facilities on the effective date hereof.

School districts—Continuation of contracts and obligations.

Where contracts have been let by the common school board pursuant to present law for the purpose of acquisition, construction, repair or modification of an existing community college facility such projects shall be completed under the administration of the common school board, superintendent of public instruction and/or the state board of education, and payments thereto shall be made from such funds as are allocated thereto.

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RCW 28.58.360  
amended.

School district  
director's  
association—  
Fees.

Sec. 76. Section 1, chapter 169, Laws of 1947, as last amended by section 1, chapter 103, Laws of 1965 and RCW 28.58.360 are each amended to read as follows:

The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed twenty-two cents for each one thousand dollars of the state-wide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each school district shall be due and payable on the first day of January of each year, and if not paid by any district before the thirty-first day of December of any year the executive committee of the association may present a written request to the county auditor that such payment be made by him by transfer of funds from the general fund of the district. Upon receipt of such request the county auditor shall make such transfer.

Vocational  
education—  
Option to  
maintain pres-  
ent status.

Sec. 77. Notwithstanding any other provisions of this act, the board of directors of any public school district *located in any county of the second, first, A or AA class* wherein there is an existing vocational-technical institute, may elect to have such vocational-technical institute remain a part of the public school system rather than have such institute become a part of the state community college system: *Provided*, That within thirty days after the effective date of this act, any school district operating a vocational-technical institute which operates



independently of any existing community college as of January 1, 1967 may elect to remain independent of any community college by resolution of the board of directors of such district: *And provided further*, That any public school district may relinquish administrative control over a vocational-technical institute at the beginning of any fiscal biennium if by resolution dated before the preceding January 1st it shall so inform the state board of education and the state and district community college boards.

Sec. 78. It is the intent of this legislature that the college board provide for the four community colleges authorized by section 3, chapter 159, Laws of 1965 extraordinary session, and for which local funds for construction have been voted as of the effective date of this act, funds equivalent to those that would have been provided by matching ratios and construction costs in effect on January 1, 1967.

Construction  
priority.

Sec. 79. 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.

Emergency.

**Note:** See also section 1, chapter 58, Laws of 1967 ex. sess.

Passed the House March 24, 1967.

Passed the Senate March 24, 1967.

Approved by the Governor April 3, 1967, with the exception of a certain item in Section 77 which was vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This legislation is among the most significant enacted by the Fortieth Legislature. It provides for a statewide system of community colleges organized into twenty-two community college districts.

"The bill contemplates that vocational-technical institutes will become a part of the community college system; however, section 77 of the bill grants to common school districts in counties of the second, first, A and AA class the option of maintaining any existing vocational-technical institute independent of the community college system, if the institute were operated independently of a community college on January 1, 1967.

"According to the Superintendent of Public Instruction the vocational-technical institutes which would be affected by this provision

of the bill are located in the Bellingham, Clover Park, Lake Washington, Olympia, Renton, Tacoma and Walla Walla school districts. The Olympia and Walla Walla institutes are located in third class counties; thus these school districts would not have the option afforded by section 77 to the other five school districts operating independent vocational-technical institutes. This may be of little consequence in Walla Walla where the school district plans to operate its institute as a part of the Walla Walla Community College; thus Olympia school district may be the only district denied the option to maintain an independent vocational-technical institute.

"Irrespective of the choice which may be made by these local districts, I believe it should be a choice equally available to all districts maintaining independent vocational-technical institutes. Therefore, I have vetoed that portion of section 77 which limits this choice to districts

'Located in any county of the second, first, A or AA class.'  
 "The remainder of Substitute House Bill No. 548 is approved."

DANIEL J. EVANS,  
 Governor.

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## CHAPTER 9.

[House Bill No. 3.]

### AIRCRAFT AND AIRMEN—REGISTRATION— CERTIFICATES—AIRCRAFT EXCISE TAX.

AN ACT relating to aircraft; amending section 82.48.010, chapter 15, Laws of 1961 and RCW 82.48.010; amending section 82.48.020, chapter 15, Laws of 1961 and RCW 82.48.020; amending section 82.48.030, chapter 15, Laws of 1961 as amended by section 6, chapter 199, Laws of 1963, and RCW 82.48.030; amending section 82.48.070, chapter 15, Laws of 1961 and RCW 82.48.070; amending section 82.48.080, chapter 15, Laws of 1961 and RCW 82.48.080; amending section 82.48.110, chapter 15, Laws of 1961 and RCW 82.48.110; amending section 23, chapter 165, Laws of 1947 as amended by section 11, chapter 49, Laws of 1949, and RCW 14.04.230; amending section 25, chapter 165, Laws of 1947 as last amended by section 11, chapter 150, Laws of 1955 and RCW 14.04.250; repealing sections 82.48.040 and 82.48.050, chapter 15, Laws of 1961 and RCW 82.48.040 and 82.48.050; and providing penalties.

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

Section 1. Section 82.48.010, chapter 15, Laws of 1961 and RCW 82.48.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

RCW 82.48.010  
 amended.

Aircraft  
 taxation.

“Aircraft” means any weight-carrying device or structure for navigation of the air, designed to be supported by the air, but which is heavier than air;

“Director” means the director of the department of motor vehicles; and

“Person” includes a firm, partnership or corporation.

Definitions.

Sec. 2. Section 82.48.020, chapter 15, Laws of 1961 and RCW 82.48.020 are each amended to read as follows:

RCW 82.48.020 amended.

An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel shall constitute the necessary evidence of aircraft used or intended use. The tax shall be collected for each calendar year by the director of the department of motor vehicles, and must be paid during the month of January. No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. A penalty of five dollars shall be levied against all aircraft not timely registered.

Annual excise tax on aircraft.

**Note:** See also section 27, chapter 149, Laws of 1967 ex. sess.

Sec. 3. Section 82.48.030, chapter 15, Laws of 1961 as amended by section 6, chapter 199, Laws of 1963, and RCW 82.48.030 are each amended to read as follows:

RCW 82.48.030 amended.

The amount of the tax imposed by this chapter for each calendar year shall be fifteen dollars for each single engine aircraft, and twenty-five dollars for each multi-engine aircraft, irrespective of make, type, year of manufacture or any other type of classification: *Provided*, That the calendar year shall be divided into twelve parts corresponding to the

Annual excise tax on aircraft  
—Rate.

Aircraft taxation.

months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the aircraft is being registered: *Provided further*, That the minimum amount payable shall be three dollars.

An aircraft shall be deemed registered for the first time in this state when such aircraft was not previously registered by this state for the year immediately preceding the year in which application for registration is made.

RCW 82.48.070 amended.

Sec. 4. Section 82.48.070, chapter 15, Laws of 1961 and RCW 82.48.070 are each amended to read as follows:

Tax receipt.

The director shall give a receipt to each person paying the excise tax.

RCW 82.48.080 amended.

Sec. 5. Section 82.48.080, chapter 15, Laws of 1961 and RCW 82.48.080 are each amended to read as follows:

Deposit to motor vehicle excise fund.

The director shall regularly pay to the state treasurer the excise taxes collected under this chapter, which shall be credited by the state treasurer to the motor vehicle excise fund.

RCW 82.48.110 amended.

Sec. 6. Section 82.48.110, chapter 15, Laws of 1961 and RCW 82.48.110 are each amended to read as follows:

Aircraft taxed by state exempt from ad valorem taxes.

The first tax to be collected under this chapter shall be for the calendar year 1968. No aircraft with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation so long as this chapter remains in effect, and any such assessment heretofore made except under authority of section 13, chapter 49, Laws of 1949 and section 82.48.110, chapter 15, Laws of 1961 is hereby directed to be canceled: *Provided*, That any aircraft, whether or not subject to the

provisions of this chapter, with respect to which the excise tax imposed by this chapter will not be paid or has not been paid for any year shall be listed and assessed for ad valorem taxation in that year, and the ad valorem tax liability resulting from such listing and assessment shall be collected in the same manner as though this chapter had not been passed: *Provided further*, That this chapter shall not be construed to affect any ad valorem tax based upon assessed valuations made in 1948 and/or any preceding year for taxes payable in 1949 or any preceding year, which ad valorem tax liability tax for any such years shall remain payable and collectible in the same manner as though this chapter had not been passed.

Sec. 7. Section 23, chapter 165, Laws of 1947 as amended by section 11, chapter 49, Laws of 1949, and RCW 14.04.230 are each amended to read as follows:

RCW 14.04.230  
amended.

It shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective certificate, permit or license issued by the United States, if such certificate, permit or license is required by the United States, and a current registration certificate issued by the director of the department of motor vehicles, if registration of the aircraft with the department of motor vehicles is required by this chapter. It shall be unlawful for any person to engage in aeronautics as an airman in the state unless he has an appropriate effective airman certificate, permit, rating or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if such certificate, permit, rating or license is required by the United States.

Airmen—Reg-  
istration—Cer-  
tification.

Where a certificate, permit, rating or license is required for an airman by the United States, it shall

Aircraft—  
Airmen.

be kept in his personal possession when he is operating within the state. Where a certificate, permit or license is required by the United States or by this chapter for an aircraft, it shall be carried in the aircraft at all times while the aircraft is operating in the state and shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors. Such certificates shall be presented for inspection upon the demand of any peace officer, or any other officer of the state or of a municipality or member, official or employee of the aeronautics commission authorized pursuant to this chapter to enforce the aeronautics laws, or any official, manager or person in charge of any airport, or upon the reasonable request of any person.

**Note:** See also section 1, chapter 207, Laws of 1967.

RCW 14.04.250  
amended.

Sec. 8. Section 25, chapter 165, Laws of 1947 as last amended by section 11, chapter 150, Laws of 1955, and RCW 14.04.250 are each amended to read as follows:

Aircraft reg-  
istration and  
certification.

Every aircraft shall be registered with the department of motor vehicles for each calendar year in which the aircraft is operated within this state. A fee of four dollars shall be charged for each such registration and each annual renewal thereof.

Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

The registration fee imposed by this section shall be payable to and collected by the director of the department of motor vehicles. The fee for any calendar year must be paid during the month of January,

and shall be collected by the director of the department of motor vehicles at the time of the collection by him of the said excise tax. If the director of the department of motor vehicles is satisfied that the requirements for registration of the aircraft have been met, he shall thereupon issue to the owner of the aircraft a certificate of registration therefor. The director of the department of motor vehicles shall pay to the state treasurer the registration fees collected under this section, which registration fees shall be credited to the general fund.

It shall not be necessary for the registrant to provide the director of the department of motor vehicles with originals or copies of federal certificates, permits, ratings, or licenses. The director of the department of motor vehicles shall issue certificates of registration, or such other evidences of registration or payment of fees as he may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

The provisions of this section shall not apply to:

(1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(2) An aircraft registered under the laws of a foreign country;

(3) An aircraft which is owned by a nonresident and registered in another state: *Provided*, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

(4) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

Aircraft registration and certification.

(5) An aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(6) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW.

The director of the department of motor vehicles shall be notified within one week of any change in ownership of a registered aircraft. The notification shall contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the director of the department of motor vehicles, the registration of that aircraft may be canceled by the director of the department of motor vehicles, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

Repeal.

Sec. 9. Sections 82.48.040 and 82.48.050, chapter 15, Laws of 1961 and RCW 82.48.040 and 82.48.050 are each hereby repealed.

Passed the House March 14, 1967.

Passed the Senate March 28, 1967.

Approved by the Governor April 5, 1967.



## CHAPTER 10.

[House Bill No. 4.]

## TAXATION OF AIRCRAFT FUEL.

AN ACT relating to the taxation of aircraft fuel and the disposition and use of the proceeds therefrom; conferring certain powers and imposing certain duties; providing for the promulgation of certain rules and regulations; and providing penalties.

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

Section 1. For the purposes of this act:

(1) "Department" means the department of motor vehicles;

Taxation of  
aircraft fuel.  
Definitions.

(2) "Director" means the director of the department of motor vehicles;

(3) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(4) "Aircraft" means every contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, operated or propelled by the use of aircraft fuel;

(5) "Aircraft fuel" means gasoline and any other inflammable liquid, by whatever name such liquid is known or sold, the chief use of which is as fuel for the propulsion of aircraft, except gas or liquid, the chief use of which as determined by the director, is for purposes other than the propulsion of aircraft;

(6) "Dealer" means any person engaged in the retail sale of aircraft fuel.

Sec. 2. There is hereby levied, and there shall be collected by every dealer or person engaged in the retail sale of aircraft fuel in this state, an excise tax of two cents on each gallon of aircraft fuel sold, delivered or used in this state: *Provided*, That there shall be collected from every consumer or user of

Aircraft fuel  
excise tax  
levied—Rate.

Aircraft fuel  
excise tax.

aircraft fuel either the use tax imposed by RCW 82.12.020, as amended, or the retail sales tax imposed by RCW 82.08.020, as amended, collection procedure to be as prescribed by law and/or rule or regulation of the state tax commission. The taxes imposed by this chapter shall be collected and paid to the state but once in respect to any aircraft fuel.

Exemptions.

Sec. 3. The provision of section 2 of this act imposing the payment of an excise tax of two cents on each gallon of aircraft fuel sold, delivered or used in this state shall not apply to aircraft fuel used for the following purposes: (1) The operation of aircraft when such use is by any air carrier or supplemental air carrier operating under a certificate of public convenience and necessity under the provisions of the Federal Aviation Act of 1958, Public Law 85-726, as amended; (2) the operation of aircraft for testing or experimental purposes; and (3) the operation of aircraft when such operation is for the training of crews for purchasers of aircraft: *Provided*, That the director's determination as to a particular activity for which aircraft fuel is used as being an exemption under this section, or otherwise, shall be final.

Rule and  
regulations for  
collection.

Sec. 4. The director shall by rule and regulation adopted as provided in chapter 34.04 RCW (Administrative Procedure Act) set up the necessary administrative procedure for collection by the department of the two cents per gallon aircraft fuel excise tax as provided for in section 2 of this act, placing the responsibility of collection of said tax upon every dealer or person engaged in the retail sale of aircraft fuel within the state; he may require the licensing of every dealer or person engaged in such retail sale of aircraft fuel and shall require such a corporate surety bond or security of any dealer or person not otherwise bonded under provisions of

chapter 82.36 RCW as is provided for distributors of motor vehicle fuel under RCW 82.36.060; he shall provide such forms and may require such reports or statements as in his determination shall be necessary for the proper administration of this act. The director may require such records to be kept, and for such periods of time, as deemed necessary for the administration of this act, which records shall be available at all times for the director or his representative who may require a statement under oath as to the contents thereof.

Sec. 5. Should any dealer fail to file any report or statement, as shall be required by rule and regulation of the director, showing the total number of gallons of aircraft fuel sold, delivered or used by a dealer within the state during the preceding calendar month, the director shall proceed forthwith to determine from the best available sources such amount and said determination shall be presumed to be correct for that period, until proved by competent evidence to be otherwise. The director shall immediately assess the excise tax in the amount so determined, adding thereto a penalty of ten percent for failure to report. Such penalty shall be cumulative of other penalties herein provided. All statements or reports required to be filed with the director as required in this section shall be public records.

Failure to file reports—  
Effect.

Sec. 6. All of the provisions of RCW 82.36.040 relating to time of payment of tax, penalties and interest on delinquent payments and the director's certificate as prima facie evidence shall be applicable to the two cents per gallon aircraft fuel excise tax imposed under section 2 of this act. The provisions of RCW 82.36.110 relating to a lien for taxes, interests or penalties due, shall be applicable to the collection of the two cents per gallon aircraft fuel

Application of other law.

**Aircraft fuel  
excise tax.**

excise tax provided in section 2 of this act, and the provisions of RCW 82.36.120, 82.36.130 and 82.36.140 shall apply to any dealer or person engaged in the retail sale of aircraft fuel with respect to the two cents per gallon aircraft fuel excise tax imposed under section 2 of this act.

**Exemptions.**

Sec. 7. The provisions of section 2 of this act requiring the payment of a two cents per gallon aircraft fuel excise tax on aircraft fuel shall not apply to aircraft fuel imported into the state in interstate or foreign commerce and intended to be sold while in interstate or foreign commerce, nor to aircraft fuel exported from this state, nor to aircraft fuel sold to the armed forces of the United States for export from this state: *Provided*, That exemptions granted under this section shall be null and void unless full conformance is made with the requisite administrative procedure set forth for procuring such exemptions under rules and regulations of the director promulgated under the provisions of this act. Except as provided in section 3 of this act, nothing in this act shall be construed to exempt the state or any political subdivision thereof from the payment of the two cents per gallon aircraft excise fuel tax provided in section 2 of this act. When setting up rules and regulations as provided for in section 4 of this act, the director shall provide for such refund procedure as deemed necessary to carry out the provisions of this act, and full compliance with such provisions shall be essential before receipt of any refund thereunder.

**Violations—  
Penalty.**

Sec. 8. Any person violating any provision of this act or any rule or regulation of the director promulgated hereunder, or making any false statement, or concealing any material fact in any report, statement, record or claim, or who commits any act with intent to avoid payment of the two cents per gallon

aircraft fuel excise tax imposed by this act, or who conspires with another person with intent to interfere with the orderly collection of such tax due and owing under this act, shall be guilty of a misdemeanor.

Sec. 9. All moneys collected by the director from the two cents per gallon aircraft fuel excise tax as provided in section 2 of this act shall be transmitted to the state treasurer and shall be credited to the aeronautics account of the state general fund, hereby created. Moneys collected from the consumer or user of aircraft fuel from either the use tax imposed by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020 shall be transmitted to the state treasurer and credited to the state general fund.

Disposition of  
tax proceeds.

Sec. 10. The director is charged with the enforcement of the provisions of this act and rules and regulations promulgated hereunder. The director may, in his discretion, call on the state patrol or any peace officer in the state, who shall then aid in the enforcement of this act or any rules or regulations promulgated hereunder.

Enforcement.

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.

Severability.

Passed the House March 14, 1967.

Passed the Senate March 27, 1967.

Approved by the Governor April 5, 1967.

## CHAPTER 11.

[Substitute Senate Bill No. 584.]

## SEWER DISTRICTS—ANNEXATION OF TERRITORY.

AN ACT relating to sewer districts and the annexation of territory thereto; adding new sections to chapter 56.24 RCW; repealing section 34, chapter 210, Laws of 1941 as last amended by section 21, chapter 250, Laws of 1953 and RCW 56.24.010; repealing section 35, chapter 210, Laws of 1941 as amended by section 22, chapter 250, Laws of 1953 and RCW 56.24.020; repealing section 36, chapter 210, Laws of 1941 as amended by section 23, chapter 250, Laws of 1953 and RCW 56.24.030; repealing section 37, chapter 210, Laws of 1941 and RCW 56.24.040; repealing section 38, chapter 210, Laws of 1941 as amended by section 24, chapter 250, Laws of 1953 and RCW 56.24.050; and repealing section 39, chapter 210, Laws of 1941 as amended by section 25, chapter 250, Laws of 1953 and RCW 56.24.060.

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

New section.

Section 1. There is added to chapter 56.24 RCW a new section to read as follows:

Sewer districts—Annexation of territory—Initiation by petition.

The territory adjoining or in close proximity to and in the same county with a district may be annexed to and become a part of the district in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county auditor, who shall, within ten days, examine the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose he shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the auditor shall transmit it, together with his certificate of sufficiency attached

thereto to the sewer commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the board of county commissioners.

The county commissioners, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the sewer commissioners, at a regular or special meeting shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed in the county, and in general circulation throughout the territory proposed to be annexed, and in case no such newspaper is printed in the county, then in some such newspaper of general circulation therein, a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 2. There is added to chapter 56.24 RCW a New section.  
new section to read as follows:

When such petition is presented for hearing, the Hearing.  
said board of county commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one month in all, and any person, firm or corporation may appear before the board of county commissioners and make objections to the proposed boundary lines or to the annexation of the

Sewer dis-  
tricts—  
Annexation of  
territory.

territory described in the petition; and upon a final hearing the said board of county commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed annexation of the said territory as established by the said board of county commissioners to the said sewer district will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of the territory proposed to be annexed to the said sewer district and so established by the said board of county commissioners: *Provided*, That no lands which will not, in the judgment of said board, be benefited by inclusion therein, shall be included within the boundaries of said territory as so established and defined: *Provided further*, That no change shall be made by the said board of county commissioners in the said boundary lines, including any territory outside of the boundary lines described in the petition: *And provided further*, That no person having signed such petition as herein provided for shall be allowed to withdraw his name therefrom after the filing of the same with the board of sewer commissioners to said sewer district.

Upon the entry of the findings of the final hearing to the said petition by the said county commissioners of such county, if they find the said proposed annexation of the territory to the said sewer district to be conducive to the public health, welfare and convenience and to be of special benefit to the land proposed to be annexed and included within the boundaries of the district, they shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to said sewer district for the purpose of determining whether the same shall be annexed to the said sewer district; and such notice shall particularly describe the



boundaries established by the board of county commissioners on its final hearing of the said petition, and shall state the name of the sewer district to which the said territory is proposed to be annexed, and the same shall be published for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein for two successive issues thereof, and shall be posted for the same period in at least four public places within the boundaries of the district proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed to said sewer district where the said election shall be held, and shall require the voters to cast ballots which shall contain the words:

For Annexation to Sewer District

or

Against Annexation to Sewer District

The said county commissioners shall name the persons to act as judges at such election.

Sec. 3. There is added to chapter 56.24 RCW a New section.  
new section to read as follows:

The said election shall be held on the date designated in such notice and shall be conducted in accordance with the general election laws of the state. In the event the original petition for annexation is signed by qualified electors then only qualified electors, at the date of election, residing in the territory proposed to be annexed, shall be permitted to vote at the said election. In the event the original petition for annexation is signed by property owners as provided for in this act then no person shall be entitled to vote at such election unless at the time of the filing of the original petition he owned the land in the district of record and in addition thereto at

Elections—  
Conduct.

Sewer dis-  
tricts—An-  
nexation of  
territory—  
Elections.

the date of election shall be a qualified elector of the county in which such district is located. It shall be the duty of the county auditor, upon request of the county commissioners, to certify to the election officers of any such election, the names of all persons owning land in the district at the date of the filing of the original petition as shown by the records of his office; and at any such election the election officers may require any such landowner offering to vote to take an oath that he is a qualified elector of the county before he shall be allowed to vote: *Provided*, That at any election held under the provisions of this act an officer or agent of any corporation having its principal place of business in said county and owning land at the date of filing the original petition in the district duly authorized thereto in writing may cast a vote on behalf of such corporation. When so voting he shall file with the election officers such a written instrument of his authority. The judge or judges at such election shall make return thereof to the board of sewer commissioners, who shall canvass such return and cause a statement of the result of such election to be entered on the record of such commissioners. If the majority of the votes cast upon the question of such election shall be for annexation, then such territory shall immediately be and become annexed to such sewer district and the same shall then forthwith be a part of the said sewer district, the same as though originally included in such district.

New section.

Sec. 4. There is added to chapter 56.24 RCW a new section to read as follows:

Elections—  
Conduct—  
Cost.

All elections held pursuant to this act, whether general or special, shall be conducted by the county election board of the county in which the district is located.

The expense of all such elections shall be paid for out of the funds of such sewer district.

Sec. 5. There is added to chapter 56.24 RCW a New section.  
new section to read as follows:

The method of annexation provided for in sections 6 through 9 of this act shall be an alternative Alternative method of annexation. method to that specified in sections 1 through 4 of this act.

Sec. 6. There is added to chapter 56.24 RCW a New section.  
new section to read as follows:

A petition for annexation of an area contiguous to a sewer district may be made in writing, addressed to and filed with the board of commissioners of the district to which annexation is desired. It must be signed by the owners, according to the records of the county auditor, of not less than sixty percent of the area of land for which annexation is petitioned, shall set forth a description of the property according to government legal subdivisions or legal plats, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. Petition for annexation.

Sec. 7. There is added to chapter 56.24 RCW a New section.  
new section to read as follows:

If the petition for annexation filed with the board of commissioners complies with the requirements of law, as proved to the satisfaction of the board of commissioners, it may entertain the petition, fix the date for public hearing thereon, and cause notice of the hearing to be published in one issue of a newspaper of general circulation in the area proposed to be annexed and also posted in three public places within the area proposed for annexation. The notice shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation. The expense of publication and posting of the notice shall be borne by the signers of the petition. Hearing on petition—  
Notice—  
Expenses.

New section.

Sec. 8. There is added to chapter 56.24 RCW a new section to read as follows:

Sewer districts—Annexation of territory. Resolution of board—Filing copy.

Following the hearing the board of commissioners shall determine by resolution whether annexation shall be made. It may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the resolution a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.

New section.

Sec. 9. There is added to chapter 56.24 RCW a new section to read as follows:

Annexed property exempt from prior indebtedness.

Upon the date fixed in the resolution the area annexed shall become a part of the district.

No property within the limits of the territory so annexed shall ever be taxed or assessed to pay any portion of the indebtedness of the district to which it is annexed contracted prior to or existing at the date of annexation; nor shall any such property be released from any taxes or assessments levied against it or from liability for payment of outstanding bonds or warrants issued prior to such annexation.

Repeal.

Sec. 10. The following acts or parts of acts and RCW sections are each hereby repealed:

(1) Section 34, chapter 210, Laws of 1941 as last amended by section 21, chapter 250, Laws of 1953 and RCW 56.24.010;

(2) Section 35, chapter 210, Laws of 1941 as amended by section 22, chapter 250, Laws of 1953 and RCW 56.24.020;

(3) Section 36, chapter 210, Laws of 1941 as amended by section 23, chapter 250, Laws of 1953 and RCW 56.24.030;

(4) Section 37, chapter 210, Laws of 1941 and RCW 56.24.040;

(5) Section 38, chapter 210, Laws of 1941 as amended by section 24, chapter 250, Laws of 1953 and RCW 56.24.050; and

(6) Section 39, chapter 210, Laws of 1941 as amended by section 25, chapter 250, Laws of 1953 and RCW 56.24.060.

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. Severability.

Passed the Senate March 23, 1967.

Passed the House March 28, 1967.

Approved by the Governor April 5, 1967.

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## CHAPTER 12.

[Substitute Senate Bill No. 206.]

### INSURANCE.

AN ACT relating to insurance; and adding new sections to chapter 79, Laws of 1947 and to chapter 48.18 RCW; and adding a new section to chapter 79, Laws of 1947 and to chapter 48.30 RCW; and prescribing penalties.

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

Section 1. There is added to chapter 79, Laws of 1947 and to chapter 48.18 RCW a new section to read as follows: New section.

The commissioner is hereby authorized, and shall within a reasonable time following the effective date of this section, adopt standard forms for loss payable and mortgagee clauses for property and automobile physical damage insurances, pursuant to the procedures set forth in RCW 48.18.120(1). Following the adoption of such forms, no insurer authorized to do Insurance—  
Standard  
clauses.

Insurance.

business in the state shall use any form other than those so adopted.

Binder premium—Receipt contents.

Sec. 2. Where an agent or other representative of an insurer receipts premium money at the time that agent or representative purports to bind coverage, the receipt shall state: (a) that it is a binder, (b) a brief description of the coverage bound, and (c) the identity of the insurer in which the coverage is bound. This section does not apply as to life and disability insurances.

New section.

Sec. 3. There is added to chapter 79, Laws of 1947 and to chapter 48.30 RCW a new section to read as follows:

Public works—Insurance—Ethical conduct.

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on be-

half of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

Passed the Senate March 15, 1967.

Passed the House March 23, 1967.

Approved by the Governor April 5, 1967.

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## CHAPTER 13.

[Senate Bill No. 286.]

### MOTOR VEHICLE WRECKERS.

AN ACT relating to motor vehicle wreckers; amending section 46.80.030, chapter 12, Laws of 1961 as amended by section 95, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.80.030; amending section 46.80.050, chapter 12, Laws of 1961 as amended by section 97, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.80.050; amending section 46.80.110, chapter 12, Laws of 1961 as amended by section 102, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.80.110; amending section 46.80.130, chapter 12, Laws of 1961 as amended by section 103, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.80.130; amending section 46.80.150, chapter 12, Laws of 1961 as amended by section 105, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.80.150.

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

Section 1. Section 46.80.030, chapter 12, Laws of 1961 as amended by section 95, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.80.030 are each amended to read as follows:

RCW 46.80.030  
amended.

Motor vehicle  
wreckers—  
License—  
Application.

Application for a motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the director, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant has been complying with the provisions of this chapter and the provisions of chapter 46 relating to registration and certificates of title: *Provided*, That the above certifications in any instance can be made by an authorized representative of the department of motor vehicles;

(4) Any other information that the director may require.

**Note:** See also section 95, chapter 32, Laws of 1967.

RCW 46.80.050  
amended.

Sec. 2. Section 46.80.050, chapter 12, Laws of 1961 as amended by section 97, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.80.050 are each amended to read as follows:

Annual re-  
newal.

A license issued on this application shall remain in force until suspended or revoked and may be renewed annually upon reapplication according to RCW 46.80.030 and upon payment of a fee of ten



dollars. Any motor vehicle wrecker who fails or neglects to renew his license prior to July 1, shall be required to pay the fee for an original motor vehicle wrecker license as provided in this chapter.

Whenever a motor vehicle wrecker shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the director.

**Note:** See also section 97, chapter 32, Laws of 1967.

Sec. 3. Section 46.80.110, chapter 12, Laws of 1961 as amended by section 102, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.80.110 are each amended to read as follows:

RCW 46.80.110 amended.

If for a good and sufficient cause the director has reason to believe that the application for motor vehicle wrecker's license or renewal of motor vehicle wrecker's license should be denied, he may refuse to issue such license and shall notify the applicant to that effect. The director may suspend or revoke a motor vehicle wrecker's license whenever he shall have reason to believe that such motor vehicle wrecker has:

Motor vehicle wreckers—  
Denial,  
suspension or  
revocation of  
license.  
Notice.

(1) Wilfully misrepresented the physical condition of any motor or integral part of a motor vehicle;

(2) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(3) Committed forgery on a certificate of title covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(4) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof;

Motor vehicle wreckers—Denial, suspension or revocation of license. Notice.

(5) Failed to comply with any of the provisions of this chapter and the provisions of Title 46, relating to registration and certificates of title of vehicles;

(6) Procured a license fraudulently or that such license was erroneously issued.

Notice of the intent of the director to refuse, suspend or cancel a license shall be given in writing, by registered mail, to the holder of or applicant for such license, and shall designate a time and place for the hearing before the director, which shall be not less than ten days from the date of said notice. Should the director decide that the applicant is not entitled to a license or that an existing license should be revoked, the applicant or holder may, within thirty days from the date of the decision of the director, appeal to the superior court of Thurston county for a review of such decision, filing a notice of such appeal with the clerk of said superior court and a copy of said notice in the office of the director. Said court shall set the matter down for hearing with the least possible delay.

**Note:** See also section 102, chapter 32, Laws of 1967.

RCW 46.80.130 amended.

Sec. 4. Section 46.80.130, chapter 12, Laws of 1961 as amended by section 103, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.80.130 are each amended to read as follows:

Exclusive use—Wall or fence required.

It shall be unlawful for any motor vehicle wrecker to keep any motor vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the director, without permission of the director. All premises containing such motor vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein. To the extent reasonably necessary or permitted by the topography of the land, the director shall have the right to establish specifi-

cations or standards for said fence or wall: *Provided, however,* That such wall or fence shall be painted or stained a neutral shade which shall blend in with the surrounding premises, and that such wall or fence must be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such wall or fence. Any dead or dying portion of such hedge shall be replaced.

**Note:** See also section 103, chapter 32, Laws of 1967.

Sec. 5. Section 46.80.150, chapter 12, Laws of 1961 as amended by section 105, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.80.150 are each amended to read as follows:

RCW 46.80.150  
amended.

It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and in all other cases members of the Washington state patrol, to make periodic inspection of the motor vehicle wrecker's premises and records provided for in this chapter, and furnish a certificate of inspection to the director in such manner as may be determined by the director: *Provided,* That the above inspection in any instance can be made by an authorized representative of the department.

Inspections—  
Certificate of  
inspection.

**Note:** See also section 105, chapter 32, Laws of 1967.

Passed the Senate March 22, 1967.

Passed the House March 27, 1967.

Approved by the Governor April 5, 1967.

CHAPTER 14.

[Senate Bill No. 193.]

PUBLIC BUILDING SERVICE MAINTENANCE  
CONTRACTS—PREVAILING RATE OF WAGE.

AN ACT relating to public works contracts; and amending section 1, chapter 63, Laws of 1945 and RCW 39.12.020.

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

RCW 39.12.020 amended.

Section 1. Section 1, chapter 63, Laws of 1945 and RCW 39.12.020 are each amended to read as follows:

Public building service maintenance contracts—Prevailing rate of wage.

The hourly wages to be paid to laborers, workmen or mechanics, upon all public works and under all public building service maintenance contracts of the state or any county, municipality or political subdivision created by its laws, shall be not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality within the state where such labor is performed. This chapter shall not apply to workmen or other persons regularly employed on monthly or per diem salary by the state, or any county, municipality, or political subdivision created by its laws.

Passed the Senate March 22, 1967.

Passed the House March 27, 1967.

Approved by the Governor April 5, 1967.

## CHAPTER 15.

[Engrossed House Bill No. 413.]

## ELECTRICIANS LICENSE AND BOND.

AN ACT relating to electricians' license bonds; and amending section 4, chapter 169, Laws of 1935 as last amended by section 3, chapter 117, Laws of 1965 extraordinary session and RCW 19.28.120.

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

Section 1. Section 4, chapter 169, Laws of 1935 as last amended by section 3, chapter 117, Laws of 1965 extraordinary session and RCW 19.28.120 are each amended to read as follows:

RCW 19.28.120  
amended.

It shall be unlawful for any person, firm, or corporation to engage in, conduct or carry on the business of installing wires or equipment to convey electric current, or installing apparatus or appliances to be operated by such current, without having an unrevoked, unsuspended and unexpired license so to do, issued by the director of labor and industries in accordance with the provisions of this chapter. All such licenses shall expire on the thirty-first day of December following the day of their issue, and the fee for such license shall be one hundred dollars. Application for such license shall be made in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted. Such a license shall grant to the holder thereof the right to engage in, conduct, or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus or appliances to be operated by such current, in any and all places in

Electricians—  
License—Fee  
—Application  
—Bond.

Electricians—  
License—Fee  
—Application  
—Bond.

the state of Washington. The application for such license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, shall ipso facto revoke and suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the fee accompanying said application in the fund to be known and designated as the "electrical license fund," and the department of labor and industries shall thereupon issue said license. Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, under seal, upon the payment of a fee of two dollars. Said bond shall be conditioned that in any installation of wires or equipment to convey electrical current, and apparatus to be operated by such current, the principal therein will comply with the provisions of this chapter and in case such installation is in an incorporated city or town having an ordinance, building code, or regulations prescribing equal, a higher or better standard, manner or method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installations as may be in effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor, including employee

benefits, and material furnished or used upon such work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter, or any ordinance, building code or regulation applicable thereto.

**Note:** See also section 2, chapter 88, Laws of 1967.

Passed the House March 17, 1967.

Passed the Senate March 29, 1967.

Approved by the Governor April 6, 1967.

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## CHAPTER 16.

[Reengrossed Substitute House Bill No. 403.]

### EXPENSES OF STATE PERSONNEL AND PROSPECTIVE PERSONNEL—MOVING, INTERVIEWS, MILEAGE, ADVANCES.

AN ACT relating to state government; providing for payment of moving expenses of deputies and other employees; authorizing payment of travel expenses of state officials and employees and of prospective employees called for interviews; authorizing certain advance expenditures; amending section 43.03.060, chapter 8, Laws of 1965 and RCW 43.03.060; amending section 43.03.110, chapter 8, Laws of 1965 and RCW 43.03.110; and adding new sections to chapter 8, Laws of 1965 and to chapter 43.03 RCW.

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

Section 1. Section 43.03.110, chapter 8, Laws of 1965 and RCW 43.03.110 are each amended to read as follows:

RCW 43.03.110 amended.

Whenever it is reasonably necessary to the successful performance of the required duty of a state office, commission, department or institution to transfer a deputy or other employee from one station to another within the state, thereby necessitat-

State employ-ees—Moving expenses.

State employ-  
ees—Moving  
expenses.

ing a change of such deputy's or employee's domicile, it shall be lawful for such office, commission, department or institution to move such deputy's or employee's household goods and effects to the new station at the expense of the state, or to defray the actual cost of such removal by common carrier, or otherwise, at the expense of the state, in which latter event reimbursement to the deputy or employee shall be upon voucher submitted by him and approved by the department head.

New state  
employees—  
Moving ex-  
penses, when.

Sec. 2. Any state office, commission, department or institution may also pay the moving expenses of a new employee, necessitated by his acceptance of state employment, pursuant to mutual agreement with such employee in advance of his employment: *Provided*, That if such employee is in the classified service as defined in chapter 41.06 RCW, that said employee has been duly certified from an eligible register. No such offer or agreement for such payment shall be made to a prospective member of the classified service, prior to such certification, except through appropriate public announcement by the department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW. Payment for all expenses authorized by this 1967 amendatory act including moving expenses of new employees, exempt or classified, and others, shall be subject to reasonable regulations promulgated by the budget director, including regulations defining allowable moving costs: *Provided*, That, if the new employee terminates or causes termination of his employment with the state within one year of the date of employment, the state shall be entitled to reimbursement for the moving costs which have been paid and may withhold such sum as necessary therefor from any amounts due the employee.



Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.03 RCW a new section to read as follows:

Any state office, commission, department or institution may agree to pay the necessary travel expenses of a prospective employee as an inducement for such applicant to travel to a designated place to be interviewed by and for the convenience of such agency: *Provided*, That if such employment is to be in the classified service, such offer may be made only on the express authorization of the state department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW, to applicants reporting for a merit system examination or to applicants from an eligible register reporting for a pre-employment interview. Travel expenses authorized for prospective employees called for interviews shall be payable at the rates prescribed by law for state employees. When an applicant is called to be interviewed by or on behalf of more than one agency, the authorized travel expenses may be paid directly by the authorizing personnel department or agency, subject to reimbursement from the interviewing agencies on a pro rata basis.

New section.  
  
Prospective state employees—Travel expenses for interview.

In the case of both classified and exempt positions, such travel expenses will be paid only for applicants being considered for the positions of director, deputy director, assistant director, or supervisor of state departments, boards or commissions; or equivalent or higher positions; or engineers, or other personnel having both executive and professional status. In the case of institutions of higher education, such travel expenses will be paid only for applicants being considered for academic positions above the rank of instructor or professional or administrative employees in supervisory positions.

RCW 43.03.060 amended.

Sec. 4. Section 43.03.060, chapter 8, Laws of 1965 and RCW 43.03.060 are each amended to read as follows:

State officers —Mileage.

Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that he travel by a privately owned automobile rather than a common carrier, he shall be allowed a mileage rate not to exceed ten cents a mile.

New section.

Sec. 5. There is added to chapter 8, Laws of 1965 and to chapter 43.03 RCW a new section to read as follows:

Procedures for reporting expenses of state employees.

The budget director shall prescribe procedures for reporting of expenditures incurred by any state office, board, commission, department, or institution under the provisions of sections 1 through 4 of this 1967 amendatory act, and shall report the aggregate expenditures for such purposes to the forty-first session of the legislature when it convenes in January, 1969.

Advances of expenses.

Sec. 6. Whenever it becomes necessary for an elective or appointive official or employee of the state to travel and to incur expenses for which reimbursement may be made, it shall be the policy of the state to make reasonable allowances to such officers and employees in advance of expenditure, on request of such officer or employee, under appropriate rules and regulations prescribed by the budget director.

“Department” defined.

Sec. 7. “Department”, as used herein, shall mean every department, office, agency or institution of state government.

Warrant for expense advancement.

Sec. 8. The head of any state department may issue an advance warrant on the request of any

officer or employee for the purpose of defraying his anticipated reimbursable expenses while traveling on business of such state department away from his designated post of duty, except expenses in connection with the use of a personal automobile. The amount of such advance shall not exceed the amount of such reasonably anticipated expenses of the officer or employee to be necessarily incurred in the course of such business of the state for a period of not to exceed thirty days. Department heads shall establish written policies prescribing a reasonable amount for which such warrants may be written.

Sec. 9. On or before the tenth day following each month in which such advance was furnished to the officer or employee, he shall submit to the head of his department a fully itemized travel expense voucher fully justifying the expenditure of such advance or whatever part thereof has been expended, for legally reimbursable items on behalf of the state. Any unexpended portion of such advance shall be returned to the agency at the close of the authorized travel period. Payment shall accompany such itemized voucher at the close of the travel period; and may be made by check or similar instrument payable to the department. Any default in accounting for or repaying an advance shall render the full amount which is unpaid immediately due and payable with interest at the rate of ten percent per annum from the date of default until paid.

Itemized ex-  
pense voucher  
—Unexpended  
sums.

Sec. 10. To protect the state from any losses on account of advances made as provided in sections 6 through 12 of this act, the state shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the state to such officer or employee to whom such advance has been given as provided in sections 6 through 12 of this act, up to the amount of such advance and

State lien for  
unexpended  
sums. Priority.

State employ-  
ees—Travel  
expense  
advances.

interest at the rate of ten percent per annum, until such time as repayment or justification has been made. No advance of any kind may be made to any officer or employee under sections 6 through 12 of this act, at any time when he is delinquent in accounting for or repaying a prior advance under sections 6 through 12 of this act.

Advancement  
not loan.

Sec. 11. An advance made under sections 6 through 12 of this act shall be considered as having been made to such officer or employee to be expended by him as an agent of the state for state purposes only, and specifically to defray necessary costs while performing his official duties. No such advance shall be considered for any purpose as a loan to such officer or employee, and any unauthorized expenditure of such funds shall be considered a misappropriation of state funds by a custodian of such funds.

Rules and  
regulations  
for travel  
advances.

Sec. 12. The budget director may prescribe rules and regulations to assist in carrying out the purposes of sections 6 through 12 of this act including regulation of travel by officers and employees and the conditions under which per diem and mileage shall be paid, so as to improve efficiency and conserve funds and to insure proper use and accountability of travel advances strictly in the public interest and for public purposes only.

Codification.

Sec. 13. Sections 6 through 12 of this act are added to chapter 8, Laws of 1965 and to chapter 43.03 RCW.

Passed the House March 21, 1967.

Passed the Senate March 29, 1967.

Approved by the Governor April 6, 1967.

## CHAPTER 17.

[Engrossed House Bill No. 451.]

## SAFE WALKWAYS TO AND FROM SCHOOL.

AN ACT relating to schools and school districts; providing for the acquisition and construction of safe walk-ways; and adding a new section to chapter 154, Laws of 1965 extraordinary session and to chapter 28.24 RCW.

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

Section 1. There is added to chapter 154, Laws of 1965 extraordinary session and to chapter 28.24 RCW a new section to read as follows:

Whenever a safe walk-way would result in eliminating a bus route or bus run through the shortening of the walking distance of pupils, or would provide a safe route for pupils walking to school and thus eliminate the need for bus transportation, the local board of directors of any school district, upon approval of the county transportation commission, is authorized to acquire through purchase, lease, condemnation or otherwise any interest in real property necessary for such purpose and to provide for construction upon and improvement of such property or other property to provide a safe walk-way for pupils walking to and from school.

If the state superintendent of public instruction finds that the acquisition and/or construction of such a safe walk-way would, over a five year period, result in a financial saving to the state and school district involved then he shall reimburse any school district for costs incurred in providing such approved safe walk-ways for pupils, on the same basis that school districts are reimbursed for transportation costs pursuant to RCW 28.41.160.

Passed the House March 21, 1967.

Passed the Senate March 29, 1967.

Approved by the Governor April 6, 1967.

CHAPTER 18.

[Engrossed House Bill No. 490.]

INTERLAKE SCHOOL FOR MENTALLY DEFICIENT PERSONS.

AN ACT relating to institutions; providing for the establishment of the Interlake School for mentally deficient persons; and declaring an emergency.

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

Public institutions. Interlake school for mentally deficient.

Section 1. The director of institutions is authorized to utilize at the Eastern State Hospital, surplus physical facilities as an institution for mentally deficient persons eligible for admission or admitted to a state institution. The institution authorized by this act shall be known as the "Interlake School".

Facilities designated.

Sec. 2. The director of institutions is authorized to designate and select such buildings and facilities and tracts of land at the Eastern State Hospital, which are surplus to the needs of the department of institutions for mentally ill persons, and which are reasonably necessary and adequate for a school for mentally deficient persons. The director of institutions shall also designate those buildings, equipment and facilities which are to be used jointly and mutually by both the Eastern State Hospital and the Interlake School for mentally deficient persons.

Superintendent—Appointment.

Sec. 3. The superintendent of the Interlake School for mentally deficient persons shall be appointed by the director and shall have such administrative experience and possess such qualifications as shall be determined by the state personnel board subject to the advice and approval of the director.

Superintendent—Powers and duties.

Sec. 4. The superintendent shall have the following powers, duties and responsibilities:

(1) Subject to the rules and regulations of the department and the state personnel board, he shall appoint all subordinate officers and employees.

(2) Subject to the rules and regulations of the department, he shall supervise and manage the school, grounds, buildings and equipment, the subordinate officers and employees, and the persons committed, admitted or transferred to such school and shall have custody of such persons until they are released, discharged or transferred as provided by law.

(3) He shall be the custodian of the personal property of all residents of the school subject to the provisions of RCW 72.33.180 as now or hereafter amended.

(4) Subject to the approval of the director, he shall be authorized to establish such industrial, vocational, educational or training programs as would be most beneficial to the residents of such school.

(5) Except as otherwise provided in this act, he shall administer the institution in accordance with the provisions of chapter 72.33 RCW.

Sec. 5. The director of institutions shall be authorized to admit to the Interlake School for mentally deficient persons, any mentally deficient person eligible for admission to any state residential school for such persons. He shall be further authorized to transfer to such institution, persons admitted to other state residential schools or persons committed to state hospitals who are in need of care, treatment and training for mental deficiency. Admissions.

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. Emergency.

Passed the House March 14, 1967.

Passed the Senate March 29, 1967.

Approved by the Governor April 6, 1967.

CHAPTER 19.

[Senate Bill No. 363.]

HISTORIC SITES AND PROPERTIES—ADVISORY COUNCIL ON HISTORIC PRESERVATION.

AN ACT relating to historic sites and properties; providing a program in relation thereto; creating an advisory council on historic preservation; prescribing powers, duties and functions; abolishing the historic sites and markers commission; and repealing sections 1 and 2, chapter 95, Laws of 1949, sections 1 through 5, chapter 95, Laws of 1961 and RCW 27.52.010 through 27.52.060.

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

Historic sites and properties. Definitions.

Section 1. As used in the act:

(1) The term "public agencies" includes all political subdivisions of the state of Washington.

(2) The term "project" means programs of state and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in, and for the development of any district, site, building, structure, or object that is significant in American and the state of Washington history, architecture, archeology, and culture, or property used in connection therewith, and for its development in order to assure the preservation for public benefit of any such historical properties.

(3) The term "historic preservation" includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington history, architecture, archeology, or culture.

(4) The term "director" means the director of the Washington state parks and recreation commission.

Participation in federal act.

Sec. 2. The director of the Washington state parks and recreation commission is hereby authorized and empowered to take whatever action is nec-



essary to enable the state to participate in the programs set forth in the federal act entitled "An Act to establish a program for the preservation of additional historic properties throughout the nation, and for other purposes" (Public Law 89-665; 80 Stat. 915). The director is also authorized and empowered to accept and disburse federal grants or federal matching or other funds or donations from any source when made, granted or donated for a purpose covered by said federal act.

Sec. 3. In addition to other powers and duties, the director of the Washington state parks and recreation commission is authorized—

Additional powers and duties—  
Director of state parks.

(1) to promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Washington state history, architecture, archeology, and culture, hereinafter referred to as the state register, and to expend funds for the purpose of preparing comprehensive state-wide historic surveys and plans, in accordance with criteria established by the advisory council established pursuant to section 5 of this act, which shall comply with any standards and regulations promulgated by the secretary of interior for the preservation, acquisition, and development of such properties.

(2) To establish in accordance with criteria established by the secretary of the interior, a program of matching grants-in-aid to public agencies for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington history, architecture, archeology, and culture; and

(3) To accept grants from any and all public and/or private sources including, though not limited to, those provided pursuant to Public Law 89-665, 80 Stat. 915.

Historical sites.

Sec. 4. The amounts made available for grants to the public agencies for projects under this act for each fiscal year shall be apportioned among the public agencies by the director in accordance with needs as disclosed in approved state-wide historic preservation plans.

Apportionment of grants.

Advisory council on historic preservation.

Sec. 5. (1) There is hereby established an advisory council on historic preservation (herein referred to as the "council") which shall be composed of eleven members as follows:

(a) The director of the Washington state parks and recreation commission;

(b) The director of the department of general administration;

(c) The director of the Washington state historical society;

(d) The director of the Eastern Washington state historical society;

(e) The director of the state capitol historical society; and

(f) Six persons to be appointed by the governor who are not officers or employees of the state government.

In making his appointments the governor shall give due consideration to the selection of officers of local governments and individuals who are significantly interested and experienced in the matters to be considered by the council.

(2) Each member of the council specified in paragraphs (a) through (e) of subsection (1) may designate another officer of his department or agency to serve on the council in his stead.

(3) Each member of the council appointed under paragraph (f) of subsection (1) shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for

terms of from one to five years as designated by the governor at the time of appointment.

(4) A vacancy in the council shall not affect its powers, but shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(5) The chairman of the council shall be designated by the governor.

(6) Six members of the council shall constitute a quorum.

Sec. 6. (1) The council shall—

Duties.

(a) Advise the governor and the Washington state parks and recreation commission on matters relating to historic preservation; recommend measures to coordinate activities of state, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(b) Encourage public interest and participation in historic preservation;

(c) Advise as to guidelines for the assistance of local governments in drafting ordinances relating to historic preservation; and

(d) Encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.

(2) The council shall submit annually a comprehensive report of its activities and the results of its studies to the governor and the Washington state parks and recreation commission and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the council, are necessary and appropriate to carry out its recommendations.

Sec. 7. The members of the council specified in paragraphs (a) through (e) of section 5 (1) shall serve without additional compensation. The mem-

Members—  
Expenses.

Historical sites.

bers of the council appointed under paragraph (f) of section 5 (1) shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the council as provided for state officials and employees generally in chapter 43.03 RCW.

Executive director—Services.

Sec. 8. The director of the Washington state parks and recreation commission or his designee shall be the executive director of the council. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the council by the Washington state parks and recreation commission, for which payments shall be made in advance, or by reimbursement, from funds of the council in such amounts as may be agreed upon by the chairman of the council and the director of the Washington state parks and recreation commission.

New chapter.

Sec. 9. Sections 1 through 8 of this act shall be codified in chapter 43.51 RCW under a chapter subdivision entitled "Preservation of historic properties".

Commission abolished.

Sec. 10. The historic sites and markers commission is hereby abolished.

Repeal.

Sec. 11. Sections 1 and 2, chapter 95, Laws of 1949, sections 1 through 5, chapter 95, Laws of 1961, and RCW 27.52.010 through 27.52.060 are each hereby repealed.

Severability.

Sec. 12. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 29, 1967.

Passed the House March 28, 1967.

Approved by the Governor April 7, 1967.

## CHAPTER 20.

[Senate Bill No. 355.]

OPERATION OF VEHICLES REQUIRING SPECIAL  
SKILLS—CLASSIFIED DRIVER LICENSES.

AN ACT relating to the licensing of motor vehicle drivers; providing for the issuance of a classified driver license; prescribing powers and duties of the department of motor vehicles in relation thereto; providing a special examination and prescribing the fee therefor; adding new sections to chapter 12, Laws of 1961 as amended by chapter 121, Laws of 1965 extraordinary session and to chapter 46.20 RCW and providing an effective date.

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

Section 1. There is added to chapter 12, Laws of 1961 as amended by chapter 121, Laws of 1965 extraordinary session and to chapter 46.20 RCW a new section to read as follows:

It shall be unlawful for a person to operate for compensation upon the public highway any motor-truck, truck-tractor, school bus or for-hire vehicle as defined by RCW 46.04.310, 46.04.650, 46.04.521 and 46.04.190 respectively, found by the director to require special operating skills as hereafter provided, unless the driver shall have successfully completed an examination, in addition to the examinations in RCW 46.20.130, demonstrating the ability of the driver to operate and maneuver the vehicle or vehicles upon the public highway in a manner not to jeopardize the safety of persons or property: *Provided*, That this requirement shall not apply to any person hauling farm commodities from the farm to the processing plant or shipping point, not to exceed a radius of fifty miles from the farm.

The director shall upon completion of such tests specially endorse the driver's license of the applicant to indicate the type of vehicle qualifications met.

New section.

Sec. 2. There is added to chapter 12, Laws of 1961 as amended by chapter 121, Laws of 1965 extraordinary session and to chapter 46.20 RCW a new section to read as follows:

Motor vehicles  
—Special li-  
censes—Rules,  
regulations  
and standards  
—Examina-  
tions.

The director shall, pursuant to chapter 34.04 RCW, hold public hearings to adopt rules and regulations and standards and specifications pertaining to:

(1) A determination of what types of vehicles require special skills for the operation thereof, taking into consideration the extent to which a special knowledge of traffic laws pertaining to the type of vehicle and a special ability to maneuver such vehicles is necessary for the safe operation of the vehicle both alone and in relationship to other types of vehicles on the road;

(2) The establishment of reasonable classifications within one vehicle category or among several categories for the purpose of either requiring or not requiring a special skill test;

(3) The establishment of the type of examinations to be given, taking into consideration that certain categories of equipment may require a more comprehensive testing than others. The director may, however, allow the substitution of a training course or examination given by common carriers or other persons in lieu of the department's examination, if it meets the standards required by the department.

New section.

Sec. 3. There is added to chapter 12, Laws of 1961 as amended by chapter 121, Laws of 1965 extraordinary session and to chapter 46.20 RCW a new section to read as follows:

Special  
examination—  
Waiver.

The director may in lieu of the special examination required in section 1 waive the requirement as to:

(1) Any person who on the effective date of this act is engaged in driving for compensation on the

public highways a vehicle or vehicles classified pursuant to section 2; if

(a) His employer certifies that the applicant is well qualified by previous driving experience to operate the type of vehicle or vehicles covered by the special endorsement for which he has applied; or

(b) A self-employed driver who has been engaged in driving a vehicle or vehicles for a minimum of one year on the public highways and has passed a department approved driver training course or examination and/or his driving record on file with the department indicates that he is a safe and careful driver;

(2) Any driver who cannot qualify under subsection 1 of this section; if

(a) His employer certifies that he has satisfactorily completed a training course given by his employer which course has been approved by the director; or

(b) He is a self-employed person who furnishes a certificate that he has satisfactorily completed a course that may be given by a person or persons who have given a training course or examination approved by the director.

The director may, however, notwithstanding subsections 1 and 2 of this section require the examination to be given by the department in any case where the applicant's driving record indicates that he has violated the traffic laws to an extent that it is in the public interest to require said examination.

Sec. 4. There is added to chapter 12, Laws of 1961 as amended by chapter 121, Laws of 1965 extraordinary session and to chapter 46.20 RCW a new section to read as follows:

New section

There shall be an additional fee for the special endorsement for each class of vehicle in addition to the prescribed fee required for the issuance of the

Special in-  
dorsement for  
each class—  
Fee.

original driver's license. The additional fee for each endorsement shall not exceed ten dollars for the original endorsement and eight dollars for the renewal thereof. The said fee shall be deposited in the highway safety fund.

New section.

Sec. 5. There is added to chapter 12, Laws of 1961 as amended by chapter 121, Laws of 1965 extraordinary session and to chapter 46.20 RCW a new section to read as follows:

Effective date.

Sections 1, 3, and 4 of this amendatory act shall be effective January 1, 1968.

Passed the Senate March 29, 1967.

Passed the House March 28, 1967.

Approved by the Governor April 7, 1967.

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## CHAPTER 21.

[Reengrossed House Bill No. 109.]

### MODERNIZATION OF SCHOOL FACILITIES.

AN ACT relating to education and the support thereof; and adding a new section to chapter 28.47 RCW.

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

New section.

Section 1. There is added to chapter 28.47 RCW a new section to read as follows:

Modernization  
of school  
facilities.

Whenever funds are specifically appropriated for modernization of existing school facilities, the state board of education is authorized to approve the use of such funds for modernization of existing facilities, modernization being limited to major structural changes in such facilities and may include as incidental thereto the replacement of fixtures, fittings, furnishings and service systems of a building in order to bring it up to a contemporary state consistent with the needs of changing educational programs. The allocation of such funds shall be made



upon the same basis as funds used for the financing of a new school plant project utilized for a similar purpose.

Passed the House March 20, 1967.

Passed the Senate March 31, 1967.

Approved by the Governor April 7, 1967.

## CHAPTER 22.

[Substitute House Bill No. 146.]

### WASHINGTON COMMERCIAL FERTILIZER ACT.

AN ACT relating to commercial fertilizers, including customer-formula fertilizers; repealing sections 15.54.010 through 15.54.250 and section 15.54.900, chapter 11, Laws of 1961 and RCW 15.54.010 through 15.54.250 and RCW 15.54.900; and providing penalties.

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

Section 1. Terms used in this act shall have the meaning given to them in sections 2 through 17 of this act unless where used the context thereof shall clearly indicate to the contrary.

Commercial fertilizer act. Application of definitions.

Sec. 2. "Commercial fertilizer" means any substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, and manipulated animal and vegetable manures.

"Commercial fertilizer" defined.

Sec. 3. "Specialty fertilizer" means a commercial fertilizer distributed primarily for nonfarm use, such as, but not limited to, use on home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries.

"Specialty fertilizer" defined.

Sec. 4. "Bulk fertilizer" means commercial fertilizer distributed in a nonpackage form.

"Bulk fertilizer" defined.

Commercial Fertilizer Act —Definition— "Brand".

Sec. 5. "Brand" means a term, design, or trademark used in connection with the distribution and sale of one or more grades of commercial fertilizers.

"Guaranteed analysis".

Sec. 6. (1) "Guaranteed analysis" means the minimum percentage of plant nutrients claimed in the following order and form:

- Total nitrogen (N) . . . . . percent
- Available phosphoric acid (P<sub>2</sub>O<sub>5</sub>) . . . . . percent
- Soluble potash (K<sub>2</sub>O) . . . . . percent

The "guaranteed analysis" may also include elemental guarantees for phosphorus (P) and potassium (K).

(2) For unacidulated mineral phosphatic materials and basic slag, the guaranteed analysis shall contain both total and available phosphoric acid and the degree of fineness. For bone, tankage, manipulated animal and vegetable manures, and other organic phosphatic materials, the guaranteed analysis shall contain total phosphoric acid.

(3) Guarantees for plant nutrients other than nitrogen, phosphorus, and potassium shall be as permitted or required by regulation of the department. The guarantees for such other nutrients shall be expressed in the form of the element.

(4) The guaranteed analysis for limes shall include the percentage of calcium or magnesium expressed as their carbonate; the minimum total neutralizing power expressed in terms of calcium carbonate; and the percentage of material that will pass respectively a one hundred mesh, sixty mesh, and ten mesh sieve.

(5) In commercial fertilizer, the principal constituent of which is calcium sulfate (gypsum), the percentage of calcium sulfate (CaSO<sub>4</sub>.2H<sub>2</sub>O) shall be given along with the percentage of total sulfur.

"Grade".

Sec. 7. "Grade" means the percentage of total nitrogen, available phosphoric acid, and soluble pot-

- ash stated in whole numbers in the same terms, order, and percentages as in the "guaranteed analysis", unless otherwise allowed by a regulation adopted by the department. Definitions.
- Sec. 8. "Total nutrients" means the sum of the percentages of total nitrogen, available phosphoric acid, and soluble potash as guaranteed and as determined by analysis. "Total nutrients".
- Sec. 9. "Lime" means a substance or a mixture of substances, the principal constituent of which is calcium and/or magnesium carbonate, hydroxide, or oxide, singly or combined. "Lime".
- Sec. 10. "Ton" means the net weight of two thousand pounds avoirdupois. "Ton".
- Sec. 11. "Percent" or "percentage" means the percentage by weight. "Percent" or "percentage".
- Sec. 12. "Department" means the department of agriculture of the state of Washington or its duly authorized representative. "Department".
- Sec. 13. "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association. "Person".
- Sec. 14. "Customer-formula fertilizer" means a mixture of commercial fertilizer and/or materials of which each batch is mixed according to the specific instructions of the final purchaser. "Customer-formula fertilizer".
- Sec. 15. "Registrant" means the person who registers commercial fertilizer under the provisions of this act. "Registrant".
- Sec. 16. "Official sample" means any sample of commercial fertilizer taken by the department and designated as "official" by the department. "Official sample".
- Sec. 17. "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend "Distribute".

Commercial Fertilizer Act  
—Definition.

commercial fertilizer, or to offer for sale, sell, barter, or otherwise supply commercial fertilizer in this state.

“Distributor”.

Sec. 18. “Distributor” means any person who distributes.

Administration and enforcement of act.

Sec. 19. The department shall administer, enforce, and carry out the provisions of this act and may adopt rules necessary to carry out its purpose. The adoption of rules shall be subject to a public hearing and all other applicable provisions of Chapter 34.04 RCW (Administrative Procedure Act), as enacted or hereafter amended.

Registration required—Application.

Sec. 20. (1) Each brand and grade of commercial fertilizer shall be registered before being distributed in this state. Companies planning to mix customer-formula fertilizers shall include the statement “Customer-Formula Grade Mixes” under the column headed GRADES on the brand registration application form. The application for registration shall be submitted to the department on forms furnished by the department, and shall be accompanied by a fee of twenty-five dollars per brand. Upon approval by the department, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31st of each year. The application shall include the following information:

- (a) The brand name;
- (b) Declaration of guaranteed analyses of formulations to be sold;
- (c) The name and address of the registrant and the manufacturer; and
- (d) The sources from which the guaranteed plant nutrients are derived.

A label or labels which shall comply with section 22 of this act shall accompany said application.

- (2) A distributor shall not be required to regis-

ter any brand of commercial fertilizer which is already registered under this act by another person.

(3) A distributor shall not be required to register each grade of a customer-formula fertilizer: *Provided*, That such grade shall be distributed under a registered brand.

(4) If an application for renewal of the brand registration provided for in this section is not filed prior to January 1st of any one year, a penalty of ten dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal brand registration shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit that he has not distributed this brand subsequent to the expiration of his prior registration.

Sec. 21. The department shall examine the registration application form and labels for conformance with the requirements of this act. If the application and appropriate labels are in proper form and contain the required information, the particular brand and grade of commercial fertilizer shall be registered by the department and a certificate of registration shall be issued to the applicant. The department may refuse registration, or cancel the registration, of any brand or grade of commercial fertilizer, the distribution of which would be in violation of any provisions of this act.

Application—  
Examination—  
Violations—  
Effect.

Sec. 22. (1) Any commercial fertilizer distributed in this state in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

Label require-  
ments.

- (a) The net weight;
- (b) The brand and grade;
- (c) The guaranteed analysis; and

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Fertilizer Act  
—Label  
requirements.

(d) The name and address of the registrant, or manufacturer, or both.

(2) If distributed in bulk, a written or printed statement of the information required by subsection (1) above shall accompany delivery and be supplied to the purchaser at the time of delivery.

(3) Each delivery of a customer-formula fertilizer shall be subject to containing those ingredients specified by the purchaser, which ingredients shall be shown on the statement or invoice with the amount contained therein, and a record of all invoices of customer-formula grade mixes shall be kept by the registrant for a period of six months and shall be available to the department upon request: *Provided*, That each such delivery shall be accompanied by either a statement, invoice, a delivery slip, or a label if bagged, containing the following information: The net weight; the brand; the guaranteed analysis which may be stated to the nearest tenth of a percent or to the next lower whole number; the name and address of the registrant, or manufacturer, or both; and the name and address of the purchaser.

Inspection fee.

Sec. 23. (1) Each distributor of a commercial fertilizer in this state shall pay to the department an inspection fee of five cents per ton of lime and ten cents per ton of all other commercial fertilizer sold by such person during the year beginning January 1st and ending December 31st.

(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. 24. (1) Each person made responsible by this act for the payment of inspection fees for commercial fertilizers sold in this state shall file a report with the department on October 1st, January 1st, April 1st, and July 1st of each year showing the number of tons of such commercial fertilizers sold during the three calendar months immediately preceding the date the report is due. The department may accept sales records or other records accurately reflecting the tonnage sold in verifying such reports. 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.

Reports—  
Penalty for  
late fees.

(2) 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 late-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 late-collection fee shall not prevent the department from taking any other action as provided for in this act.

(3) The report required by subsection (1) hereof 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 in any action, suit, or proceeding instituted under the authority of this act, including

Commercial  
Fertilizer Act.

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.

Inspection  
and analysis  
of samples.

Sec. 25. (1) It shall be the duty of the department to inspect, sample, make analysis of, and test commercial fertilizers distributed within this state at such time and place and to such an extent as it may deem necessary to determine whether such fertilizers are in compliance with the provisions of this act. The department is authorized to stop any commercial vehicle transporting fertilizers on the public highways and direct it to the nearest scales approved by the department to check weights of fertilizers being delivered. The department is also authorized, upon presentation of proper identification, to enter any distributor's premises, including any vehicle of transport, at all reasonable times in order to have access to commercial fertilizers and to records relating to their distribution.

(2) The methods of sampling and analysis shall be those adopted by the department from officially recognized sources.

(3) The department, in determining for administrative purposes whether a fertilizer is deficient in any component or total nutrients, shall be guided solely by the official sample as defined in section 16 of this act and obtained and analyzed as provided for in this section.

(4) When the inspection and analysis of an official sample has been made, the results of analysis shall be forwarded by the department to the distributor and to the purchaser, if known. Upon request and within thirty days, the department shall furnish to the distributor a portion of the sample concerned.

(5) Analysis of an official sample by the department shall be accepted as prima facie evidence by any court of competent jurisdiction.



Sec. 26. (1) If the analysis shall show that any commercial fertilizer falls short of the guaranteed analysis in any one plant nutrient or in total nutrients, penalty shall be assessed in favor of the department in accordance with the following provisions:

Failure  
to comply  
—Penalty.

(a) A penalty of three times the value of the deficiency, if such deficiency in any one plant nutrient is more than two percent under guarantee on any one commercial fertilizer in which that plant nutrient is guaranteed up to and including ten percent; a penalty of three times the value of the deficiency, if such deficiency in any one plant nutrient is more than three percent under guarantee on any one commercial fertilizer in which that plant nutrient is guaranteed from ten and one-tenth percent to twenty percent; a penalty of three times the value of the deficiency, if such deficiency in any one plant nutrient is more than four percent under guarantee on any one commercial fertilizer in which that plant nutrient is guaranteed twenty and one-tenth percent and above.

(b) A penalty of three times the value of the total nutrient deficiency shall be assessed when such deficiency is more than two percent under the calculated total nutrient guarantee.

(c) When a commercial fertilizer is subject to penalty under both (a) and (b) above, only the larger penalty shall be assessed.

(2) All penalties assessed under this section on any one commercial fertilizer, represented by the sample analyzed, shall be paid to the department within three months after the date of notice from the department to the registrant. The department shall deposit the amount of the penalty into the fertilizer, agricultural mineral and lime account.

(3) Nothing contained in this section shall prevent any person from appealing to a court of compe-

Commercial Fertilizer Act.

tent jurisdiction for a judgment as to the justification of such penalties imposed under subsections (1) and (2) above.

(4) The civil penalties payable in subsections (1) and (2) above shall in no manner be construed as limiting the consumer's right to bring a civil action in damage against the registrant paying said civil penalties.

Determination of commercial values of nutrients.

Sec. 27. For the purpose of initially determining the commercial values to be applied under the provisions of section 26 of this act, the department shall determine from the registrant's sales invoice the values per pound charged for nitrogen, available phosphoric acid, soluble potash, and other plant nutrients. The values so determined shall be used in determining and assessing penalties.

Minimum requirements.

Sec. 28. No superphosphate containing less than eighteen percent of available phosphoric acid, nor any mixed fertilizer in which the sum of the percentage guarantees for the nitrogen, available phosphoric acid, and soluble potash in the mixture is less than twenty percent, shall be sold or offered for sale in this state except for specialty fertilizers and customer-formula mixes: *Provided*, That specialty fertilizers, except manipulated animal and vegetable manures, guaranteeing less than five percent total plant food shall contain on the label specific directions for use, and prior to registration, the department may require proof of the efficacy of the product when used as directed.

Misbranding.

Sec. 29. Any commercial fertilizer is misbranded for the purposes of this act if it carries a false or misleading statement on the container, or the label attached to the container, or if false or misleading statements concerning the fertilizer are disseminated in any manner or by any means.

Sec. 30. It shall be unlawful for any person to:

Violations.

(1) Distribute a misbranded commercial fertilizer;

(2) Fail, refuse, or neglect to place upon or attach to each container of distributed commercial fertilizer a label containing all of the information required by this act;

(3) Fail, refuse, or neglect to deliver to a purchaser of bulk commercial fertilizer a statement containing the information required by this act;

(4) Distribute a brand of commercial fertilizer which has not been registered with the department; or

(5) Distribute commercial fertilizers containing viable seeds unless serving a desirable purpose and appropriately labeled.

Sec. 31. The department shall publish at least annually and in such form as it may deem proper (1) information concerning the distribution of commercial fertilizers and (2) results of analyses based on official samples as compared with the analyses guaranteed.

Analysis—  
Publication.

Sec. 32. The department may issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer to hold said commercial fertilizer at a designated place when the department finds such fertilizer is being offered or exposed for sale in violation of any of the provisions of this act, until this act has been complied with and said commercial fertilizer is released by order in writing of the department. The department shall release the commercial fertilizer so withdrawn when the owner or custodian has complied with the provisions of this act.

"Stop sale, use  
or removal"  
order—  
Enforcement.

Sec. 33. Any lot of commercial fertilizer not in compliance with the provisions of this act shall be subject to seizure on complaint of the department to

Seizure of  
noncomplying  
lots.

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a court of competent jurisdiction in the area in which said commercial fertilizer is located. In the event the court finds the said commercial fertilizer to be in violation of this act and orders the condemnation of said commercial fertilizer, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer and the laws of the state: *Provided*, That in no instance shall the disposition of said commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial fertilizer or for permission to process or relabel said commercial fertilizer to bring it into compliance with this act.

No damages  
for seizure  
under prob-  
able cause.

Sec. 34. No state court shall allow the recovery of damages from administrative action taken or for stop sales or seizures under sections 32 and 33 of this act if the court finds that there was probable cause for such action.

Violation—  
Penalty—  
Enforcement.

Sec. 35. (1) Any person who violates any provision of this act shall be guilty of a misdemeanor, and the fines collected shall be disposed of as provided under section 36 of this act.

(2) Nothing in this act shall be considered as requiring the department to report for prosecution or to cancel the registration of a brand or grade or to stop the sale of fertilizers for violations of this act, when violations are of a minor character, and/or when the department believes that the public interest will be served and protected by a suitable notice of the violation in writing.

(3) It shall be the duty of each prosecuting attorney to whom any violation of this act is reported, to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the department reports a violation of this act for such prosecution, an opportu-

nity shall be given the distributor to present his view in writing or orally to the department.

(4) The department is hereby authorized to apply for, and the court authorized to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any rule or regulation promulgated under this act, notwithstanding the existence of any other remedy at law. Any such injunction shall be issued without bond.

Sec. 36. All fees collected under the provisions of this act shall be paid to the state treasurer to be deposited in the fertilizer, agricultural mineral and lime account in the state general fund as provided for in RCW 43.79.330, which fund shall be used only in the enforcement of this act. All moneys collected under the provisions of RCW 15.54.010 through 15.54.250 and 15.54.900 and remaining in such fertilizer, agricultural mineral and lime account on the effective date of this act, shall likewise be used only in the enforcement of this act.

Disposition of fees.

Sec. 37. The director may cooperate with and enter into agreements with other governmental agencies, whether of this state, other states, or agencies of the federal government, and with private associations, in order to carry out the purposes and provisions of this act.

Cooperation with other governmental agencies.

Sec. 38. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this act.

Existing liabilities not affected by act.

Sec. 39. All registrations and licenses in effect under sections 15.54.010 through 15.54.250 and 15.54.900, chapter 11, Laws of 1961 and RCW 15.54.010 through 15.54.250 and 15.54.900 on the effective date of this act shall continue in full force

Continuation of prior licenses.

**Commercial Fertilizer Act.** and effect until December 31st, 1967. Any registration that has been paid on the effective date of this act under the requirements of any prior act shall not be refunded.

**Effective date.** Sec. 40. The effective date of this act is July 1, 1967.

**Prior rules—Savings.** Sec. 41. The repeal of sections 15.54.010 through 15.54.250 and 15.54.900, chapter 11, Laws of 1961 and chapter 15.54 RCW and the enactment of this act shall not be deemed to have repealed any rules adopted under the provisions of sections 15.54.010 through 15.54.250 and 15.54.900, chapter 11, Laws of 1961 and chapter 15.54 RCW and in effect immediately prior to such repeal and not inconsistent with the provisions of this act. All such rules shall be considered to have been adopted under the provisions of this act.

**Short title.** Sec. 42. Sections 1 through 42 of this act shall be known as the "Washington Commercial Fertilizer Act".

**Repeal.** Sec. 43. Sections 15.54.010 through 15.54.250 and section 15.54.900, chapter 11, Laws of 1961 and RCW 15.54.010 through 15.54.250 and 15.54.900 are each repealed.

**Severability.** Sec. 44. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision, or part thereof, not adjudged invalid or unconstitutional.

Passed the House March 20, 1967.

Passed the Senate March 31, 1967.

Approved by the Governor April 7, 1967.

## CHAPTER 23.

[Engrossed House Bill No. 224.]

COMMERCIAL TRANSACTIONS—CHECKS—  
OUT-OF-STATE LOANS—INTEREST.

AN ACT relating to commercial transactions; and adding a new section to chapter 157, Laws of 1965 extraordinary session and to article 62A.3 RCW; amending section 2, chapter 80, Laws of 1899 and RCW 19.52.020; amending section 7, chapter 80, Laws of 1899 and RCW 19.52.030; adding new sections to chapter 80, Laws of 1899 and to chapter 19.52 RCW; and prescribing penalties.

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

Section 1. There is hereby added to chapter 157, Laws of 1965 extraordinary session and to article 62A.3 RCW a new section to read as follows: New section.

Whenever a check as defined in RCW 62A.3-104 has been dishonored by nonacceptance or nonpayment and has not been paid within fifteen days after written notice by the holder of such check to the last known address of the drawer that such check has been dishonored and the instrument does not provide for the payment of interest, or collection costs and attorneys fees, drawer of such instrument shall also be liable for payment of interest at the rate of twelve percent per annum from the date of dishonor and cost of collection not to exceed twenty dollars or the face amount of the check, whichever is the lesser. In the event of court action on the check the court, after such notice and the expiration of said fifteen days shall award a reasonable attorneys fee as part of the damages payable to the holder of the check. This section shall not apply to any instrument which has been dishonored by reason of any justifiable stop payment order.

Commercial  
transaction—  
Checks dis-  
honored—  
Liability of  
drawer.

Sec. 2. Sections 2 through 8 of this act are enacted in order to protect the residents of this state from debts bearing burdensome interest rates; and in Purpose.

Commercial transactions.

order to better effect the policy of this state to use this state's policies and courts to govern the affairs of our residents and the state; and in recognition of the duty to protect our citizens from oppression generally.

New section.

Sec. 3. There is added to chapter 80, Laws of 1899 and to chapter 19.52 RCW a new section to read as follows:

Interest on loans made outside of state.

Whenever a loan or forbearance is made outside Washington state to a person then residing in this state the usury laws found in chapter 19.52 RCW, as now or hereafter amended, shall be applicable in all courts of this state to the same extent such usury laws would be applicable if the loan or forbearance was made in this state.

RCW 19.52.020 amended.

Sec. 4. Section 2, chapter 80, Laws of 1899 and RCW 19.52.020 are each amended to read as follows:

Interest rate—Usury.

Any rate of interest not exceeding twelve percent per annum agreed to in writing by the parties to the contract shall be legal, and no person shall directly or indirectly take or receive in money, goods, or things in action, or in any other way, any greater interest, sum or value for the loan or forbearance of any money, goods or things in action than twelve percent per annum: *Provided*, That in any loan of money in which the funds advanced do not exceed the sum of five hundred dollars, a setup charge may be charged and collected by the lender, and such setup charge shall not be considered interest hereunder: *Provided further*, That such setup charge does not exceed four percent of the amount of funds advanced, or fifteen dollars, whichever is the lesser, except that on loans of under one hundred dollars a minimum not exceeding four dollars may be so charged.

RCW 19.52.030 amended.

Sec. 5. Section 7, chapter 80, Laws of 1899 and RCW 19.52.030 are each amended to read as follows:



(1) If a greater rate of interest than is allowed by statute shall be contracted for or received or reserved, the contract shall be usurious, but shall not, therefore, be void. If in any action on such contract proof be made that greater rate of interest has been directly or indirectly contracted for or taken or reserved, the creditor shall only be entitled to the principal, less the amount of interest accruing thereon at the rate contracted for; and if interest shall have been paid, the creditor shall only be entitled to the principal less twice the amount of the interest paid, and less the amount of all accrued and unpaid interest; and the debtor shall be entitled to costs and reasonable attorneys' fees plus the amount by which the amount he has paid under the contract exceeds the amount to which the creditor is entitled: *Provided*, That the debtor may not commence an action on the contract to apply the provisions of this section if a loan or forbearance is made to a corporation engaged in a trade or business for the purposes of carrying on said trade or business unless there is also, in connection with such loan or forbearance, the creation of liability on the part of a natural person or his property for an amount in excess of the principal plus interest allowed pursuant to RCW 19.52.020. The reduction in principal shall be applied to diminish pro rata each future installment of principal payable under the terms of the contract.

(2) The acts and dealings of an agent in loaning money shall bind the principal, and in all cases where there is usurious interest contracted for by the transaction of any agent the principal shall be held thereby to the same extent as though he had acted in person. And where the same person acts as agent of the borrower and lender, he shall be deemed the agent of the lender for the purposes of this act. If the agent of both the borrower and

Usurious  
contracts—  
Remedy—De-  
fense—Agents.

Commercial transaction—  
Usury.

lender, or of the lender only, transacts a usurious loan for a commission or fee, such agent shall be liable to his principal for the amount of the commission or fee received or reserved by the agent, and liable to the lender for the loss suffered by the lender as a result of the application of this act.

New section.

Sec. 6. There is added to chapter 80, Laws of 1899 and to chapter 19.52 RCW a new section to read as follows:

Remedy—  
Declaratory judgment.

The debtor, if a natural person, or the creditor may bring an action for declaratory judgment to establish whether a loan or forbearance contract is or was usurious, and such an action shall be considered an action on the contract for the purposes of applying the provisions of section 5 of this 1967 amendatory act. Such an action shall be brought against the current creditor or debtor on the contract or, if the loan or debt has been fully repaid, by the debtor against the creditor to whom the debtor was last indebted on the contract. No such an action shall be commenced after six months following the date the final payment becomes due, whether by acceleration or otherwise, nor after six months following the date the principal is fully paid, whichever first occurs. If the debtor commences such an action and fails to establish usury, and if the court finds the action was frivolously commenced, the defendant or defendants may, in the court's discretion, recover reasonable attorney's fees from the debtor.

New section.

Sec. 7. There is added to chapter 80, Laws of 1899 and to chapter 19.52 RCW a new section to read as follows:

Unfair business practice act, application.

Entering into or transacting a usurious contract is hereby declared to be an unfair act or practice in the conduct of commerce for the purpose of the application of the consumer protection act found in chapter 19.86 RCW.

Sec. 8. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby. Severability.

Sec. 9. The provisions of this 1967 amendatory act shall not apply to transactions entered into prior to the effective date hereof. Application.

Passed the House March 30, 1967.

Passed the Senate March 29, 1967.

Approved by the Governor April 7, 1967.

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## CHAPTER 24.

[Engrossed House Bill No. 492.]

### HARBOR LINES.

AN ACT relating to harbor lines; and amending section 1, chapter 139, Laws of 1963 (uncodified).

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

Section 1. Section 1, chapter 139, Laws of 1963 (uncodified) is hereby amended to read as follows:

The commission on harbor lines is hereby authorized to change, relocate, or reestablish harbor lines in Guemes Channel and Fidalgo Bay in front of the city of Anacortes, Skagit county; in Grays Harbor in front of the cities of Aberdeen, Hoquiam, and Cosmopolis, Grays Harbor county; Bellingham Bay in front of the city of Bellingham, Whatcom county, in Elliott Bay, Puget Sound and Lake Union within, and in front of the city of Seattle, King county, and within one mile of the limits of such city; Port Angeles harbor in front of the city of Port Angeles, Clallam county; in Lake Washington in

Relocation of  
harbor lines.

Relocation of  
harbor lines.

front of the city of Renton, King county; Commencement Bay in front of the city of Tacoma, Pierce county, and within one mile of the limits of such city; and Budd Inlet in front of the city of Olympia.

Relocation of  
harbor lines.

Sec. 2. The commission on harbor lines is hereby authorized and directed to relocate that portion of the inner harbor line established June 30, 1927, by the filing in the office of the commissioner of public lands of the "Maps of Seattle Tide Lands, Extension No. 1" between the angle point in the inner harbor line at the most easterly corner of Lot 22, Block 431-A, Seattle Tide Lands, Extension No. 1, (vicinity of Harbor Avenue Southwest and West Florida Street), as shown on sheet 57 of said maps and the south line of Lot 9, Block 482, Seattle Tide Lands, Extension No. 1 (Lincoln Park), as shown on sheet 72 of said maps, by establishing said inner harbor line coincident with the existing line of ordinary high tide between said limits.

Said relocation shall in no way effect any license or building permit pertaining to the area involved hereinabove and which was issued by the City of Seattle prior to June 1966, or any renewal of such license or permit granted prior to the time this act takes effect.

Passed the House March 31, 1967.

Passed the Senate March 29, 1967.

Approved by the Governor April 7, 1967.

## CHAPTER 25.

[Substitute House Bill No. 534.]

## STATE PERSONNEL—SALARY PAYMENT SCHEDULES.

AN ACT relating to state government; providing periods and methods for payment of salaries; amending section 1, chapter 130, Laws of 1891 and RCW 42.16.010; and creating new sections.

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

Section 1. Section 1, chapter 130, Laws of 1891 and RCW 42.16.010 are each amended to read as follows:

RCW 42.16.010 amended.

The salaries of all state officers and employees shall be paid monthly on the last day of each month: *Provided*, That the budget director may adopt or authorize adoption of semi-monthly or more frequent payment schedules for state agencies, in his discretion: *And provided further*, That schedules for the payment of compensation more often than semi-monthly may be adopted only upon the written requests of state agencies, and only for the purpose of conforming state payment schedules for classes of employees in specific trades or occupations to customary schedules prevailing in private industries.

State personnel—Salary payment schedules.

Sec. 2. A state payroll revolving fund and an agency payroll revolving fund are created in the state treasury, for the payment of compensation to employees and officers of the state and distribution of all amounts withheld therefrom pursuant to law and amounts authorized by employees to be withheld pursuant to regulations of the budget director; also for the payment of the state's contributions for retirement and insurance and other employee benefits: *Provided*, That the utilization of the state payroll revolving fund shall be optional for agencies whose payrolls are not prepared by the budget di-

State payroll revolving fund and agency payroll revolving fund.

State person-  
nel—Salary  
payments.

rector: *Provided further*, That the utilization of the agency payroll revolving fund shall be optional for agencies whose operations are funded in whole or part other than by funds appropriated from the state treasury.

Disbursements  
from revolv-  
ing funds.

Sec. 3. The amounts to be disbursed from the state payroll revolving fund from time to time on behalf of agencies utilizing such fund shall be transferred thereto by the state treasurer from appropriated funds properly chargeable with the disbursement for the purposes set forth in section 2 of this 1967 amendatory act, on or before the day prior to scheduled disbursement. The amounts to be disbursed from the agency payroll revolving fund from time to time on behalf of agencies electing to utilize such fund shall be deposited therein by such agencies from funds held by the agency pursuant to law outside the state treasury and properly chargeable with the disbursement for the purposes set forth in section 2 of this 1967 amendatory act, on or before the day prior to scheduled disbursement.

Transfer of  
funds.

Sec. 4. The state treasurer shall make such transfers to the state payroll revolving fund in the amounts to be disbursed as certified by the respective agencies: *Provided*, That if the payroll is prepared by the budget director on behalf of an agency from data authenticated and certified by the agency, the state treasurer shall make the transfer upon the certification of the budget director.

Warrants.

Sec. 5. Disbursements from the revolving funds created by this 1967 amendatory act shall be by warrant in accordance with the provisions of RCW 43.88.160: *Provided*, That when the budget director prepares the payroll for an agency, disbursement on behalf of the agency shall be made upon his certification. In the case of such payrolls prepared by the budget director for other agencies, disbursements

representing amounts withheld, and/or contributions, for payment to any individual payee, may be by single warrant representing the aggregate amounts payable by all such agencies to such payee.

All payments to employees or other payees, from the revolving funds created by this 1967 amendatory act, whether certified by an agency or by the budget director on behalf of such agency, shall be made wherever possible by a single warrant reflecting on its face the amount charged to each revolving fund.

Sec. 6. All amounts increasing the balance in the state payroll revolving fund, as a result of the cancellation of warrants issued therefrom shall be transferred by the state treasurer to the fund from which the canceled warrant would originally have been paid except for the provisions of this 1967 amendatory act.

Canceled warrants.

Sec. 7. All amounts increasing the balance in the agency payroll revolving fund, as a result of the cancellation of warrants issued therefrom shall be refunded by the state treasurer to the appropriate state agency. The refund shall be deposited by the agency to the fund from which such amount was originally withdrawn for deposit in the agency payroll revolving fund.

Canceled warrants credited to agency.

Sec. 8. To facilitate payroll preparation and accounting, or to implement the provisions of this 1967 amendatory act, the budget director may adopt customary and necessary procedures including the establishment of pay dates at reasonable times following periods in which payment is earned.

Budget director to adopt procedures.

Sec. 9. This 1967 amendatory act shall take effect July 1, 1967: *Provided*, That the budget director may by regulation postpone the operation of the act for any reasonable time, not extending beyond the

Effective date.

1967-1969 biennium, to facilitate an orderly transition in state payroll procedures.

Passed the House March 17, 1967.

Passed the Senate March 31, 1967.

Approved by the Governor April 7, 1967.

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## CHAPTER 26.

[Engrossed House Bill No. 576.]

### DEPARTMENT OF REVENUE—BOARD OF TAX APPEALS.

AN ACT relating to state government; providing for the administration of laws pertaining to taxation; establishing the department and director of revenue; establishing the board of tax appeals; abolishing the tax commission of the state of Washington and transferring the powers and duties thereof to the director of revenue and to the board of tax appeals; establishing procedures for review and providing for appeals from the board of tax appeals; transferring appropriations; amending section 43.17.010, chapter 8, Laws of 1965 as amended by section 20, chapter 156, Laws of 1965 and RCW 43.17.010; amending section 43.17.020, chapter 8, Laws of 1965 as amended by section 21, chapter 156, Laws of 1965 and RCW 43.17.020; amending section 82.02.010, chapter 15, Laws of 1961 and RCW 82.02.010; amending section 83.01.010, chapter 15, Laws of 1961 and RCW 83.01.010; amending section 84.04.110, chapter 15, Laws of 1961 and RCW 84.04.110; amending section 84.12.350, chapter 15, Laws of 1961 and RCW 84.12.350; amending section 84.16.110, chapter 15, Laws of 1961 and RCW 84.16.110; amending section 1, chapter 286, Laws of 1957 and RCW 19.91.010, amending section 4, chapter 220, Laws of 1959 and RCW 23.90.040; amending section 7, chapter 278, Laws of 1957 as amended by section 1, chapter 274, Laws of 1959 and RCW 54.28.010; amending section 2, chapter 166, Laws of 1921 as amended by section 2, chapter 236, Laws of 1955 and RCW 60.28.020; amending section 5, chapter 236, Laws of 1955 and RCW 60.28.050; amending section 6, chapter 236, Laws of 1955 and RCW 60.28.060; amending section 1, chapter 91, Laws of 1957 and RCW 60.28.070; amending section 1, chapter 385, Laws of 1955 and RCW 63.28.070; amending section 82.32.160, chapter 15, Laws of 1961 as amended by section 8, chapter 28, Laws of 1963 extraordinary session and RCW 82.32.160; amending section 82.32.170, chapter 15, Laws of 1961 and



RCW 82.32.170; amending section 82.32.180, chapter 15, Laws of 1961 as last amended by section 5, chapter 141, Laws of 1965 extraordinary session and RCW 82.32.180; adding a new section to chapter 15, Laws of 1961 and chapter 82.01 RCW; adding a new section to chapter 11.08 RCW; adding new sections to chapter 15, Laws of 1961 and to Title 82 RCW and providing for a new chapter therein; and repealing sections 82.01.010 through 82.01.040, chapter 15, Laws of 1961 and RCW 82.01.010 through 82.01.040.

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

Section 1. The purpose of this 1967 amendatory act is to provide for a more efficient administration of the supervision and collection of state taxes and other allied functions, to separate certain of the administrative and quasi-judicial functions of the taxing authority, and to provide a convenient and economical form in which the appeals of individual taxpayers may be determined.

Department of revenue—  
Board of tax appeals. Purpose of act.

Sec. 2. There is established a department of state government to be known as the department of revenue of the state of Washington, of which the chief executive officer shall be known as the director of revenue.

Department of revenue—  
Director.

Sec. 3. The director of revenue, hereinafter in as they may be revised or rescinded by the director; through the department of revenue, hereinafter in this 1967 amendatory act referred to as the department, shall:

Director—  
Duties.

(1) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax commission at the time this 1967 amendatory act takes effect or which the legislature may hereafter make the responsibility of the director or of the department;

(2) Make, adopt and publish such rules and regulations as he may deem necessary or desirable to carry out the powers and duties imposed upon him or the department by the legislature: *Provided,*

Department of revenue.

That rules and regulations adopted by the tax commission prior to the effective date of this 1967 amendatory act shall remain in force until such time as they may be revised or rescinded by the director;

(3) Provide by general regulations for an adequate system of departmental review of the actions of the department or of its officers and employees in the assessment or collection of taxes;

(4) Maintain a tax research section with sufficient technical, clerical and other employees to conduct constant observation and investigation of the effectiveness and adequacy of the revenue laws of this state and of the sister states in order to assist the governor, the legislature and the director in estimation of revenue, analysis of tax measures, and determination of the administrative feasibility of proposed tax legislation and allied problems;

(5) Recommend to the governor in a report at least sixty days before the meeting of any regular session of the legislature such amendments, changes in, and modifications of the revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of taxes in the most economical manner.

Assistant director—Other personnel.

Sec. 4. The director shall have charge and general supervision of the department of revenue. He shall appoint an assistant director for administration, hereinafter in this 1967 amendatory act referred to as the assistant director, and subject to the provisions of chapter 41.06 RCW may appoint and employ such clerical, technical and other personnel as may be necessary to carry out the powers and duties of the department.

Delegation of duties—Responsibility.

Sec. 5. The director may delegate any power or duty vested in or transferred to him by law, or executive order, to the assistant director or to any of

the director's subordinates; but the director shall be responsible for the official acts of the officers and employees of the department.

Sec. 6. There is added to chapter 15, Laws of 1961 and to chapter 82.01 RCW a new section to read as follows:

Except for the powers and duties devolved upon the board of tax appeals by the provisions of sections 30 through 48 of this 1967 amendatory act, the director of revenue shall, after the effective date of this 1967 amendatory act, exercise those powers, duties and functions theretofore vested in the tax commission of the state of Washington, including all powers, duties and functions of the commission acting as the commission or as the state board of equalization or in any other capacity.

Sec. 7. The tax commission of the state of Washington is hereby abolished and, except for those powers, duties and functions provided for in sections 30 through 48 of this 1967 amendatory act herewith vested in the board of tax appeals created therein, its powers, duties and functions are transferred to the director of revenue.

Sec. 8. The tax commission of the state of Washington shall transfer and deliver on the effective date of this 1967 amendatory act to the director of revenue and to the board of tax appeals, as the powers and duties assumed by such agencies under the provisions of this 1967 amendatory act shall indicate, all books, documents, records, papers and other writings which have been made, and all cabinets, files, furniture, office equipment, motor vehicles and other tangible property used or held in the exercise of the power and performance of the duties by this 1967 amendatory act transferred to the director of revenue and to the board of tax appeals.

Department of revenue.

Sec. 9. All appropriations made to or for the tax commission of the state of Washington are hereby transferred and made available to the department of revenue to be expended in carrying out the powers and duties imposed upon such department of revenue and the director of revenue.

Transfer of appropriations.

Transfer of employees.

Sec. 10. All employees of the tax commission who are employed in performing the functions vested hereby in the department of revenue and who are not exempted from the provisions of chapter 41.06 RCW shall, upon the effective date of this act, be transferred to the department of revenue.

All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW without any loss of rights granted by said law.

Assist other agencies in tax collection.

Sec. 11. Assistance of the department of revenue in the administration or collection of those state taxes which are administered or collected by other state agencies may be requested by the agencies concerned. Such assistance may be given by the director to the extent that the limitations of time, personnel and the conduct of the duties of the department shall allow. The department shall be reimbursed by any agency to which assistance is rendered.

RCW 43.17.010 amended.

Sec. 12. Section 43.17.010, chapter 8, Laws of 1965 as amended by section 20, chapter 156, Laws of 1965 and RCW 43.17.010 are each amended to read as follows:

State departments enumerated.

There shall be departments of the state government which shall be known as (1) the department of public assistance, (2) the department of institutions, (3) the department of health, (4) the department of conservation, (5) the department of labor and industries, (6) the department of agriculture, (7) the department of fisheries, (8) the department of game, (9) the department of highways, (10) the

department of motor vehicles, (11) the department of general administration, (12) the department of commerce and economic development and (13) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

**NOTE: See also section 12, chapter 242, Laws of 1967.**

Sec. 13. Section 43.17.020, chapter 8, Laws of 1965 as amended by section 21, chapter 156, Laws of 1965 and RCW 43.17.020 are each amended to read as follows:

RCW 43.17.020  
amended.

There shall be a chief executive officer of each department to be known as: (1) The director of public assistance, (2) the director of institutions, (3) the director of health, (4) the director of conservation, (5) the director of labor and industries, (6) the director of agriculture, (7) the director of fisheries, (8) the director of game, (9) the director of highways, (10) the director of motor vehicles, (11) the director of general administration, (12) the director of commerce and economic development and (13) the director of revenue.

Executive officers of state departments enumerated.

Such officers, except the director of highways, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission.

**NOTE: See also section 13, chapter 242, Laws of 1967.**

Sec. 14. Section 82.02.010, chapter 15, Laws of 1961 and RCW 82.02.010 are each amended to read as follows:

RCW 82.02.010  
amended.

Department of revenue.

For the purpose of this title, unless otherwise required by the context:

Definitions.

(1) The terms "tax commission", "department of revenue", "state board of equalization" and "revenue department" and the words "commission" and "department" mean the department of revenue of the state of Washington;

(2) The word "director" means the director of the department of revenue of the state of Washington;

(3) The word "taxpayer" includes any individual, group of individuals, corporation, or association liable for any tax or the collection of any tax hereunder, or who engages in any business or performs any act for which a tax is imposed by this title;

(4) Words in the singular number shall include the plural and the plural shall include the singular. Words in one gender shall include all other genders.

RCW 83.01.010 amended.

Sec. 15. Section 83.01.010, chapter 15, Laws of 1961 and RCW 83.01.010 are each amended to read as follows:

Definitions.

For the purposes of this title, unless otherwise required by the context:

(1) "Supervisor" means and refers to the director of revenue of the state of Washington;

(2) "Tax commission", "commission" or "department" means the department of revenue of the state of Washington;

(3) "Taxpayer" includes any individual, group of individuals, corporation, or association liable for any tax or the collection of any tax under the provisions of this title, or who engages in any business or performs any act for which a tax is imposed by this title;

(4) Words in the singular number shall include the plural and the plural shall include the singular;

(5) Words in one gender shall include all other genders.

Sec. 16. Section 84.04.110, chapter 15, Laws of 1961 and RCW 84.04.110 are each amended to read as follows:

“Tax commission” shall be held and construed to mean the department of revenue of the state of Washington.

Sec. 17. Section 84.12.350, chapter 15, Laws of 1961 and RCW 84.12.350 are each amended to read as follows:

Upon determination by the department of revenue of the true and correct actual cash value of the property appearing on such rolls it shall apportion such value to the respective counties entitled thereto, as hereinafter provided, and shall determine the equalized assessed valuation of such property in each such county and in the several taxing districts therein, by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property in such county: *Provided*, That, whenever the amount of the true and correct value of the operating property of any company otherwise apportionable to any county or other taxing district shall be less than two hundred fifty dollars, such amount need not be apportioned to such county or taxing district but may be added to the amount apportioned to an adjacent county or taxing district.

Sec. 18. Section 84.16.110, chapter 15, Laws of 1961 and RCW 84.16.110 are each amended to read as follows:

Upon determination by the department of revenue of the true and correct actual cash value of the property appearing on such rolls the department shall apportion such value to the respective counties entitled thereto as hereinafter provided, and shall

Department of revenue.

determine the equalized or assessed valuation of such property in such counties by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property of the respective counties: *Provided*, That, whenever the amount of the true and correct value of the operating property of any company otherwise apportionable to any county shall be less than two hundred fifty dollars, such amount need not be apportioned to such county but may be added to the amount apportioned to an adjacent county.

New section.

Sec. 19. There is added to chapter 11.08 RCW a new section to read as follows:

"Tax commission" means "department of revenue".

The term "tax commission" as used in this chapter shall be held and construed to mean the department of revenue of the state of Washington.

RCW 19.91.010 amended.

Sec. 20. Section 1, chapter 286, Laws of 1957 and RCW 19.91.010 are each amended to read as follows:

Cigarette sales tax—Definitions.

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Person" means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) "Wholesaler" includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of



cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a "wholesaler" and "retailer" under the applicable provisions of this chapter.

(3) "Retailer" means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) "Tax commission" means the department of revenue of the state of Washington.

(5) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(6) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(7) "Sell at wholesale", "sale at wholesale" and "wholesale" sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(8) "Sell at retail", "sale at retail" and "retail sales" mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(9) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the

Department of  
revenue.

quantity last purchased, whichever is lower, less all trade discounts and customary discounts for cash, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price.

(10) (a) The term "cost to the wholesaler" means the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers "cost of doing business" bears to said wholesalers dollar volume per annum, and said "cost of doing business by the wholesaler" shall be evidenced and determined by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be four percent of the "basic cost of cigarettes" to the wholesaler, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the "basic cost of cigarettes" to the wholesaler.

(11) (a) The term "cost to the retailer" means the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said retailers "cost of doing business" bears to said retailers dollar volume per annum, and said "cost of doing business by the retailer" shall be evidenced and determined by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising: *Provided*, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer", pursuant to this subdivision, add the "cost of doing business by the wholesaler," as defined in subdivision (10) of this section, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer".

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be ten percent of the "basic cost of cigarettes" to the retailer.

(c) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer", who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a

Department of revenue.

retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be ten percent of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler".

(12) "Business day" means any day other than a Sunday or a legal holiday.

RCW 23.90.040 amended.

Sec. 21. Section 4, chapter 220, Laws of 1959 and RCW 23.90.040 are each amended to read as follows:

Massachusetts trusts—Filing trust instrument—Duties of state and county agencies.

(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 motor vehicles, 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. 22. Section 7, chapter 278, Laws of 1957 as amended by section 1, chapter 274, Laws of 1959 and RCW 54.28.010 are each amended to read as follows:

RCW 54.28.010 amended.

As used in this chapter:

“Tax commission” means the department of revenue of the state of Washington;

Public utility districts.  
Privilege taxes.  
Definitions.

“Operating property” means all of the property utilized by a public utility district in the operation of a plant or system for the generation, transmission, or distribution of electric energy for sale;

“Taxing districts” means counties, cities, towns, school districts, and road districts;

“Distributes to consumers” means the sale of electric energy to ultimate consumers thereof, and does not include sales of electric energy for resale by the purchaser;

“Wholesale value” means all costs of a public utility district associated with the generation and transmission of energy from its own generation and transmission system to the point or points of interconnection with a distribution system owned and used by a district to distribute such energy to con-

Department of revenue.

sumers, or in the event a distribution system owned by a district is not used to distribute such energy, then the term means the gross revenues derived by a district from the sale of such energy to consumers.

RCW 60.28.020 amended.

Sec. 23. Section 2, chapter 166, Laws of 1921 as amended by section 2, chapter 236, Laws of 1955 and RCW 60.28.020 are each amended to read as follows:

Public works —Liens for taxes—Excess over liens.

After the expiration of the thirty day period, and after receipt of the department of revenue's certificate, the reserve in excess of a sum sufficient to discharge the taxes certified as due or to become due by the department of revenue, and the claims of materialmen and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, shall be paid to the contractor.

RCW 60.28.050 amended.

Sec. 24. Section 5, chapter 236, Laws of 1955 and RCW 60.28.050 are each amended to read as follows:

Public works —Liens for taxes.

Upon final acceptance of a contract, the state, county or other municipal officer charged with the duty of disbursing or authorizing disbursement or payment of such contracts shall forthwith notify the department of revenue of the completion of said contract. Such officer shall not make any payment from the retained percentage fund to any person, until he has received from the department of revenue a certificate that all taxes, increases and penalties due from the contractor, and all taxes due and to become due with respect to such contract have been paid in full or that they are, in the department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

RCW 60.28.060 amended.

Sec. 25. Section 6, chapter 236, Laws of 1955 and RCW 60.28.060 are each amended to read as follows:

Taxes paid.

If within thirty days after receipt of notice by the department of revenue of the completion of the contract, the amount of all taxes, increases and pen-

alties due from the contractor or any of his successors or assignees or to become due with respect to such contract have not been paid, the department of revenue may certify to the disbursing officer the amount of all taxes, increases and penalties due from the contractor, together with the amount of all taxes due and to become due with respect to the contract and may request payment thereof to the department of revenue in accordance with the priority provided by this chapter. The disbursing officer shall within ten days after receipt of such certificate and request pay to the department of revenue the amount of all taxes, increases and penalties certified to be due or to become due with respect to the particular contract, and, after payment of all claims which by statute are a lien upon the retained percentage withheld by the disbursing officer, shall pay to the department of revenue the balance, if any, or so much thereof as shall be necessary to satisfy the claim of the department of revenue for the balance of all taxes, increases or penalties shown to be due by the certificate of the department of revenue. If the contractor owes no taxes imposed pursuant to Title 82, the department of revenue shall so certify to the disbursing officer.

Sec. 26. Section 1, chapter 91, Laws of 1957 and RCW 60.28.070 are each amended to read as follows:

Where final completion of a contract executed by the Washington state highway commission for the construction of any road, bridge, street, or any part of a public highway is delayed by any unforeseen condition beyond the control of the contractor and the reservation of moneys earned as required herein shall work undue hardship on the contractor, then the highway commission thirty days after completion of all work required under the contract other than that delayed by such unforeseen condition and no taxes having been certified as due or to become

RCW 60.28.070  
amended.

Public works  
—Liens for  
taxes—Delay  
as excuse.

Department of  
revenue.

due by the department of revenue and no claims filed by any materialman or laborer, may at its discretion order funds reserved for the work actually completed paid to the contractor upon the contractor's delivering good and sufficient bond, with two or more sureties, or with a surety company, in the amount of the reserved funds then paid to the contractor, to the effect that no taxes shall be certified or claims filed for work done other than that delayed by the unforeseen condition within a period of thirty days following final acceptance of said improvement or work as completed; 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.

RCW 63.28.070  
amended.

Sec. 27. Section 1, chapter 385, Laws of 1955 and RCW 63.28.070 are each amended to read as follows:

Unclaimed  
property.  
Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Banking organization" means any bank, trust company, savings bank or land bank engaged in business in this state.

(2) "Business association" means any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(3) "Financial organization" means any savings and loan association, building and loan association, industrial loan company, small loan company, credit union or investment company engaged in business in this state.

(4) "Holder" means any person in possession of property subject to this chapter belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this chapter.



(5) "Life insurance corporation" means any association or corporation transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(6) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, or creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this chapter, or his legal representative.

(7) "Person" means any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(8) "Utility" means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

(9) "Tax commission" means the department of revenue of the state of Washington.

Sec. 28. Sections 82.01.010 through 82.01.040, chapter 15, Laws of 1961 and RCW 82.01.010 through 82.01.040 are each repealed. Repeal.

Sec. 29. There is added to chapter 15, Laws of 1961 and to Title 82 RCW a new chapter to read as set forth in sections 30 through 48 of this act. New chapter.

Sec. 30. There is hereby created the board of tax appeals of the state of Washington as an agency of state government. Board of tax appeals.  
Created.

Sec. 31. The board of tax appeals, hereinafter in this 1967 amendatory act referred to as the board, shall consist of three members qualified by experi- Membership.

Board of tax  
appeals.

ence and training in the field of state and local taxation, appointed by the governor with the advice and consent of the senate, and no more than two of whom at the time of appointment or during their terms shall be members of the same political party.

Members—  
Appointment  
—Term.

Sec. 32. Members of the board shall be appointed for a term of six years and until their successors are appointed and have qualified. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs: *Provided*, That the terms of the first three members of the board shall be staggered so that one member shall be appointed to serve until March 1, 1969, one member until March 1, 1971, and one member until March 1, 1973.

Removal.

Sec. 33. Any member of the board may be removed for inefficiency, 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 of the hearing, which shall be public, and the procedure for the hearing, and 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 shall disqualify such member for reappointment.

Full or part  
time—Salar-  
ies, expenses,  
etc.

Sec. 34. 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. If it is determined that the board shall operate on a part time basis, each member of the

board shall receive compensation on the basis of seventy-five dollars per diem for each day spent in performance of his duties: *Provided, however,* That such compensation shall not exceed seventy-five hundred dollars in a calendar year. Each board member shall receive reimbursement for travel and other expenses incurred in the discharge of his duties in accordance with RCW 43.03.050.

Sec. 35. Each member of the board of tax appeals:

Members,  
limitations.

(1) Shall not be a candidate for nor hold any other public office or trust, and shall not engage in any occupation or business interfering with or inconsistent with his duty as a member of the board, nor shall he serve on or under any committee of any political party; and

(2) Shall not for a period of one year after the termination of his membership on the board, act in a representative capacity before the board on any matter.

Sec. 36. The board may appoint, discharge and fix the compensation of an executive secretary, a clerk, and such other clerical professional and technical assistants as may be necessary.

Executive  
secretary and  
other em-  
ployees.

Sec. 37. The board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect such a chairman.

Chairman—  
Election.

Sec. 38. 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 and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act

Offices—Vot-  
ing—Rules  
and regula-  
tions—  
Hearings.

Board of tax appeals.

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.

Findings of fact and written decisions—  
Filing decisions.

Sec. 39. The board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and shall be open to public inspection at all reasonable times.

Publication of findings and decisions.

Sec. 40. The board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

Journal.

Sec. 41. 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.

Jurisdiction.

Sec. 42. The board shall have jurisdiction to decide the following types of appeals:

(1) Appeals taken pursuant to section 48 of this 1967 amendatory act.

(2) Appeals from a county board of equalization pursuant to RCW 84.08.130.

(3) Appeals by an assessor or land owner from an order of the director of revenue made pursuant to RCW 84.08.010 and RCW 84.08.060, the right to such an appeal being hereby established.

(4) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapter 84.12 RCW and 84.16 RCW, the right to such appeal being hereby established.

Sec. 43. In all appeals over which the board has jurisdiction under section 42 of this 1967 amendatory act, a party taking an appeal may elect either a formal or an informal hearing, such election to be made according to rules of practice and procedure to be promulgated by the board: *Provided, however,* That nothing herein shall be construed to modify the provisions of section 48 of this 1967 amendatory act. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.

Appeals to board—  
Formal or informal hearing.

Sec. 44. In all appeals involving an informal hearing, the board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter 34.04 RCW. The board shall also have all powers granted the department of revenue pursuant to RCW 82.32.110. In the case of appeals within the scope of section 42(2) of this 1967 amendatory act the board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director of revenue as the board or any member thereof may deem necessary or appropriate.

Informal hearings—Powers and procedures.

Sec. 45. In all appeals involving a formal hearing the board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter

Formal hearings—Powers and procedures.

Board of tax  
appeals.

34.04 RCW; and the board, and each member thereof, shall be subject to all duties imposed upon, and shall have all powers granted to, an agency by those provisions of chapter 34.04 RCW relating to contested cases. The board shall also have all powers granted the department of revenue pursuant to RCW 82.32.110. In the case of appeals within the scope of section 42 (2) of this 1967 amendatory act, the board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director of revenue as the board, or any member thereof, may deem necessary or appropriate: *Provided, however,* That any communication, oral or written, from the staff of the director to the board shall be presented only in open hearing.

Rules of  
practice and  
procedure.

Sec. 46. All proceedings, including both formal and informal hearings, before the board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may prescribe. The board shall publish such rules and arrange for the reasonable distribution thereof.

Judicial  
review.

Sec. 47. Judicial review of a decision of the board of tax appeals shall be de novo in accordance with the provisions of RCW 82.32.180 or RCW 84.68.020 as applicable except when the decision has been rendered pursuant to a formal hearing elected under section 43 or section 48 of this 1967 amendatory act, in which event judicial review may be obtained only pursuant to RCW 34.04.130 and RCW 34.04.140: *Provided, however,* That nothing herein shall be construed to modify the rights of a taxpayer conferred by RCW 82.32.180 and RCW 84.68.020 to sue for tax refunds: *And provided further,* That no review from a decision made pursuant to section 42(1) of this 1967 amendatory act may be obtained by a taxpayer unless within the petition period provided by RCW 34.04.130 the taxpayer shall have

first paid in full the contested tax, together with all penalties and interest thereon, if any. The director of revenue shall have the same right of review from a decision made pursuant to section 42(1) of this 1967 amendatory act as does a taxpayer.

Sec. 48. Any person having received notice of a denial of a petition or a notice of determination made under sections 49 and 50 of this 1967 amendatory act may appeal, within thirty days from the date of the notice of such denial or determination, to the board of tax appeals. In the notice of appeal the taxpayer shall set forth the amount of the tax which he contends should be reduced or refunded and the reasons for such reduction or refund, in accordance with rules of practice and procedure prescribed by the board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department of revenue within the time specified herein and by filing the original thereof with proof of service with the clerk of the board. If the taxpayer intends that the hearing before the board be held pursuant to the administrative procedure act (chapter 34.04 RCW), the notice of appeal shall also so state. In the event that the notice of appeal does not so state, the department may, within ten days from the date of its receipt of the notice of appeal, file with the clerk of the board notice of its intention that the hearing be held pursuant to the administrative procedure act.

Appeal  
procedure.

Sec. 49. Section 82.32.160, chapter 15, Laws of 1961 as amended by section 8, chapter 28, Laws of 1963 extraordinary session and RCW 82.32.160 are each amended to read as follows:

RCW 82.32.160  
amended.

Any person having been issued a notice of additional taxes, delinquent taxes, interest, or penalties assessed by the department of revenue, may within twenty days after the issuance of the original notice

Correction of  
tax—Admin-  
istrative pro-  
cedure—  
Hearing.

Taxation—  
Administra-  
tion and  
procedures.

of the amount thereof or within the period covered by any extension of the due date thereof granted by the department petition the department in writing for a correction of the amount of the assessment, and a conference for examination and review of the assessment. The petition shall set forth the reasons why the correction should be granted and the amount of the tax, interest, or penalties, which the petitioner believes to be due. The department shall promptly consider the petition and may grant or deny it. If denied, the petitioner shall be notified by mail thereof forthwith. If a conference is granted, the department shall fix the time and place therefor and notify the petitioner thereof by mail. After the conference the department may make such determination as may appear to it to be just and lawful and shall mail a copy of its determination to the petitioner. If no such petition is filed within the twenty day period the assessment covered by the notice shall become final.

RCW 82.32.170  
amended.

Sec. 50. Section 82.32.170, chapter 15, Laws of 1961 and RCW 82.32.170 are each amended to read as follows:

Reduction of  
tax after  
payment.

Any person, having paid any tax, original assessment, additional assessment, or corrected assessment of any tax, may apply to the department within the time limitation for refund provided in this chapter, by petition in writing for a correction of the amount paid, and a conference for examination and review of the tax liability, in which petition he shall set forth the reasons why the conference should be granted, and the amount in which the tax, interest, or penalty, should be refunded. The department shall promptly consider the petition, and may grant or deny it. If denied, the petitioner shall be notified by mail thereof forthwith; if a conference is granted, the department shall notify the petitioner by mail of the time and place fixed therefor. After



the hearing the department may make such determination as may appear to it just and lawful, and shall mail a copy of its determination to the petitioner.

Sec. 51. Section 82.32.180, chapter 15, Laws of 1961 as last amended by section 5, chapter 141, Laws of 1965 extraordinary session and RCW 82.32.180 are each amended to read as follows:

RCW 82.32.180  
amended.

Any person, except one who has failed to keep and preserve books, records, and invoices as required in this chapter and chapter 82.24, having paid any tax as required and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston county, within the time limitation for a refund provided in chapter 82.32 RCW. In the appeal the taxpayer shall set forth the amount of the tax imposed upon him which he concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the department within the time herein specified and by filing the original thereof with proof of service with the clerk of the superior court of Thurston county. Within ten days after filing notice of appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the state in the sum of two hundred dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained.

Court appeals  
—Procedure.

The trial in the superior court on the appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the taxpayer to prove that the tax as paid by him is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the state, the defendant; and both

Taxation—  
Administra-  
tion and  
procedure.

parties shall be entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount of the tax that should be paid by the taxpayer. Either party shall be allowed to appeal to the supreme court in the same manner as other civil actions are appealed to that court.

It shall not be necessary for the taxpayer to protest against the payment of any tax or to make any demand to have the same refunded or to petition the director for a hearing in order to appeal to the superior court, but no court action or proceeding of any kind shall be maintained by the taxpayer to recover any tax paid, or any part thereof, except as herein provided.

The provisions of this section shall not apply to any tax payment which has been the subject of an appeal to the board of tax appeals with respect to which appeal a formal hearing has been elected.

Savings.

Sec. 52. Nothing in this 1967 amendatory act shall be construed to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder nor any administrative action taken thereunder; and neither the abolishment of any agency, nor any transfer of powers, duties and functions as provided herein, shall affect the validity of any act performed by such agency or any officer thereof prior to July 1, 1967. All matters relating to functions transferred under the provisions of this 1967 amendatory act which at the time of transfer have not been completed may be undertaken and completed by that agency to which they have been transferred which agency is authorized, empowered

and directed to promulgate any and all orders, rules and regulations necessary to accomplish this purpose.

Sec. 53. This act shall take effect July 1, 1967.

Passed the House March 30, 1967.

Passed the Senate March 29, 1967.

Approved by the Governor April 7, 1967.

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## CHAPTER 27.

[House Bill No. 638.]

### CRIME INFORMATION CENTER.

AN ACT establishing a crime information center under the direction of the Washington state patrol; providing rules and regulations for the operation thereof; assigning costs of terminal facilities; and adding new sections to chapter 8, Laws of 1965 and to chapter 43.43 RCW.

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

There is added to chapter 8, Laws of 1965 and to chapter 43.43 RCW a new section to read as follows: New section.

Section 1. There is established the Washington state crime information center to be located in the records division of the Washington state patrol and to function under the direction of the chief of the Washington state patrol. The center shall serve to coordinate crime information, by means of data processing, for all law enforcement agencies in the state. It shall make such use of the facilities of the law enforcement teletype system as is practical. It shall provide access to the national crime information center, to motor vehicle and driver license information and to such other public records as may be accessed by data processing and which are pertinent to law enforcement. Crime information center.

New section.

Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.43 RCW a new section to read as follows:

Crime information center  
—Establishment of files.

As soon as is practical and feasible there shall be established, by means of data processing, files listing stolen and wanted vehicles, outstanding warrants, identifiable stolen property and such other files as may be of general assistance to law enforcement agencies.

New section.

Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.43 RCW a new section to read as follows:

Advisory committee.

The governor shall appoint an advisory committee composed of law enforcement officials to furnish guidance and assistance in establishing rules and regulations for the operation of the Washington state crime information center. The committee shall consist of:

(a) Two incumbent sheriffs; vacancies caused by expiration of a term or otherwise of one of these two members shall be filled by appointment by the governor from incumbent sheriffs;

(b) Two incumbent chiefs of police; vacancies caused by expiration of a term or otherwise of one of these two members shall be filled by appointment by the governor from incumbent chiefs of police;

(c) The chief of the Washington state patrol, or his duly designated representative; and

(d) The special agent in charge of the Seattle office of the federal bureau of investigation, or his duly designated representative.

All law enforcement agencies using the facilities of the center shall be bound to abide by the rules and regulations established by the advisory committee.

New section.

Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.43 RCW a new section to read as follows:

The cost of additional terminal facilities necessary to gain access to the Washington state crime information center shall be borne by the respective agencies operating the terminal facilities.

Apportionment of cost of facilities

Passed the House March 23, 1967.

Passed the Senate March 31, 1967.

Approved by the Governor April 7, 1967.

CHAPTER 28.

[Engrossed House Bill No. 656.]

STATEWIDE CITY EMPLOYEES RETIREMENT SYSTEM.

AN ACT relating to the state-wide city employees retirement system; creating a supplemental benefits fund; amending section 3, chapter 71, Laws of 1947 as last amended by section 1, chapter 227, Laws of 1961 and RCW 41.44.030; amending section 7, chapter 71, Laws of 1947 and RCW 41.44.070; amending section 10, chapter 71, Laws of 1947 as last amended by section 1, chapter 99, Laws of 1965 extraordinary session and RCW 41.44.100; amending section 14, chapter 71, Laws of 1947 as last amended by section 4, chapter 99, Laws of 1965 extraordinary session and RCW 41.44.140; amending section 19, chapter 71, Laws of 1947 as last amended by section 8, chapter 99, Laws of 1965 extraordinary session and RCW 41.44.190; and adding new sections to chapter 71, Laws of 1947 and to chapter 41.44 RCW.

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

Section 1. There is added to chapter 71, Laws of 1947 and to chapter 41.44 RCW a new section to read as follows:

New section

It is the purpose of this act to provide amendments to existing legislation relating to the state-wide city employees retirement system to provide for an increase of investment earnings to be used for costs in purchasing, safekeeping, servicing and handling of securities, to amend the mandatory retirement age of uniformed personnel from attained age

State-wide city employees retirement system.

State-wide city employees retirement system.

fifty-five to the minimum age for social security benefits, to change the time required for vested rights from ten years to five years in accordance with the recommendation of the federal committee on intergovernmental relations and to help meet competition with private industry by providing additional fringe benefits or an incentive program for city employees to attract and retain competent employees in public service.

New section.

Sec. 2. There is added to chapter 71, Laws of 1947 and to chapter 41.44 RCW a new section to read as follows:

Supplemental benefits fund.

(1) The board of trustees shall establish, in addition to the several benefits provided for, an additional and separate fund to be known as the "Supplemental Benefits Fund" to provide for the payment of supplemental benefits, as hereinafter provided for employees of municipalities electing to participate in said fund.

(2) Any municipality which has elected to participate in this retirement system may elect to have the employees of the municipality participate in and be covered by the supplemental benefits fund. Such election is authorized to be made in any manner authorized by RCW 41.44.050, as now or hereafter amended, as it relates to participation in the system.

(3) A municipality which once elects to participate in the supplemental benefits fund shall never discontinue participation in the fund as to members who are covered in the fund.

(4) Membership in the fund shall be terminated by cessation of membership in the system.

(5) Each municipality which elects to participate in the supplemental benefits fund shall contribute to that fund, in addition to normal contributions and prior service contributions as required, such additional percentage of each payment of earnings as may be fixed by the board, on recommendation of

the actuary, as necessary to accumulate the reserves needed to pay the anticipated benefit: *Provided*, That the rate of contribution to the supplemental benefits fund shall be on the full compensation of the member.

(6) The supplemental benefit for covered employees shall be an allowance not to exceed fifteen percent of average final compensation payable at the time of retirement.

(7) Should the service of a member be discontinued by other than death or retirement, the benefits and privileges as provided by RCW 41.44.190 as now or hereafter amended, shall apply.

(8) A municipality which elects to participate in the supplemental benefits fund shall provide such benefits for all members employed by such city.

Sec. 3. Section 10, chapter 71, Laws of 1947 as last amended by section 1, chapter 99, Laws of 1965 extraordinary session and RCW 41.44.100 are each amended to read as follows:

RCW 41.44.100  
amended.

(1) A fund is hereby created and established to be known as the "state-wide city employees retirement fund," and shall consist of all moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets: *Provided*, That such assets shall be public funds to the extent necessary to authorize any bank to deposit such collateral security necessary and required under the laws of the state to secure the deposit of public funds belonging to a city.

State-wide city  
retirement—  
Retirement  
fund—Deposit  
—Investment  
—Cost.

(2) The board of trustees shall be the custodian of the retirement fund and shall arrange for the safekeeping thereof. Subject to such provisions as may be prescribed by law for the deposit of city funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or banks in the state, or in any bank, banks or

State-wide city  
retirement—  
Retirement  
fund—Deposit  
—Investment  
—Cost.

corporations authorized or licensed to do a banking business and organized under the laws of the state of Washington; and may be withdrawn on order of the board for the purpose of making such payments as are authorized and required by this chapter.

(3) The board may invest pension fund moneys in such securities of the United States, states, Dominion of Canada, public housing authorities, municipal corporations and other public bodies, as are designated by the laws of the state as lawful investments for the funds of mutual savings banks, and to invest not to exceed twenty-five percent of the system's total investments in the securities of any corporations or public utility bodies as are designated by the laws of the state as lawful investments for the funds of mutual savings banks: *Provided*, That not more than five percent of the system's total investments may be made in the securities of any one of such corporations or public utility bodies.

(4) Subject to the limitations hereinafter provided, investment of pension funds may also be made in amounts not to exceed twenty-five percent of the system's total investments in the shares of certain open-end investment companies: *Provided*, That not more than five percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed five percent of the assets of such company, and shall only be made in the shares of such companies as are registered as "open-end companies" under the federal investment company act of 1940, as amended. Such company must be at least ten years old and have net assets of at least five million dollars. It must have no outstanding bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of



dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase. The maximum selling commission on its shares may not exceed seven and one-half percent of the sum of the asset value plus such commission.

(5) Investment of pension funds may also be made in the bonds of any municipal corporation or other public body of the state; and in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the local improvement guaranty fund law, issued by any city or town which is a member of the system. Investment of pension funds may also be made in the bonds or other obligations of any other state or territory of the United States or of any political subdivision, agency or instrumentality of any such state, territory, or political subdivision thereof.

Investment of pension funds may also be made in bonds or other obligations insured or guaranteed or which are covered by a repurchase agreement in whole or in part by the federal government or through any corporation, administrator, agency or instrumentality which is or hereafter may be created by the federal government.

(6) In order to provide for an equitable apportionment of the cost of the making and handling of the system's investments, the board may charge against the annual earnings from the system's investments, including income from the same and gains realized from the purchase and sale of its securities, a portion of such earnings computed on the book value of the investments held by the system at the end of its fiscal year, for the purpose of paying the cost of purchasing, safekeeping, servicing and handling its securities: *Provided*, That such portion shall not exceed one-half of one percent of such value and shall not exceed the net gain from the operations for the year: *Provided further*, That such

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retirement.

charge shall not be considered as an administrative expense payable solely by the cities.

RCW 41.44.140  
amended.

Sec. 4. Section 14, chapter 71, Laws of 1947 as last amended by section 4, chapter 99, Laws of 1965 extraordinary session, and RCW 41.44.140 are each amended to read as follows:

Retirement of a member for service shall be made by the board as follows:

Retirement  
for service.

(1) Each member included in the miscellaneous personnel in service on the effective date, who, on or before such effective date, has attained the age of sixty-five years or over shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory retirements for a period of two years immediately following the effective date, but any member having attained the age of sixty-five may voluntarily retire at any time after attaining such age. Members included in the miscellaneous personnel attaining age sixty-five after effective date shall be retired on the first day of the calendar month next succeeding the month in which the member shall have attained sixty-five, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority of the city shall have the privilege at all times of extending time for retirement of any such member to his attainment of any age not exceeding age seventy: *Provided*, That any such extension shall not increase the retirement age of such member in excess of one year at a time.

(2) Any member included in the miscellaneous personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said member, at the time specified for his retirement, shall have attained the age of sixty years, or shall have thirty years of

creditable service regardless of attained age: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under sixty-two years of age shall not be granted.

(3) Each member included in the uniformed personnel in service on the effective date who on or before such effective date has attained the minimum age for social security benefits shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory service retirements for a period of two years immediately following the effective date, but any such member having attained the minimum age for social security benefits may voluntarily retire at any time after attaining such age. Members included in the uniformed personnel attaining the minimum age for social security benefits after the effective date shall be retired on the first day of the calendar month next succeeding the month in which the members shall have attained the minimum age for social security benefits, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority shall have the privilege at all times of extending time for retirement of any such member: *Provided*, That any such extension shall not increase the retirement age of such member in excess of one year at a time.

(4) Any member included in the uniformed personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said members, at the time specified for retirement, shall have twenty-five years of creditable service regardless of age, or shall have attained the age of fifty-five years regardless of years of creditable service: *Provided further*, That during

State-wide city  
retirement.

the two years immediately following the effective date voluntary service retirement of such members under the minimum age for social security benefits shall not be granted.

(5) After the retirement of any employee, any member city, by unanimous vote of its legislative body and with the consent of the board, may reemploy or retain such employee in its service to fill a supervisory or key position.

RCW 41.44.190  
amended.

Sec. 5. Section 19, chapter 71, Laws of 1947 as last amended by section 8, chapter 99, Laws of 1965 extraordinary session, and RCW 41.44.190 are each amended to read as follows:

State-wide city  
retirement—  
Withdrawal—  
Reentry—  
Death benefits.

(1) Should service of a member of the miscellaneous personnel be discontinued except by death or retirement, he shall be paid six months after the day of discontinuance such part of his accumulated contributions as he shall demand. Six months after the date of such discontinuance, unless on leave of absence regularly granted, or unless he has exercised the option hereinafter provided, his rights to all benefits as a member shall cease, without notice, and his accumulated contributions shall be returned to him in any event or held for his account if for any reason the return of the same is prevented. Should service of a member of the uniformed personnel be discontinued except by death or retirement, he shall be paid six months after the day of discontinuance such part of his accumulated contributions as he shall demand, and six months after the date of such discontinuance, unless on leave of absence regularly granted, his rights to all benefits as a member shall cease, without notice, and his accumulated contributions shall be returned to him in any event, or held for his account if for any reason the same is prevented: *Provided*, That the board may in its discretion, grant the privilege of withdrawal in the amounts above specified at any

time following such discontinuance. Any member whose service is discontinued except by death or retirement, and who has five or more years of creditable service when such discontinuance occurs, may, at his option, leave his accumulated contributions in the fund and thereby be entitled to receive a deferred retirement allowance commencing at retirement age sixty for miscellaneous personnel and at age fifty-five for uniformed personnel, such retirement allowance to be computed in the same manner provided in subsection (1) of RCW 41.44.150: *Provided*, That this option may be revoked at any time prior to commencement of annuity payments by filing a written notice of such intention with the board together with a written application for a refund of such accumulated contributions. The board may establish rules and regulations to govern withdrawal and redeposit of contributions.

(2) Should a former member, within five years after discontinuance of service, return to service in the same city in which he was employed he may restore to the fund in such manner as may be agreed upon by such person and the board, his withdrawn normal accumulated contributions as they were at the time of his separation from service and upon completion of such redeposit all his rights and privileges existing at the time of discontinuance of service shall be restored and his obligations as a member shall begin again. The rate of contribution of such returning member shall be the same as it was at the time he separated from service.

(3) Upon the death of any person who has not been retired, pursuant to the provisions hereof, there shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board, his accumulated con-

State-wide city  
retirement—  
Withdrawal—  
Reentry—  
Death benefits.

tributions less any payments therefrom already made to him. Such payment may be made in one lump sum or may be paid in installments over a period of not to exceed five years, as may be designated by the member or his beneficiary, with such rate of interest as may be determined by the board.

(4) In lieu of the death benefit otherwise payable under subsection (3) of this section, there shall be paid a total allowance equal to one-fourth average final compensation per month to the surviving spouse of a member with at least twenty years service as such, at the time of death and who has not been retired and who, by reason of membership in the system, is covered by the Old Age and Survivors Insurance provisions of the Federal Social Security Act, but not at the time of death qualified to receive the benefits thereof. Said allowance shall become payable upon the death of said member or upon the date the surviving spouse becomes ineligible for any benefit payment from the Federal OASI, if later, and shall cease upon death or remarriage, or upon the date the surviving spouse would become entitled, upon application therefor; to any insurance benefit from the Federal OASI system, whichever event shall first occur: *Provided*, That said benefit shall cease upon the beneficiary becoming employed by any member city of said system: *Provided further*, That this allowance shall consist of:

(a) An amount which shall be the actuarial equivalent of the normal contributions at the time specified for retirement;

(b) An amount provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

(c) Such additional amount, provided by the contributions of the city, as will make the total allowance equal to one-fourth average final compensation per month.

(d) An annuity purchased by the accumulated additional contributions, if any, in addition to the minimum guaranteed.

(5) In lieu of the death benefit otherwise payable under subsection (3) of this section, the surviving spouse of a member who dies after having attained the minimum requirements for his service retirement as required by RCW 41.44.140 may elect to receive the allowance which would have been paid to such surviving spouse had the member been retired on the date of his death and had he elected to receive the lesser retirement allowances provided for in option C of RCW 41.44.220.

(6) If a former member shall, within one year from date of discontinuance of service, be employed by another city participating in this retirement system he shall have the privilege of redepositing and the matching contributions deposited by the city or cities in which he was formerly employed shall again be held for the benefit of such member. If such redepositing member possessed a prior service certificate the city employing him at time of retirement shall accept the liability evidenced by such certificate.

Reinstatement of a prior service certificate shall be effective only upon a showing that normal contributions are on deposit in the retirement fund, to the credit of the member, covering all current service.

Sec. 6. Section 3, chapter 71, Laws of 1947 as last amended by section 1, chapter 227, Laws of 1961 and RCW 41.44.030 are each amended to read as follows:

RCW 41.44.030  
amended.

As used in this chapter, unless a different meaning is plainly required by the context:

State-wide city  
retirement—  
Definitions.

(1) "Retirement system" means the state-wide city employees retirement system provided for herein.

(2) "City" or "cities" includes town or towns.

State-wide city  
retirement—  
Definitions.

(3) "Employee" means any appointive officer or employee and shall include elective officials to the extent specified herein.

(4) "Member" means any person included in the membership of the retirement system as provided herein.

(5) "Board" means the "board of trustees" provided for herein.

(6) "Retirement fund" means "state-wide city employees retirement fund" provided for herein.

(7) "Service" means service rendered to a city for compensation; and for the purpose of this chapter a member shall be considered as being in service only while he is receiving compensation from the city for such service or is on leave granted for service in the armed forces of the United States as contemplated in RCW 41.44.120.

(8) "Prior service" means the service of a member for compensation rendered a city prior to the effective date and shall include service in the armed forces of the United States to the extent specified herein and service specified in RCW 41.44.120(5).

(9) "Current service" means service after the employee has become a member of the system.

(10) "Creditable service" means such service as is evidenced by the record of normal contributions, plus prior service as evidenced by prior service certificate.

(11) "Beneficiary" means any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit herein.

(12) "Compensation" means the compensation payable in cash, plus the monetary value, as determined by the board of trustees, of any allowance in lieu thereof (but for the purposes of this chapter such "compensation" shall not exceed three hundred dollars per month, except as to those employees of any member city the legislative body of which shall



not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1st of any succeeding year, effective as of January 1st of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars or an amount equal to such increased limitation established by such ordinance or resolution per month): *Provided however*, That the foregoing limitation shall not apply to uniformed personnel.

(13) "Compensation earnable" means the full rate of compensation that would be payable to an employee if he worked the full normal working time (but for the purposes of this chapter, such "compensation earnable" shall not exceed three hundred dollars per month, except as to those employees of any member city the legislative body of which shall not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1st of any succeeding year, effective as of January 1st of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars or an amount equal to such increased limitation established by such ordinance or resolution per month): *Provided however*, That the foregoing limitation shall not apply to uniformed personnel: *Provided further*, That after January 1, 1968 this term shall mean the full rate of compensation payable to an employee if he worked the full normal working time.

State-wide city  
retirement—  
Definitions.

(14) "Final compensation" means the highest average annual compensation earnable in any five consecutive years of actual service rendered during the ten years immediately preceding retirement, or where the employee has less than five consecutive years of actual service, the earnable compensation for the last five years preceding his retirement.

(15) "Matching contribution" means the contribution of the city deposited in an amount equal to the normal contributions of the employee.

(16) "Normal contributions" means the contributions at the rate provided for in RCW 41.44.130, excluding those referred to in subsection (6).

(17) "Released matching contributions" means such "matching contributions" as are no longer held for the benefit of the employee.

(18) "Regular interest" means interest compounded annually at such rate as shall have been adopted by the board of trustees in accordance with the provisions of this chapter.

(19) "Accumulated normal contributions" means the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(20) "Pension" means payments derived from contributions made by the city as provided herein.

(21) "Annuity" means payments derived from contributions made by a member as provided herein.

(22) "Retirement allowance" means the pension plus annuity.

(23) "Fiscal year" means any year commencing with January 1st and ending with December 31st next following.

(24) "Miscellaneous personnel" means officers and employees other than those in the uniformed police or fire service: *Provided*, Those members of

the fire department who are ineligible to the benefits of a firemen's pension system established by or pursuant to any other state law, are also included in the miscellaneous personnel.

(25) "Uniformed personnel" means any employee who is a policeman in service or who is subject to call to active service or duty as such.

(26) "Effective date" when used with regard to employees means the date on which any individual or group of employees became members of any retirement system and when used with regard to any city or town shall mean the date on which it became a participant.

(27) "Actuarial equivalent" means a benefit of equal value when computed at regular interest upon the basis of such mortality tables as shall be adopted by the board of trustees.

(28) "Persons having an insurable interest in his life" means and includes only such persons who, because of relationship from ties of blood or marriage, have reason to expect some benefit from the continuation of the life of the member.

(29) "Additional contributions" means contributions made pursuant to subsection (6) of RCW 41.44.130.

(30) "Accumulated additional contributions" means the sum of all "additional contributions" made by a member standing to the credit of the individual account, together with regular interest thereon.

(31) "Part time employees" means those employees who, although regularly and continuously employed, do not regularly perform their duties the full number of hours required of other regular employees, including but not confined to such employees as police judges, city attorneys and other officers and employees who are also engaged in outside employment or occupations.

State-wide city  
retirement—  
Definitions.

(32) "Excess interest income" means that interest income earned and received from investments in excess of the interest income on investments required to meet actuarial funding requirements.

RCW 41.44.070  
amended.

Sec. 7. Section 7, chapter 71, Laws of 1947 and RCW 41.44.070 are each amended to read as follows:

Board of  
trustees.

(1) The board of trustees shall consist of seven members, one of whom shall be the state insurance commissioner, ex officio; three elective city officials eligible to the benefits of the system who shall be appointed by the governor from a list of six city officials submitted by the executive committee of the association of Washington cities as the official representative of cities and towns in the state. Original terms of office of the appointees shall be one, two and three years as designated by the governor; thereafter terms shall be for three years duration. Appointments to fill vacancies other than those caused by expiration of a term, shall be for the unexpired term. Appointees shall serve until successors have been appointed and qualified.

In addition to these four members, there shall be three city employees who shall be elected by a secret ballot vote of the city employees who are members of the system. The method and details of such election shall be determined by the board of trustees. The first such election shall be held in June of 1968. The original terms of office for the elected city employee members shall be one, two and three years as designated by the board of trustees, and such terms shall begin July 1, 1968; thereafter terms shall be for three years' duration. In the case of vacancies of elected city employee positions the board of trustees shall appoint city employees to serve for the unexpired terms. Such appointees shall serve until successors have been elected.

(2) The board shall annually, dating from the first officially recorded meeting, elect a chairman

and secretary. Four members shall constitute a quorum.

(3) Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board, and that he will not knowingly violate or wilfully permit to be violated any of the provisions of this chapter.

Sec. 8. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the House March 31, 1967.

Passed the Senate March 30, 1967.

Approved by the Governor April 7, 1967.

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## CHAPTER 29.

[House Bill No. 675.]

### SCHOOL INSTRUCTIONAL MATERIALS.

AN ACT relating to school instructional materials; amending section 2, chapter 68, Laws of 1955 as last amended by section 1, chapter 49, Laws of 1965 extraordinary session and RCW 28.58.100; and repealing sections 1 through 8, pages 316 through 319, Laws of 1909, section 1, chapter 79, Laws of 1929 and RCW 28.23.005 through 28.23.050.

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

Section 1. Section 2, chapter 68, Laws of 1955 as last amended by section 1, chapter 49, Laws of 1965 extraordinary session and RCW 28.58.100 are each amended to read as follows: RCW 28.58.100 amended.

Every board of directors, unless otherwise specially provided by law, shall: School instruction material.

(1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter,

School instruction material.

allow and order paid their salaries and compensation;

(2) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and enforce the course of study lawfully prescribed for the schools of their districts;

(3) Rent, repair, furnish and insure schoolhouses and employ janitors, laborers and mechanics;

(4) Cause all schoolhouses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a cleanly and sanitary condition;

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof. This subsection shall be construed to include, but shall not be limited to, the right to suspend or expel pupils for the violation of reasonable rules relative to discipline or scholarship.

(7) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(8) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including textbooks;

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative

officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the county or intermediate district superintendent of schools, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children;

(d) Provide for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free textbooks, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage.

Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Approval shall be by the local school district's board of directors.

Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

School instructional material.

Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

(9) Establish a depreciation scale for determining the value of texts which students wish to purchase.

Local boards of school directors may declare selected instructional materials obsolete and dispose of them by sale to the highest bidder, following public notice in a newspaper of general circulation in the area.

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

(11) 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.

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 costs 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. The school board shall charge, for any extra-curricular uses, an amount sufficient to reimburse the district for its complete cost incurred by reason of such use.

Whenever any school children 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 by reason of theft, fire or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) 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: *Provided*, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more;

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district;

(15) Adopt such rules and regulations as the board deems necessary or advisable in regard to granting leaves to persons under contracts of employment with the school district(s) in positions re-

School instruction material.

quiring either certification or noncertification qualifications, including leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness and injury and bereavement for both certified and noncertified employees, and with such compensation as the board of directors prescribe: *Provided*, That the board of directors shall adopt rules and regulations granting to such persons annual leave with compensation for illness and injury as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) for such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumulated time may be taken at any time during the school year;

(e) sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(f) accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable;

(g) accumulated leave under this proviso shall be transferred from one district to another;

(h) leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

**NOTE:** See also section 1, chapter 12, Laws of 1967.

Sec. 2. The following acts and parts of acts are Repeal. each repealed:

(1) Sections 1 through 8, pages 316 through 319, Laws of 1909;

(2) Section 1, chapter 79, Laws of 1929; and

(3) RCW 28.23.005 through 28.23.050.

Passed the House March 17, 1967.

Passed the Senate March 31, 1967.

Approved by the Governor April 7, 1967.

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## CHAPTER 30.

[Engrossed House Bill No. 701.]

### PUBLIC ASSISTANCE—MEDICAL CARE AND ASSISTANCE.

AN ACT relating to public assistance; amending section 74.09.120, chapter 26, Laws of 1959 and RCW 74.09.120; adding new sections to chapter 26, Laws of 1959 and to chapter 74.09 RCW; and repealing section 74.09.090, chapter 26, Laws of 1959 as amended by section 1, chapter 36, Laws of 1965 extraordinary session, sections 1, 2, 3 and 5, chapter 211, Laws of 1963, section 4, chapter 211, Laws of 1963 as amended by section 2, chapter 36, Laws of 1965 extraordinary session, and RCW 74.09.090, 74.09.400, 74.09.410, 74.09.420, 74.09.430 and 74.09.440.

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

Section 1. Section 74.09.120, chapter 26, Laws of 1959 and RCW 74.09.120 are each amended to read as follows: RCW 74.09.120 amended.

Public assistance. Medical care and assistance. Purchases of services, care, supplies.

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 or at not more than the minimum ward rate of each nursing home or infirmary. Any nursing home or infirmary when requested by the department shall supply such information as necessary to justify this rate. All additional services provided by the nursing home or infirmary shall be purchased at rates established by the department after consultation with the nursing home or infirmary.

All other services and supplies provided under the program shall be secured by contract.

New section.

Sec. 2. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

Division of medical care—Duties.

The division of medical care shall provide (a) for evaluation of employability when a person is applying for public assistance representing a medical condition as a basis for need, and (b) for medical reports to be used in the evaluation of total and permanent disability. It shall further provide for medical consultation and assistance in determining the need for special diets, housekeeper and attendant services, and other requirements as found necessary because of the medical condition under the rules promulgated by the director after considering the recommendation thereon by the medical care advisory committee.

Sec. 3. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

There is hereby established a new program of federal-aid assistance to be known as medical assistance to be administered by the state department of public assistance. The department of public assistance is authorized to comply with the federal requirements for the medical assistance program provided in the Social Security Act and particularly Title XIX of Public Law (89-97) in order to secure federal matching funds for such program.

Sec. 4. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of public assistance 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 and who is not a patient under the age of sixty-five years in an institution for mental disease or tuberculosis and who is not a patient in a medical institution because of the diagnosis of psychosis or tuberculosis; and (4) who is a resident of the state of Washington.

Sec. 5. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section 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; (6) medical care, or any other type of remedial care as may be

Public assist-  
ance—Medical  
care and  
assistance.

established by the director; (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.

New section.

Sec. 6. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

Amount of  
assistance—  
Determination.

The amount and nature of medical assistance and the determination of eligibility of recipients for medical assistance shall be the responsibility of the department of public assistance. The department shall establish reasonable standards of assistance and resource and income exemptions which shall be consistent with the provisions of the Social Security Act and with the regulations of the secretary of health, education and welfare for determining eligibility of individuals for medical assistance and the extent of such assistance to the extent that funds are available from the state and federal government.

Repeal.

Sec. 7. Section 74.09.090, chapter 26, Laws of 1959 as amended by section 1, chapter 36, Laws of 1965 extraordinary session, sections 1, 2, 3 and 5, chapter 211, Laws of 1963, section 4, chapter 211, Laws of 1963 as amended by section 2, chapter 36, Laws of 1965 extraordinary session, and RCW 74.09.090, 74.09.400, 74.09.410, 74.09.420, 74.09.430 and 74.09.440 are each repealed.

Passed the House March 31, 1967.

Passed the Senate March 30, 1967.

Approved by the Governor April 7, 1967.

## CHAPTER 31.

[House Bill No. 702.]

## PUBLIC ASSISTANCE—ELIGIBILITY.

AN ACT relating to public assistance; and amending section 74.08.025, chapter 26, Laws of 1959 and RCW 74.08.025.

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

Section 1. Section 74.08.025, chapter 26, Laws of 1959 and RCW 74.08.025 are each amended to read as follows:

RCW 74.08.025 amended.

Public assistance shall be awarded to any applicant:

Public assistance—General eligibility.

- (1) Who is in need; 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 and who is not a patient under sixty-five years of age in an institution for mental disease and who is not a patient in a medical institution because of a diagnosis of psychosis: *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.

Passed the House March 14, 1967.

Passed the Senate March 30, 1967.

Approved by the Governor April 7, 1967.

CHAPTER 32.

[Engrossed Substitute House Bill No. 802.]

POLITICAL PARTIES—LEGISLATIVE DISTRICT CHAIRMEN—PRECINCT COMMITTEEMEN.

AN ACT relating to elections; providing for election of legislative district chairmen; amending section 29.42.050, chapter 9, Laws of 1965 as amended by section 3, chapter 103, Laws of 1965 extraordinary session and RCW 29.42.050; and adding a new section to chapter 9, Laws of 1965 and to chapter 29.42 RCW.

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

New section.

Section 1. There is added to chapter 9, Laws of 1965 and to chapter 29.42 RCW a new section to read as follows:

Elections—  
Political parties—District  
chairmen—  
Precinct  
chairmen.

Within forty-five days after the state-wide general election in even-numbered years, or within thirty days following the effective date of this 1967 enactment for the biennium ending with the 1968 general elections, the county chairman of each major political party shall call separate meetings of all elected precinct committeemen in each legislative district a majority of the precincts of which are within a class AA county for the purpose of electing a legislative district chairman in such district. The district chairman shall hold his office until the next legislative district reorganizational meeting two years later, or until his successor is elected.

The legislative district chairman can only be removed by the majority vote of the elected precinct committeemen in his district.

RCW 29.42.050  
amended.

Sec. 2. Section 29.42.050, chapter 9, Laws of 1965 as amended by section 3, chapter 103, Laws of 1965 extraordinary session and RCW 29.42.050 are each amended to read as follows:

Filing for  
office.

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for



precinct committeeman except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election and the one receiving the highest number of votes shall be declared elected: *Provided*, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of his party receiving the greatest number of votes in his precinct. Any person elected to the office of precinct committeeman who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committeeman shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation or disqualification of the incumbent, or because of failure to elect, the respective county chairman of the county central committee shall be empowered to fill such vacancy by appointment: *Provided, however*, That in legislative districts having a majority of its precincts in a class AA county, such appointment shall be made only upon the recommendation of the legislative district chairman: *Provided*, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: *Provided further*, That when a vacancy in the office of precinct committeeman exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of

the county central committee and the new county chairman selected as provided by RCW 29.42.030.

Severability.

Sec. 3. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 20, 1967.

Passed the Senate April 3, 1967.

Approved by the Governor April 7, 1967.

Note: This act declared unconstitutional by King County Superior Court decision.

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CHAPTER 33.

[Engrossed House Bill No. 183.]

PUBLIC ASSISTANCE—FEDERAL OLDER AMERICANS  
ACT OF 1965.

AN ACT relating to public assistance; adding a new section to chapter 26, Laws of 1959 and to chapter 74.36 RCW.

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

New section.

Section 1. There is added to chapter 26, Laws of 1959 and to chapter 74.36 RCW a new section to read as follows:

Public assistance.

The department of public assistance is authorized to take advantage of and participate in the Federal Older Americans Act of 1965 (Public Law 89-73, 89th Congress, 79 Stat. 220) and to accept, administer and disburse any federal funds that may be available under said act.

Passed the House March 17, 1967.

Passed the Senate April 1, 1967.

Approved by the Governor April 10, 1967.

CHAPTER 34.

[Engrossed House Bill No. 244.]

CLERKS OF THE SUPERIOR COURT—RECORDS.

AN ACT relating to clerks of the superior courts; amending section 307, Code of 1881 and RCW 4.64.060; amending section 36.23.030, chapter 4, Laws of 1963 and RCW 36.23.030; and amending section 36.23.070, chapter 4, Laws of 1963 and RCW 36.23.070.

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

Section 1. Section 307, Code of 1881 and RCW 4.64.060 are each amended to read as follows:

RCW 4.64.060 amended.

Every clerk shall keep in his office a record, to be called the execution docket, which shall be a public record and open during the usual business hours to all persons desirous of inspecting it.

Clerks of the superior courts—Records.

Sec. 2. Section 36.23.030, chapter 4, Laws of 1963 and RCW 36.23.030 are each amended to read as follows:

RCW 36.23.030 amended.

The clerk of the superior court at the expense of the county shall keep the following records:

Clerks of the superior court—Records to be kept.

(1) A record in which he shall enter all appearances and the time of filing all pleadings in any cause;

(2) A docket in which before every session, he shall enter the titles of all causes pending before the court at that session in the order in which they were commenced, beginning with criminal cases, noting in separate columns the names of the attorneys, the character of the action, the pleadings on which it stands at the commencement of the session. One copy of this docket shall be furnished for the use of the court and another for the use of the members of the bar;

(3) A record for each session in which he shall enter the names of witnesses and jurors, with time of attendance, distance of travel, and whatever else

Clerks of the  
superior court  
—Records to  
be kept.

is necessary to enable him to make out a complete cost bill;

(4) A record in which he shall record the daily proceedings of the court, and enter all verdicts, orders, judgments, and decisions thereof, which shall be signed by the judge; but the court shall have full control of all entries in said record at any time during the session in which they were made;

(5) An execution docket and also one for a final record in which he shall make a full and perfect record of all criminal cases in which a final judgment is rendered, and all civil cases in which by any order or final judgment the title to real estate, or any interest therein, is in any way affected, and such other final judgments, orders, or decisions as the court may require;

(6) A journal in which shall be entered all orders, decrees, and judgments made by the court and the minutes of the court in probate proceedings;

(7) A record of wills and bonds shall be maintained. Originals shall be placed in the original file and shall be preserved or duplicated pursuant to RCW 36.23.065;

(8) A record of letters testamentary, administration and guardianship in which all letters testamentary, administration and guardianship shall be recorded;

(9) A record of claims shall be entered in the appearance docket under the title of each estate or case, stating the name of each claimant, the amount of his claim and the date of filing of such;

(10) A memorandum of the files, in which at least one page shall be given to each estate or case, wherein shall be noted each paper filed in the case, and the date of filing each paper;

(11) Such other records as are prescribed by law and required in the discharge of the duties of his office.

Sec. 3. Section 36.23.070, chapter 4, Laws of 1963 and RCW 36.23.070 are each amended to read as follows:

RCW 36.23.070 amended.

A county clerk may at any time more than seven years after the entry of final judgment in any action apply to the superior court for an authorizing order and, upon such order being signed and entered, destroy any exhibits, unopened depositions and reporters' notes which have theretofore been filed in such cause: *Provided*, That reporters' notes in criminal cases must be preserved for at least fifteen years: *Provided further*, That any exhibits which are deemed to possess historical value may be directed to be delivered by the clerk to libraries or historical societies.

Court records—Preservation and destruction.

Passed the House April 1, 1967.

Passed the Senate March 31, 1967.

Approved by the Governor April 11, 1967.

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## CHAPTER 35.

[House Bill No. 471.]

### PROBATION COUNSELORS—STATE AID—REPEAL OF TERMINATION DATE.

AN ACT relating to probation officers and services; and repealing section 11, chapter 331, Laws of 1959 as last amended by section 1, chapter 137, Laws of 1965 extraordinary session and RCW 13.07.900.

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

Section 1. The following acts or parts of acts are each repealed:

Probations councilors—Repeal of termination date.

(1) Section 11, chapter 331, Laws of 1959 as last amended by section 1, chapter 137, Laws of 1965 extraordinary session and RCW 13.07.900.

Passed the House March 14, 1967.

Passed the Senate April 1, 1967.

Approved by the Governor April 11, 1967.

CHAPTER 36.

[Engrossed House Bill No. 762.]

COUNTY HOSPITALS, SERVICE CONTRACTS WITH STATE UNIVERSITIES.

AN ACT relating to the public health; authorizing the boards of trustees of certain county hospitals to enter into service contracts with state universities; adding a new section to chapter 4, Laws of 1963 and to chapter 36.62 RCW; amending section 36.62.110, chapter 4, Laws of 1963 and RCW 36.62.110; amending section 36.62.252, chapter 4, Laws of 1963 and RCW 36.62.252; and establishing an effective date.

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

New section. Section 1. There is added to chapter 4, Laws of 1963 and to chapter 36.62 RCW a new section to read as follows:

County hos-  
pitals. Service  
contracts with  
state universi-  
ties. Whenever any county, or any county and city jointly, or two or more counties jointly, establish a hospital of two hundred or more beds, under the provisions of this chapter, the board of trustees of the hospital is empowered, with the approval of the board of county commissioners, to enter into a contract with the board of regents of a state university to provide hospital services, including management under the direction of a hospital administrator for the hospital, to provide for the rendering of medical services in connection with the hospital and to provide for the conduct of teaching and research activities by the university in connection with the hospital. Any such board of regents is empowered to enter into such a contract, to provide such hospital services, and to provide for the rendition of such medical services and for the carrying on of teaching and research in connection with such a hospital. If such a contract is entered into, the provisions of RCW sections 36.62.210, 36.62.220 and 36.62.230 shall not be applicable during the term of the contract and all of the powers, duties and functions vested in

the superintendent or the general superintendent in chapter 36.62 RCW shall be vested in the board of trustees. The board of trustees shall provide for such conditions and controls in the contract as it shall deem to be in the community interest.

Sec. 2. Section 36.62.110, chapter 4, Laws of 1963 and RCW 36.62.110 are each amended to read as follows:

RCW 36.62.110  
amended.

Whenever any county, or any county and city jointly, or two or more counties jointly, establish a hospital of two hundred or more beds, for the care of the sick, injured, or infirm, under the provisions of this chapter, and such hospital is completed and ready for operation, the board of county commissioners of the county in which the institution is located shall appoint as trustees for the institution six secular persons, two to be from each county commissioner district, nominated by the county commissioner elected from each such district. The six trustees, together with the additional trustees, if any, and the general superintendent, if any, shall constitute a board of trustees for such hospital.

Joint hospital  
operation—  
Trustees.

Sec. 3. Section 36.62.252, chapter 4, Laws of 1963 and RCW 36.62.252 are each amended to read as follows:

RCW 36.62.252  
amended.

Every county which maintains a county hospital shall establish a "county hospital fund" into which fund shall be deposited all moneys received from any source for hospital services including money received for services to recipients of public assistance and other persons without income and resources sufficient to secure such services. Obligations incurred from such hospitalization shall be paid from the fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the board of county commissioners a monthly report of receipts

County  
hospital fund.

and disbursements in the county hospital fund which report shall also show the balance of cash on hand.

*Effective date.* Sec. 4. This act shall take effect on July 1, 1967.  
 Passed the House March 23, 1967.  
 Passed the Senate April 1, 1967.  
 Approved by the Governor April 11, 1967.

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## CHAPTER 37.

[House Bill No. 723.]

### POLICEMEN, CITIES OF 1ST CLASS—RESIDENCE.

AN ACT relating to the residence requirements for appointment of police officers in cities of the first class; and adding a new section to chapter 7, Laws of 1965 and to chapter 35.22 RCW.

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

*New section.* Section 1. There is added to chapter 7, Laws of 1965 and to chapter 35.22 RCW a new section to read as follows:

Cities of first class—Police-men—Residence requirement abolished.

Notwithstanding the provisions of RCW 35.21.200, as now or hereafter amended, all cities of the first class shall have the right and authority to appoint and employ a person as a regular or special police officer of said city regardless of his place of residence or domicile at the date of his appointment.

This provision shall supersede any provision of any city charter to the contrary.

Passed the House March 17, 1967.

Passed the Senate April 1, 1967.

Approved by the Governor April 11, 1967.



CHAPTER 38.

[House Bill No. 86.]

IMPORTED OYSTER SEED—INSPECTION COST.

AN ACT relating to food and shellfish; and amending section 75.08.056, chapter 12, Laws of 1955 and RCW 75.08.056.

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

Section 1. Section 75.08.056, chapter 12, Laws of 1955 and RCW 75.08.056 are each amended to read as follows:

RCW 75.08.056 amended.

Persons importing oyster seed under the provisions of RCW 75.08.054 shall pay for the actual costs of inspecting the same, excluding the inspector's base salary. The cost shall be determined by the director of fisheries and shall be prorated among the importers according to the number of cases of oyster seeds each imports. The director of fisheries shall have the authority and it shall be his duty to specify the time and manner of payment.

Importation of oyster seed—  
Inspection cost.

Passed the House March 24, 1967.

Passed the Senate April 1, 1967.

Approved by the Governor April 11, 1967.

CHAPTER 39.

[Substitute House Bill No. 293.]

WATER DISTRICTS—CONSOLIDATION AND MERGER.

AN ACT relating to water districts; amending sections 1 and 2, chapter 267, Laws of 1943 and RCW 57.32.010 and 57.32.020; amending sections 1 through 5, chapter 28, Laws of 1961 and RCW 57.36.010 through 57.36.050; adding new sections to chapter 267, Laws of 1943 and to chapter 57.32 RCW; and repealing sections 3 through 12, chapter 267, Laws of 1943, sections 8 through 11, chapter 251, Laws of 1953 and RCW 57.32.030 through 57.32.120.

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

RCW 57.32.010 amended.

Section 1. Section 1, chapter 267, Laws of 1943 and RCW 57.32.010 are each amended to read as follows:

Water districts —Consolidation. Method of initiating.

Two or more water districts, adjoining or in close proximity to and in the same county with each other, may be joined into one consolidated water district. The consolidation may be initiated in either of the following ways: Ten percent of the legal electors residing within each of the water districts proposed to be consolidated may petition the board of water commissioners of each of their respective water districts to cause the question to be submitted to the legal electors of the water districts proposed to be consolidated; or the boards of water commissioners of each of the water districts proposed to be consolidated may by resolution determine that the consolidation of the districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of the districts.

RCW 57.32.020 amended.

Sec. 2. Section 2, chapter 267, Laws of 1943 and RCW 57.32.020 are each amended to read as follows:

Certificate of sufficiency.

If the consolidation proceedings are initiated by petition, upon the filing of such petitions with the boards of water commissioners of the water districts, the boards of water commissioners of all of

said districts shall file such petitions with the county auditor who shall within ten days examine the signatures thereon and certify to the sufficiency or insufficiency thereof. If all of such petitions shall be found to contain a sufficient number of signatures, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto, to the boards of water commissioners of each of the districts proposed for consolidation. In the event that there are no legal electors residing in one or more of the water districts proposed to be consolidated, such petitions may be signed by such a number as appear of record to own at least a majority of the acreage in the pertinent water district, and the petitions shall disclose the total number of acres of land in the said water district and shall also contain the names of all record owners of land therein.

Sec. 3. Section 1, chapter 28, Laws of 1961 and RCW 57.36.010 are each amended to read as follows:

RCW 57.36.010  
amended.

Whenever there are two water districts, the territories of which are adjoining or in close proximity to and in the same county with each other, either district, hereinafter referred to as the "merging district", may merge into the other district, hereinafter referred to as the "merger district", and the merger district will survive under its original number. The term "in proximity to" as used hereinabove shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the two districts.

Water districts  
—Merger—  
Authorized—  
Prerequisites.

Sec. 4. Section 2, chapter 28, Laws of 1961 and RCW 57.36.020 are each amended to read as follows:

RCW 57.36.020  
amended.

A merger of two water districts may be initiated in either of the following ways:

(1) Whenever the boards of water commissioners of both such districts determine by resolution

Method of  
initiating.

Water districts  
—Merger.

that the merger of such districts shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of such districts.

(2) Whenever ten percent of the legal electors residing within the merging district petition the board of water commissioners of the merging water district for a merger, and the board of water commissioners of the merger district determines by resolution that the merger of the districts shall be conducive to the public health, welfare and convenience of the two districts.

RCW 57.36.030  
amended.

Sec. 5. Section 3, chapter 28, Laws of 1961 and RCW 57.36.030 are each amended to read as follows:

Agreement to  
merge—  
Certification—  
Election.

Whenever a merger is initiated in either of the two ways hereinabove provided, the boards of water commissioners of the two districts shall enter into an agreement providing for the merger. Said agreement must be entered into within ninety days following completion of the last act, as hereinabove provided, in initiation of the merger.

The respective boards of water commissioners of said districts shall certify such agreement to the county auditor of the county in which the districts are located. Thereupon, the said county auditor shall call a special election for the purpose of submitting to the voters of the merging district the proposition of whether the merging district shall be merged into the merger district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

RCW 57.36.040  
amended.

Sec. 6. Section 4, chapter 28, Laws of 1961 and RCW 57.36.040 are each amended to read as follows:

Election re-  
turns—When  
effective.

If at such election a majority of the voters of the merging water district shall vote in favor of the merger, the county canvassing board shall so declare in its canvass and the return of such election shall be made within ten days after the date thereof, and

upon such return the merger shall be effective and the merging water district shall cease to exist and shall become a part of the merger water district. The water commissioners of the merging district shall cease to hold office and the affairs of the merged districts shall be managed by the water commissioners of the merger district.

Sec. 7. Section 5, chapter 28, Laws of 1961 and RCW 57.36.050 are each amended to read as follows:

RCW 57.36.050 amended.

All funds and property, real and personal, of the merging district, shall vest in and become the property of the merger district. Unless the agreement of merger provides to the contrary, any outstanding indebtedness of any form, owed by the districts, shall remain the obligation of the area of the original debtor district; and the water commissioners of the merger water district shall make such levies, assessments or charges for service upon said area or the water users therein as shall pay off such indebtedness at maturity.

Vesting of funds and property in merged district—Outstanding indebtedness.

Sec. 8. Upon receipt by the boards of water commissioners of the districts proposed for consolidation, hereinafter referred to as the "consolidating districts", of the county auditor's certificate of sufficiency of the petitions, or upon adoption by the boards of water commissioners of the consolidating districts of their resolutions for consolidation, the boards of water commissioners of the consolidating districts shall, within ninety days, enter into an agreement providing for consolidation. The agreement shall set forth the method and manner of consolidation, a comprehensive plan or scheme of water supply for the consolidated district and, if the comprehensive plan or scheme of water supply provides that one or more of the consolidating districts or the proposed consolidated district issue revenue bonds for the construction and/or other costs of any part

Procedure in consolidation—Agreement—Contents—Comprehensive plan.

Water districts  
—Merger or  
consolidation.

or all of said comprehensive plan, then the details thereof shall be set forth. The requirement that a comprehensive plan or scheme of water supply for the consolidated district be set forth in the agreement for consolidation, shall be satisfied if the existing comprehensive plans or schemes of the consolidating districts are incorporated therein by reference and any changes or additions thereto are set forth in detail.

Certificate of  
agreement—  
Election, no-  
tice and  
conduct.

Sec. 9. The respective boards of water commissioners of the consolidating districts shall certify the agreement to the county auditor of the county in which the districts are located. Thereupon, the county auditor shall call a special election for the purpose of submitting to the voters of each of the consolidating districts the proposition of whether or not the several districts shall be consolidated into one water district. The proposition shall give the title of the proposed consolidated district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Consolidation  
effected—  
Powers of  
consolidated  
districts.

Sec. 10. If at the election a majority of the voters in each of the consolidating districts shall vote in favor of the consolidation, the county canvassing board shall so declare in its canvass and the return of such election shall be made within ten days after the date thereof. Upon the return the consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new water district and municipal corporation of the state of Washington. The name of such new water district shall be "Water District No. .... County", which shall be the name appearing on the ballot. The district shall have all and every power, right, and privilege possessed by other water districts of the state of Washington. The district may issue revenue bonds to pay

for the construction of any additions and betterments set forth in the comprehensive scheme and plan of water supply contained in the agreement for consolidation and any future additions and betterments to the comprehensive scheme and plan of water supply, as its board of water commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

Sec. 11. Upon the formation of any consolidated water district, all funds, rights and property, real and personal, of the former districts, shall vest in and become the property of the consolidated district. Unless the agreement for consolidation provides to the contrary, any outstanding indebtedness of any form, owed by the districts, shall remain the obligation of the area of the original debtor district and the water commissioners of the consolidated water district shall make such levies, assessments or charges for service upon that area or the water users therein as shall pay off the indebtedness at maturity.

Vesting of funds and property in consolidated district—Outstanding indebtedness.

Sec. 12. Sections 8 through 11 of this 1967 amendatory act are each added to chapter 267, Laws of 1943 and to chapter 57.32 RCW.

New chapter.

Sec. 13. The following acts and parts of acts are each repealed:

Repeal.

- (1) Sections 3 through 12, chapter 267, Laws of 1943;
- (2) Sections 8 through 11, chapter 251, Laws of 1953; and
- (3) RCW 57.32.030 through 57.32.120.

Passed the House March 24, 1967.

Passed the Senate April 1, 1967.

Approved by the Governor April 11, 1967.

## CHAPTER 40.

[Engrossed House Bill No. 197.]

## DAIRY PRODUCTS AND DAIRY PRODUCT SUBSTITUTES.

AN ACT relating to certain dairy products and dairy product substitutes; and amending section 15.32.370, chapter 11, Laws of 1961, as amended by section 1, chapter 73, Laws of 1965, and RCW 15.32.370; and repealing section 15.32.370, chapter 11, Laws of 1961, section 1, chapter 73, Laws of 1965 and RCW 15.32.370; and declaring an emergency.

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

RCW 15.32.370  
amended.

Section 1. Section 15.32.370, chapter 11, Laws of 1961, as amended by section 1, chapter 73, Laws of 1965, and RCW 15.32.370 are each amended to read as follows:

Dairy products  
and dairy  
products sub-  
stitutes—Use  
in state  
institutions.

No margarine, substitute butter, renovated butter, or any other substance designed as an imitation of or substitute for butter or any condensed milk from which the butter fat has been removed and a vegetable or other oil has been substituted therefor shall be used in any of the charitable hospital, medical, reformatory or penal institutions maintained by the state or which receives from the state any money, appropriation or financial assistance whatsoever: *Provided*, That such institution may use margarine when supplied for distribution by agencies of the United States Government, but only when butter is not available to such institution as a surplus commodity.

RCW 15.32.370  
repealed.

Sec. 2. Section 15.32.370, chapter 11, Laws of 1961, section 1, chapter 73, Laws of 1965, and RCW 15.32.370 are each hereby repealed.

Emergency.

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 1, 1967.

Passed the Senate March 31, 1967.

Approved by the Governor April 11, 1967.

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## CHAPTER 41.

[Engrossed House Bill No. 360.]

### PARTICIPATION BY STATE IN FEDERAL PROGRAMS.

AN ACT relating to state involvement in federal programs; providing a method for the acceptance and disbursement of federal funds; authorizing the payment by the governor of certain expenses in connection with federal programs; requiring the governor to notify the legislature of federal programs in which the state takes part; requiring reporting by state agencies participating in certain federal programs; and adding a new section to chapter 8, Laws of 1965, and to chapter 43.88 RCW.

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

Section 1. The governor is authorized to accept on behalf of the state of Washington funds provided by any act of congress for the benefit of the state or its political subdivisions. He is further authorized to administer and disburse such funds, or to designate an agency to administer and disburse them, until the legislature otherwise directs.

Governor—  
Acceptance of  
federal funds.

Sec. 2. Members of advisory committees, councils, or other bodies established to meet requirements of acts of congress may be paid actual expenses incurred in performing their authorized functions. Until the legislature otherwise directs, the governor may order payment to be made from funds appropriated to him or to any department or other agency of state government, whether such appropriation has been made for this or another pur-

Expenses of  
agencies cre-  
ated to meet  
federal re-  
quirements.

State acceptance of federal funds.

pose, provided that such use is not unrelated to the purpose for which the funds have been appropriated.

Governor's report to legislature on federal programs.

Sec. 3. Not later than the tenth day of any regular legislative session, the governor shall submit to the legislature a report listing federal programs, including those programs in which funds have been received directly by any state agency, in which the state has begun participation since the end of the last previous legislative session. The first report shall cover the period beginning July 1, 1967.

New section.

Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.88 RCW a new section to read as follows:

Requirements for participating in federal programs— Notification of state officers.

(1) The term "agency", as used in this section, shall not include any state university or state college now existing or hereafter to be established.

(2) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, notify the budget director, the chairman of the legislative budget committee, and the chairman of the legislative council on such forms and in such manner as may be prescribed by the budget director.

(3) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in a manner prescribed by the budget director.

(4) Such agency shall furnish to each such officer a progress report in relation to each such application, contract, agreement, or state plan, at least once in each six months period following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition

of each such application, contract, agreement, or state plan.

Passed the House April 1, 1967.

Passed the Senate April 1, 1967.

Approved by the Governor April 11, 1967.

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## CHAPTER 42.

[Senate Bill No. 634.]

### PLANNING AND COMMUNITY AFFAIRS AGENCY—STATE CENSUS BOARD ABOLISHED.

AN ACT relating to state and local government; transferring certain powers and duties of the state census board to the planning and community affairs agency; abolishing the state census board; amending section 1, chapter 299, Laws of 1961 and RCW 3.30.010; amending section 35.13.260, chapter 7, Laws of 1965 and RCW 35.13.260; adding a new section to chapter 74, Laws of 1967 (Substitute House Bill No. 78); and declaring an effective date.

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

Section 1. Section 1, chapter 299, Laws of 1961 and RCW 3.30.010 are each amended to read as follows:

RCW 3.30.010  
amended.

As used herein:

“City” means an incorporated city or town.

Census.  
Definitions.

“Department” means the designation of an administrative unit of a justice court established for the orderly and efficient administration of justice court business and may include, without being limited in scope thereby, a unit or units for determining one or more of the following: Traffic cases, violations of city ordinances, violations of state law, criminal cases, civil cases, or jury cases.

“Population” means the latest population of the judicial district of each county as estimated by the Washington state census board and certified to the

Planning and  
community af-  
fairs agency.

board of county commissioners on or before May 1, 1962 and on or before May 1st 1966 and thereafter as estimated and certified by the planning and community affairs agency. The planning and community affairs agency, on or before May 1, 1970 and on or before May 1st each four years thereafter, shall estimate and certify to the board of county commissioners the population of each judicial district of each county.

RCW 35.13.260  
amended.

Sec. 2. Section 35.13.260, chapter 7, Laws of 1965 and RCW 35.13.260 are each amended to read as follows:

Cities and  
towns—  
Annexation.  
Notice to  
planning and  
community af-  
fairs agency—  
Population  
figures.

Whenever any territory is annexed to a city or town, a certificate as hereinafter provided shall be submitted in triplicate to the planning and community affairs agency within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the agency shall retain the original copy in its files, and transmit the second copy to the secretary of state, and return the third copy to the city or town. Such certificates shall be in such form and contain such information as shall be prescribed by the agency. A legal description and a map showing specifically the boundaries of the annexed territory shall be attached to each of the three copies of the certificate. The certificate shall be signed by the mayor and attested by the city clerk. Upon request, the agency shall furnish certification forms to any city or town.

Whenever the effective date of annexation as specified in the relevant ordinance is between April 2nd and August 31st inclusive, in any year, and the annexation certificate is submitted as provided herein, the population of the annexed territory shall be added to the April 1st population as determined for that year by the agency, and shall be used for the allocation and distribution of state funds to cities and towns commencing January 1st next follow-

ing. When a certificate is submitted subsequent to the thirty-day period from the effective date of the annexation as specified in the relevant ordinance, the population of the annexed territory shall not be considered until April 1st of the following year. The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the city or town. Such population determination shall consist of an actual enumeration of the population which shall be made in accordance with practices and policies, and subject to the approval of, the agency. The population shall be determined as of the effective date of annexation as specified in the relevant ordinance.

Until an annexation certificate is filed and approved as provided herein, such annexed territory shall not be considered by the agency in determining the population of such city or town.

Sec. 3. There is added to chapter 74, Laws of 1967 (Substitute House Bill No. 78) a new section to read as follows:

The state census board is hereby abolished.

New section.

State census board abolished.

Sec. 4. All matters relating to functions transferred under the provisions of this 1967 amendatory act which at the time of transfer have not been completed may be undertaken and completed by the director of the planning and community affairs agency, who is authorized, empowered, and directed to promulgate any and all orders, rules and regulations necessary to accomplish this purpose.

Census board duties transferred.

Sec. 5. This 1967 amendatory act shall take effect on July 1, 1967.

Effective date.

Passed the Senate March 31, 1967.

Passed the House April 1, 1967.

Approved by the Governor April 11, 1967.

CHAPTER 43.

[Senate Bill No. 219.]

EAST CAPITOL SITE.

AN ACT relating to the state capitol; describing certain property to be known as the east capitol site; amending section 1, chapter 167, Laws of 1961 and RCW 79.24.500; and declaring an emergency.

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

RCW 79.24.500 amended.

Section 1. Section 1, chapter 167, Laws of 1961 and RCW 79.24.500 are each amended to read as follows:

East capitol site—  
Description.

The state capitol committee shall proceed as rapidly as their resources permit to acquire title to the following described property for development as state capitol grounds:

That area bounded as follows: Commencing at a point beginning at the southwest corner of Capitol Way and 15th Avenue and proceeding westerly to the present easterly boundary of the capitol grounds on the west; thence proceeding northerly along said easterly boundary of the capitol grounds; thence proceeding easterly along the boundary of the present capitol grounds to a point at the corner of Capitol Way and 14th Avenue; thence proceeding southerly to the point of beginning; also that area bounded by Capitol Way on the west, 11th Avenue on the north, Jefferson Street on the east, and 16th Avenue (Maple Park) on the south; also that area bounded by Jefferson Street on the west, 14th Avenue on the north, Cherry Street on the east and 14th Avenue (Interstate No. 5 access) on the south; also that area bounded by 14th Avenue (Interstate No. 5 access) on the north, the westerly boundary of the Oregon-Washington Railroad & Navigation Co. right-of-way on the east, 16th Avenue on the south, and Jefferson Street on the west; also that area

bounded by 15th Avenue on the north, the westerly boundary of the Oregon-Washington Railroad & Navigation Co. right-of-way on the east, and 14th Avenue (Interstate No. 5 access) on the south and west; all in the city of Olympia, county of Thurston, state of Washington, or any such portion or portions of the above described areas as may be required for present or future expansion of the facilities of the state capitol.

Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate March 29, 1967.

Passed the House April 3, 1967.

Approved by the Governor April 11, 1967.

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## CHAPTER 44.

[Engrossed House Bill No. 941.]

### CITIES AND TOWNS—L.I.D. BONDS.

AN ACT relating to cities and towns; amending section 35.45.030, chapter 7, Laws of 1965 and RCW 35.45.030; adding new sections to chapter 7, Laws of 1965 and to chapter 35.45 RCW; and declaring an emergency.

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

Section 1. Section 35.45.030, chapter 7, Laws of 1965 and RCW 35.45.030 are each amended to read as follows: RCW 35.45.030 amended.

Local improvement bonds shall be in such denominations as may be provided in the ordinance authorizing their issue and shall be numbered from one upwards consecutively. Each bond shall (1) be signed by the mayor and attested by the clerk, (2) Cities and towns—L.I.D. bonds.

Cities and  
towns—L.I.D.  
bonds.

have the seal of the city or town affixed thereto, (3) refer to the improvement to pay for which it is issued and the ordinance ordering it, (4) provide that the principal sum therein named and the interest thereon shall be payable out of the local improvement fund created for the cost and expense of the improvement, or out of the local improvement guaranty fund, or, with respect to interest only, out of the general revenues of the city or town, and not otherwise, (5) provide that the bondholders' remedy in case of nonpayment shall be confined to the enforcement of the special assessments made for the improvement and to the guaranty fund, and (6) have attached thereto interest coupons for each interest payment.

The interest coupons may be signed by the mayor and attested by the clerk, or in lieu thereof, may have printed thereon a facsimile of their signatures.

New section.

Sec. 2. There is added to chapter 7, Laws of 1965 and to chapter 35.45 RCW a new section to read as follows:

Interest on  
L.I.D. bonds.

The city or town council may provide by ordinance that all or part of the interest upon said bonds shall be paid from the general revenues of the city or town and may create a local improvement district bond interest fund for this purpose. If the city or town council determine that the city or town shall pay all interest on such bonds from its general revenues, the interest coupons attached to the bond shall recite that the interest thereby evidenced is payable from general revenues. If the city or town council determines that the city or town council shall pay a part of the interest on such bonds from its general revenues, the interest coupons representing interest payable from the general revenues of the city or town shall be denominated as "B" coupons and shall



recite that the interest payable thereunder is payable from the general revenues of the city or town.

Sec. 3. There is added to chapter 7, Laws of 1965 and to chapter 35.45 RCW a new section to read as follows: New section.

For the purpose of issuing bonds only, the governing body of any municipality may authorize the establishment of consolidated local improvement districts. The local improvements within such consolidated districts need not be adjoining, vicinal or neighboring. If the governing body orders the creation of such consolidated local improvement districts, the moneys received from the installment payment of the principal of and interest on assessments levied within original local assessment districts shall be deposited in a consolidated local improvement district bond redemption fund to be used to redeem outstanding consolidated local improvement district bonds. Consolidated districts for bonding.

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. Emergency.

Passed the House March 20, 1967.

Passed the Senate April 4, 1967.

Approved by the Governor April 12, 1967.

CHAPTER 45.

[House Bill No. 975.]

APPROPRIATION—LEGISLATIVE EXPENSE INCLUDING MEMBERS' EXPENSES.

AN ACT relating to the expenses and costs of the legislature including subsistence payments and expenses of members; making appropriations therefor; and declaring an emergency.

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

Appropriation  
—Legislative  
expenses.

Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of three hundred seventy-two thousand seven hundred sixty dollars (\$372,760), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than one hundred eighty-one thousand and sixty dollars (\$181,060); and

(2) The House of Representatives shall not expend more than one hundred ninety-one thousand seven hundred dollars (\$191,700): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.

Appropriation  
—Legislature  
—Printing.

Sec. 2. There is hereby appropriated out of the state general fund to the legislature the sum of twenty-seven thousand five hundred dollars (\$27,500), or so much thereof as may be necessary, for printing, indexing, binding and editing the session laws, Senate and House journals, and other printing, and binding public documents.

Appropriation  
—Legislators'  
per diem.

Sec. 3. There is hereby appropriated to the legislature out of the state general fund the sum of seventy-eight thousand two hundred twenty-five dol-

lars (\$78,225) for payment to members of the legislature and the president of the Senate at the rate of twenty-five dollars per day in lieu of subsistence and lodging while in attendance at the first extraordinary session of the fortieth legislature.

Sec. 4. Upon presentation of a voucher by a member claiming reimbursement for interim expenses as authorized by section 1, chapter 8, Laws of 1967 and certified by him that his expenses for such three month period were equal to or in excess of one hundred fifty dollars, he shall be paid in lieu of such expenses from the appropriation provided therefor in section 1, chapter 8, Laws of 1967.

Legislature—  
Members in-  
terim expen-  
ses—Vouchers.

Sec. 5. This act is necessary for the immediate support of the state government and shall take effect immediately.

Emergency.

Passed the House April 12, 1967.

Passed the Senate April 12, 1967.

Approved by the Governor April 12, 1967.

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## CHAPTER 46.

[Engrossed Senate Bill No. 464.]

### CIVIL ACTIONS AND PROCEDURE.

AN ACT relating to civil actions and procedure; adding new sections to Title 4 RCW; and amending section 1, chapter 99, Laws of 1961 and RCW 4.24.190.

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

Section 1. Section 1, chapter 99, Laws of 1961 and RCW 4.24.190 are each amended to read as follows:

RCW 4.24.190  
amended.

The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall wilfully or mali-

Parents and  
child—Civil  
liability of  
parents for  
damages by  
children.

Civil proceed-  
ings.

ciously destroy property, real or personal or mixed, shall be liable to the owner of such property in a civil action at law for damages in an amount not to exceed one thousand dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence.

Construction  
contracts—  
Hold harmless  
clauses against  
public policy.

Sec. 2. A covenant, promise, agreement or understanding in, or in connection with or collateral to, a contract or agreement relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith, purporting to indemnify against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the indemnitee, his agents or employees is against public policy and is void and unenforceable.

New chapter.

Sec. 3. There is added to the Code of 1881 and to Title 4 RCW, a new chapter to read as set forth in sections 4 through 7 of this act.

Removal of  
action from  
justice court  
to superior  
court.

Sec. 4. Whenever the removal of such action to superior court is required in order to acquire jurisdiction over a third party defendant, who is or may be liable to the defendant for all or part of the judgment and resides outside the county wherein the action was commenced, any civil action which could have been brought in superior court may, if commenced in justice court, be removed by the defendant or defendants to the superior court for the county where such action is pending if the court determines that there are reasonable grounds to believe that a third party may be liable to the plaintiff and issues an order so stating.

Whenever a separate or independent claim or cause of action which would be removable if sued upon alone is joined with one or more otherwise nonremovable claims or causes of action, the entire case may be removed and the superior court may determine all issues therein, or, in its discretion, may remand all matters not otherwise within its original jurisdiction.

Sec. 5. (1) A defendant or defendants desiring to remove any civil action from a justice court as authorized by section 4 of this act shall file in the superior court in the county where such action is pending, a verified petition containing a short and plain statement of the facts which entitled him or them to removal together with a copy of all process, pleadings and orders served upon him or them in such action.

Petition for  
removal—  
Notice.

(2) The petition for removal of a civil action or proceeding shall be filed within twenty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

If the case stated by the initial pleading is not removable, a petition for removal may be filed within twenty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper, including the defendant's answer, from which it may first be ascertained that the case is or has become removable.

(3) Promptly after the filing of such petition the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the petition with the justice court, which shall effect the removal and the justice court shall proceed no further unless and until the case is remanded.

Civil proceed-  
ings.

Authority of  
court after  
removal—  
Remand.

Sec. 6. In any case removed from justice court under the provisions of this act, the superior court may issue all necessary orders and process to bring before it all proper parties whether served by process issued by the justice court or otherwise.

If at any time before final judgment it appears that the case was removed improvidently and without jurisdiction, the superior court shall remand the case, and may order the payment of just costs. A certified copy of the order of remand shall be mailed by the clerk of the superior court to the justice court. The justice court may thereupon proceed with such case.

Removal—  
Attached  
property.

Sec. 7. Whenever any action is removed from a justice court to a superior court under the provisions of this act, any attachment or sequestration of the property of the defendant in such action in the justice court shall remain in the custody of the sheriff to answer the final judgment or decree in the same manner as would have been held to answer had the cause been brought in the superior court originally.

Passed the Senate March 29, 1967.

Passed the House April 6, 1967.

Approved by the Governor April 14, 1967.

## CHAPTER 47.

[Senate Bill No. 432.]

## SPECIALIZED FOREST PRODUCTS.

AN ACT relating to the protection of specialized forest products; defining terms; prescribing the form and requiring the issuance of a harvesting permit; prescribing powers and duties of issuing persons; prohibiting transportation of certain forest products without a permit, invoice or bill of lading; exempting certain products; prescribing powers and duties of arresting officers in relation to the custody of seized forest products; providing penalties; and adding a new chapter to Title 76 RCW.

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

Section 1. Sections 2 through 16 of this act shall constitute a new chapter in Title 76 RCW. New chapter.

Sec. 2. It is in the public interest of this state to protect a great natural resource and to provide a high degree of protection to the land owners of the state of Washington from the theft of specialized forest products. Specialized forest products. Purpose.

Sec. 3. Unless otherwise required by the context, as used in this act: Definitions.

(1) "Christmas trees" shall mean any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" shall mean any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, shall mean evergreen boughs, huckleberry, salal, fern, Oregon grape, scotchbroom, rhododendron, and other cut or picked evergreen products.

Definitions.

(4) "Split cedar products" shall mean shakes, shakeboards, shake bolts, fence posts, hop poles, pickets, or any other split cedar product.

(5) "Cascara bark" shall mean the bark of a Cascara tree.

(6) "Huckleberry" shall mean the fruit or foliage of *Vaccinium Ovatum*.

(7) "Specialized forest products" shall mean Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, split cedar products, Cascara bark, and huckleberry.

(8) "Person" shall include the plural and all corporations foreign or domestic, copartnerships, firms, and associations of persons.

(9) "Operator" shall mean any person who shall engage, on behalf of himself or others, in the harvesting of any specialized forest product from any lands within the state.

(10) "Harvesting permit" shall mean a document in writing executed by a landowner, his duly authorized agent or representative, or by a lessee of land (herein referred to as "permitters") granting permission to a designated person (herein referred to as "permittee") to cut, destroy, mutilate, pry, pick, peel, break, or remove a designated specialized forest product from land owned or controlled by him.

Violations—  
Harvesting  
permit  
required.

Sec. 4. It shall be unlawful for any person to cut, destroy, mutilate, pry, pick, peel, break, or remove specialized forest products as described in section 3 of this act without first obtaining a harvesting permit from the permittor.

Enforcement.

Sec. 5. Agencies charged with the enforcement of this act shall include, but not be limited to, the Washington state patrol, county sheriffs and their deputies, municipal police forces, forest wardens and rangers. Primary enforcement responsibility lies in the county sheriff and his deputies.



Sec. 6. A harvesting permit shall be executed by the owner, his agent or representative, or by the lessee of land on which specialized forest products are to be harvested. All harvesting permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor. The harvesting permit shall specify:

Harvesting  
permit—  
Contents.

- (1) The date of its execution and expiration.
- (2) The name and address of the permittor.
- (3) The name and address of the permittee.
- (4) The type of specialized forest products to be harvested.
- (5) The approximate amount or volume of specialized forest products to be harvested.
- (6) The legal description of the property from which the specialized forest products are to be harvested, including the name of the county.

Sec. 7. A harvesting permit from the owner, his agent or representative or the lessee of the land concerned shall be obtained by the permittee prior to cutting, destroying, mutilating, prying, picking, peeling, breaking, or removing more than five Christmas trees, more than five ornamental trees or shrubs, more than five pounds of cut foliage or huckleberry, more than five split cedar products, or more than five pounds of Cascara bark growing upon any land, including his own. Harvesting permit forms shall be provided by the department of natural resources. A harvesting permit shall be completed, in triplicate, for each land ownership on which a permittee harvests specialized forest products, the original to be retained by the permittee, the duplicate to be retained by the permittor, and the triplicate to be filed by the permittee in the office of the county sheriff in whose county the land is situated: *Provided*, That in the event a single land ownership is situated in two or more counties,

Harvesting  
permit re-  
quired before  
severing from  
land.

Specialized  
forest  
products.

a harvesting permit shall be completed as to the land situated in each such county.

Transportation  
of products—  
When permit  
or bill of sale  
required.

Sec. 8. Except that as provided in section 11 of this act, it shall be unlawful for any person to transport over the public roads of the state of Washington more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut evergreen foliage or huckleberry, more than five pieces of split cedar products, or more than five pounds of Cascara bark which have been cut, picked, or collected within the state of Washington without having in his possession a written sales invoice, bill of lading, or harvesting permit evidencing his title to or authority to have possession of specialized forest products being so transported: *Provided*, That, with respect to specialized forest products harvested on lands under the ownership or management of an agency of the United States, such specialized forest products may be so transported under the authority of such written permit or other written document as is customarily used by the agency concerned.

Permit, bill of  
sale, bill of  
lading—  
Contents.

Sec. 9. The permit, sales invoice, or bill of lading required by section 8 of this act shall specify:

- (1) The date of its execution.
- (2) The number and type of products, by species, sold or being transported.
- (3) The name and address of the owner, vendor, or donor of the specialized forest products.
- (4) The name and address of the vendee, donee, or receiver of the specialized forest products.
- (5) The county of origin of the specialized forest products.

Harvesting  
permit.

Sec. 10. A harvesting permit, as described in this act, may be used in lieu of a sales invoice or bill of lading as authority for the transportation of special-

ized forest products on the public roads of the state of Washington when:

- (1) It has been procured, executed, and filed as required by sections 6 and 7 of this act, and
- (2) It authorizes the harvesting of the specialized forest products being transported.

Sec. 11. The provisions of sections 8, 9, and 10 of this act shall not apply to: Exemptions.

- (1) The transportation of nursery grown products.
- (2) The transportation of logs, poles, pilings, or other major forest products from which substantially all of the limbs and branches have been removed.
- (3) The activities of a landowner, his agent, or representative, or of a lessee of land in carrying on property management, maintenance, or improvements on or in connection with his land.

Sec. 12. Whenever any law enforcement officer believes that a person is harvesting, cutting, destroying, mutilating, prying, picking, peeling, breaking, removing, or transporting specialized forest products in violation of the provisions of this chapter, he may, at the time of making an arrest, seize and take possession of any specialized forest products found. The law enforcement officer shall provide reasonable protection for the specialized forest products involved during the period of litigation or he shall sell such products at the discretion or order of the court before which the arrested person is ordered to appear. Upon disposition of the case by the court, the court shall make a reasonable effort to return the net proceeds of any sale of specialized forest products sold to the owner. If for any reason, the proceeds of such sale cannot be disposed of to the owner, such proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of

Violations—  
Seizure of  
goods—Sale of  
seized goods—  
Disposition of  
proceeds.

Specialized forest products.

the county in which the specialized forest products are sold. The county treasurer shall deposit the same in the county general fund. The return of the specialized forest products or the payment of the proceeds of any sale of products seized, to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

False, fraudulent or forged instruments prohibited.

Sec. 13. It shall be unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a harvesting permit, sales invoice, bill of lading, or similar documentary authority issued by an agency of the United States, as required by this chapter, knowing the same to be in any manner false, fraudulent, or forged.

Violations—Penalty.

Sec. 14. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred and fifty dollars or by imprisonment in the county jail for not to exceed ninety days or by both such fine and imprisonment.

Severability.

Sec. 15. If any section, provision, or part thereof of this chapter shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Construction.

Sec. 16. This act is not intended to repeal or modify any provision of existing law.

Passed the Senate April 1, 1967.

Passed the House April 6, 1967.

Approved by the Governor April 14, 1967.

CHAPTER 48.

[Senate Bill No. 457.]

FEDERAL OBLIGATIONS AS COLLATERAL FOR DEPOSIT  
OF PUBLIC FUNDS.

AN ACT relating to certain obligations issued or guaranteed by federal government or its agencies; providing that such obligations may be used as collateral security for the deposit of public or other funds, and in lieu of bonds, recognizances, or undertakings; and amending section 2, chapter 249, Laws of 1941, and RCW 39.60.040.

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

Section 1. Section 2, chapter 249, Laws of 1941, and RCW 39.60.040 are each amended to read as follows:

RCW 39.60.040 amended.

The obligations issued pursuant to said Federal Home Loan Bank Act and to said Title IV of the National Housing Act as such acts are now or hereafter amended, and the shares, deposits or accounts of any institution which has the insurance protection provided by Title IV of the National Housing Act, as now or hereafter amended, may be used at face value or withdrawal value, and bonds or other interest bearing obligations as to which the payment of some but less than the full principal and interest is guaranteed by the United States of America or any agency thereof may be used to the extent of the portion so guaranteed, wherever, by statute of this state or otherwise, collateral is required as security for the deposit of public or other funds, or deposits are required to be made with any public official or department, or an investment of capital or surplus, or a reserve or other fund, is required to be maintained consisting of designated security, or wherever by statute of this state or otherwise, any surety, whether personal, corporate, or otherwise, or any collateral or security, is required or permitted for any purpose, including without limitation on the

Bonds of federal agencies as investment and collateral.

generality of the foregoing, any bond, recognizance, or undertaking.

Passed the Senate March 31, 1967.

Passed the House April 6, 1967.

Approved by the Governor April 14, 1967.

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CHAPTER 49.

[House Bill No. 52.]

W. U. T. C.—PARTICIPATION IN FEDERAL PROCEEDINGS.

AN ACT relating to the Washington utilities and transportation commission; authorizing its participation in proceedings before federal administrative agencies and judicial proceedings relating thereto; and adding a new section to chapter 14, Laws of 1961 and to chapter 80.01 RCW.

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

New section.

Section 1. There is added to chapter 14, Laws of 1961 and to chapter 80.01 RCW a new section to read as follows:

Utilities and transportation commission—Participation in federal proceedings.

The commission shall have the authority as petitioner, intervenor or otherwise to initiate and/or participate in proceedings before federal administrative agencies in which there is at issue the authority, rates or practices for transportation or utility services affecting the interests of the state of Washington, its businesses and general public, and to do all things necessary in its opinion to present to such federal administrative agencies all facts bearing upon such issues, and to similarly initiate and/or participate in any judicial proceedings relating thereto.

Passed the House March 31, 1967.

Passed the Senate April 5, 1967.

Approved by the Governor April 14, 1967.

## CHAPTER 50.

[Engrossed House Bill No. 446.]

## VETERINARY MEDICINE, SURGERY AND DENTISTRY.

AN ACT relating to veterinary medicine, surgery and dentistry; amending section 21, chapter 71, Laws of 1941, as amended by section 2, chapter 92, Laws of 1959, and RCW 18.92.015; amending section 3, chapter 92, Laws of 1959, and RCW 18.92.021; amending section 4, chapter 71, Laws of 1941, as last amended by section 2, chapter 157, Laws of 1961, and RCW 18.92.030; amending section 13, chapter 124, Laws of 1907, as last amended by section 5, chapter 92, Laws of 1959, and RCW 18.92.040; amending section 20, chapter 71, Laws of 1941, as amended by section 13, chapter 92, Laws of 1959, and RCW 18.92.060; amending section 7, chapter 71, Laws of 1941, as amended by section 7, chapter 92, Laws of 1959, and RCW 18.92.100; amending section 10, chapter 71, Laws of 1941, as amended by section 8, chapter 92, Laws of 1959, and RCW 18.92.115; amending section 11, chapter 124, Laws of 1907, as last amended by section 9, chapter 92, Laws of 1959, and RCW 18.92.120; amending section 19, chapter 71, Laws of 1941, as amended by section 12, chapter 92, Laws of 1959, and RCW 18.92.145; amending section 13, chapter 71, Laws of 1941, as amended by section 1, chapter 157, Laws of 1961, and RCW 18.92.160; amending section 14, chapter 71, Laws of 1941, as amended by section 11, chapter 92, Laws of 1959, and RCW 18.92.180; repealing section 8, chapter 71, Laws of 1941 and RCW 18.92.110; and repealing section 6, chapter 92, Laws of 1959 and RCW 18.92.155.

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

Section 1. Section 21, chapter 71, Laws of 1941, as amended by section 2, chapter 92, Laws of 1959, and RCW 18.92.015 are each amended to read as follows:

RCW 18.92.015  
amended.

The term "board" used in this chapter shall mean the Washington state veterinary board of governors; and the term "director" shall mean the director of motor vehicles of the state of Washington.

Veterinarians.  
Definitions.

Sec. 2. Section 3, chapter 92, Laws of 1959, and RCW 18.92.021 are each amended to read as follows:

RCW 18.92.021  
amended.

Veterinary board of governors.

There is created a Washington state veterinary board of governors consisting of five members.

The members shall be appointed by the governor from a list of three or more names approved and submitted by the Washington State Veterinary Medical Association for each position to be filled. At the time of their appointment the members of the board must be actual residents of the state in active practice as licensed practitioners of veterinary medicine, surgery and dentistry and must be citizens of the United States. Not more than one member shall be from the same congressional district.

The first members of the board shall be as follows: One member for five, four, three, two and one years respectively. Thereafter the terms shall be for five years and until their successors are appointed and qualified.

A member may be appointed to serve a second term, if that term does not run consecutively. Vacancies in the board shall be filled by the governor, the appointee to hold office for the remainder of the unexpired term.

Officers of the board shall be a chairman, who shall be the senior member, and a secretary-treasurer to be chosen by the members of the board.

RCW 18.92.030 amended.

Sec. 3. Section 4, chapter 71, Laws of 1941, as last amended by section 2, chapter 157, Laws of 1961, and RCW 18.92.030 are each amended to read as follows:

General duties of board.

It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants. The board shall supervise the conduct of those practicing veterinary medicine, surgery and dentistry and shall make such recommendations as it deems necessary to the director in regard to the granting, suspension or revocation of licenses. It shall be the duty of the board to



adopt as the code of ethics for the practice of the veterinary profession in this state, the principles of veterinary medical ethics adopted by the house of delegates of the American veterinary medical association on August 13, 1960.

The board shall have the power to conduct hearings for the revocation or suspension of licenses and shall have the authority to appoint a hearing officer to conduct such hearings.

Sec. 4. Section 13, chapter 124, Laws of 1907, as last amended by section 5, chapter 92, Laws of 1959, and RCW 18.92.040 are each amended to read as follows:

RCW 18.92.040 amended.

Each member of the board shall receive twenty-five dollars per day as compensation for each day spent upon official business of the board, and necessary expenses as provided for state officials and employees generally in chapter 43.03 RCW.

Compensation of members.

Sec. 5. Section 20, chapter 71, Laws of 1941, as amended by section 13, chapter 92, Laws of 1959, and RCW 18.92.060 are each amended to read as follows:

RCW 18.92.060 amended.

Nothing in this chapter shall be construed to apply to:

Licensing exemptions.

(1) Commissioned veterinarians in the United States army, veterinarians employed by the Animal Disease Eradication Division of the United States Agricultural Research Service, or federal employees performing official duties;

(2) An owner of livestock treating his own animals;

(3) A person advising with respect to or performing the castrating and dehorning of cattle, castrating and docking of sheep, castrating of swine or caponizing of poultry or artificial insemination of animals;

**Veterinarians.**

(4) A person who is a regular student in a veterinary school performing duties or actions assigned by his instructors, or working under the direct supervision of a licensed veterinarian during a school vacation period or a person performing assigned duties under supervision of a veterinarian within the established framework of an internship program recognized by the board;

(5) A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state.

**RCW 18.92.100  
amended.**

Sec. 6. Section 7, chapter 71, Laws of 1941, as amended by section 7, chapter 92, Laws of 1959, and RCW 18.92.100 are each amended to read as follows:

**Examinations  
—Regulations.**

Examinations for license to practice veterinary medicine, surgery and dentistry shall be held at least once each year at such times and places as the director may authorize and direct. Said examination, which shall be conducted in the English language shall be, in whole or in part, in writing on the following subjects: Veterinary anatomy, surgery, obstetrics, pathology, chemistry, hygiene, veterinary diagnosis, materia medica, therapeutics, parasitology, physiology, sanitary medicine, and such other subjects which are ordinarily included in the curricula of veterinary colleges, as the board may prescribe. All examinees shall be tested by written examination, supplemented by such oral interviews and practical demonstrations as the board deems necessary. The board may accept the examinee's results on the National Board of Veterinary Examiners in lieu of the written portion of the state examination.

**RCW 18.92.115  
amended.**

Sec. 7. Section 10, chapter 71, Laws of 1941, as amended by section 8, chapter 92, Laws of 1959, and RCW 18.92.115 are each amended to read as follows:

Any applicant who shall fail to secure the required grade in his first examination may take the next regular veterinary examination. The fee for reexamination shall be twenty-five dollars.

Reexamination.

Sec. 8. Section 11, chapter 124, Laws of 1907, as last amended by section 9, chapter 92, Laws of 1959, and RCW 18.92.120 are each amended to read as follows:

RCW 18.92.120 amended.

Any person who shall make application for examination, as provided by RCW 18.92.070, and who has not previously failed to pass the veterinary examination, and whose application is found satisfactory by the director, may be given a temporary certificate to practice veterinary medicine, surgery and dentistry valid only until the results of the next examination for licenses are available. No more than one temporary certificate may be issued to any applicant. Such permittee shall be employed by a licensed veterinary practitioner or by the state of Washington.

License—Temporary certificates—Restrictions.

Sec. 9. Section 19, chapter 71, Laws of 1941, as amended by section 12, chapter 92, Laws of 1959, and RCW 18.92.145 are each amended to read as follows:

RCW 18.92.145 amended.

The following fees shall be charged by the director:

License, permit and annual renewal fees.

(1) For a license to practice veterinary medicine, surgery and dentistry issued upon an examination given by the examining board, fifty dollars.

(2) For a license to practice veterinary medicine, surgery and dentistry issued upon the basis of a license issued in another state, one hundred dollars.

(3) For the annual renewal of a license to practice veterinary medicine, surgery and dentistry, ten dollars.

Veterinarians.

(4) For a temporary permit to practice veterinary medicine, surgery and dentistry, fifteen dollars. The temporary permit fee shall be accompanied by the full amount of the examination fee of fifty dollars.

RCW 18.92.160 amended.

Sec. 10. Section 13, chapter 71, Laws of 1941, as amended by section 1, chapter 157, Laws of 1961, and RCW 18.92.160 are each amended to read as follows:

Suspension or revocation of licenses—  
Grounds.

The license of any person heretofore or hereafter granted to practice veterinary medicine, surgery and dentistry in this state may be suspended for a certain period of time or revoked by the board for any of the following causes, which shall be deemed to be unprofessional conduct within the meaning of this chapter:

(1) The employment of fraud, misrepresentation or deception in obtaining such license.

(2) Found guilty of a crime involving moral turpitude.

(3) Chronic inebriety or habitual use of drugs.

(4) Fraud in representation as to skill or ability.

(5) Use of untruthful or improbable statements in advertisements, publicity material or interviews.

(6) Distribution of alcohol or drugs for any other than legitimate purposes.

(7) Personation of another licensed practitioner.

(8) Violation or attempting to violate, directly or indirectly, any of the provisions of this chapter.

(9) Gross incompetency in the practice of his profession.

(10) Violation of the ethics of the profession. The code of ethics adopted by the board of governors shall be the standard of ethics for the licensed veterinarians of this state.

RCW 18.92.180 amended.

Sec. 11. Section 14, chapter 71, Laws of 1941, as amended by section 11, chapter 92, Laws of 1959,

and RCW 18.92.180 are each amended to read as follows:

Revocation  
and suspension  
of licenses—  
Proceedings.

In all proceedings having for their purpose the revocation or suspension of a license to practice veterinary medicine, surgery and dentistry, the holder of such license shall be given twenty days notice in writing which shall specify the offense or offenses against this chapter with which said accused person is charged, and said notice shall also give the day and place where the hearing is to be held. The board or its designated hearing officer shall have the power to issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused person shall have opportunity to make his defense, and may have issued such subpoenas as he may desire. Witnesses shall testify under oath. The board or its designated hearing officer shall hear and determine the charges and shall make findings and conclusion upon the evidence produced, and shall file the same in the director's office, together with a transcript of all the evidence, a duplicate copy of which shall be served upon the accused. The revocation or suspension of a license to practice shall be in writing signed by the director, stating the grounds upon which such order is based.

Sec. 12. Section 8, chapter 71, Laws of 1941, and RCW 18.92.110, section 6, chapter 92, Laws of 1959, and RCW 18.92.155 are each hereby repealed.

Repeal.

Passed the House March 31, 1967.

Passed the Senate April 5, 1967.

Approved by the Governor April 14, 1967.

## CHAPTER 51.

[Engrossed House Bill No. 466.]

## PUBLIC HEALTH.

AN ACT relating to the public health; amending sections 2, 3 and 4, chapter 183, Laws of 1945 and RCW 70.46.020, 70.46.030 and 70.46.040; amending section 5, chapter 183, Laws of 1945 as amended by section 1, chapter 100, Laws of 1957, and RCW 70.46.050; amending sections 6, 8 and 9, chapter 183, Laws of 1945 and RCW 70.46.060, 70.46.080 and 70.46.090; repealing sections 1 through 6, chapter 50, Laws of 1893 and RCW 70.04.030 through 70.04.080; repealing section 7, chapter 50, Laws of 1893 [uncodified]; repealing sections 2, 5 and 6, chapter 65, Laws of 1903 and RCW 70.06.010, 70.06.050 and 70.06.090; repealing sections 1, 3, 4, 7 and 8, chapter 65, Laws of 1903 as amended by sections 1, 3, 4, 5, and 6, chapter 85, Laws of 1907, and RCW 70.06.020, 70.06.030, 70.06.040, 70.06.070 and 70.06.080; repealing section 2, chapter 85, Laws of 1907 and RCW 70.06.025; repealing section 2, chapter 116, Laws of 1901 and RCW 70.06.060; repealing sections 1, 2 and 3, chapter 17, Laws of 1963 and RCW 70.09.010 through 70.09.030; repealing section 7, chapter 183, Laws of 1945 and RCW 70.46.070; and providing penalties.

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

Section 1. For the purposes of this 1967 amendatory act and unless the context thereof clearly indicates to the contrary:

(1) "Local health departments" means the city, town, county or district which provides public health services to persons within the area;

(2) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the city, town, county or district public health department;

(3) "Local board of health" means the city, town, county or district board of health.

(4) "Health district" means all territory encompassed within a single county and all cities and towns therein except cities with a population of over one hundred thousand, or all the territory con-

Public health.  
Local health  
departments.  
Definitions.

sisting of one or more counties and all the cities and towns in all of the combined counties except cities of over one hundred thousand population which have been combined and organized pursuant to the provisions of this 1967 amendatory act: *Provided*, That cities with a population of over one hundred thousand may be included in a health district as provided in section 7 of this 1967 amendatory act.

Sec. 2. The governing body of every city or town in this state, except where such city or town is a part of a county health department, a health district, or is purchasing health services under a contract as authorized by this 1967 amendatory act, shall hereafter organize as a local board of health or shall appoint a local board of health from its members of at least three persons who shall organize as a local board of health for such city or town.

Local board  
of health  
organized.

Sec. 3. The board of county commissioners of each and every county in this state, except where such county is a part of a health district or is purchasing services under a contract as authorized by this 1967 amendatory act, shall constitute the local board of health for such county, and said local board of health's jurisdiction shall be coextensive with the boundaries of said county, except that nothing herein contained shall give said board jurisdiction in cities of over one hundred thousand population or in such other cities and towns as are providing health services which meet health standards pursuant to section 21 of this 1967 amendatory act.

County com-  
missioners to  
constitute  
local board of  
health.

Sec. 4. The local board of health shall elect a chairman and may appoint a clerk, and shall appoint a local health officer pursuant to section 9 of this 1967 amendatory act. Vacancies on the local board of health shall be filled by appointment within thirty days and made in the same manner as was the original appointment. At the first meeting of the local

Officers—  
Vacancies.

Local health departments.

board of health, the members shall elect a chairman to serve for a period of one year.

RCW 70.46.030 amended.

Sec. 5. Section 3, chapter 183, Laws of 1945 and RCW 70.46.030 are each amended to read as follows:

Districts of one county—  
Board of health—  
Membership—  
Chairman.

A health district to consist of one county only and including all cities and towns therein except cities having a population of over one hundred thousand may be created whenever the board of county commissioners of the county shall pass a resolution to organize such a health district under this 1967 amendatory act. The district board of health of such district shall consist of not less than five members, including the three members of the board of county commissioners of the county. The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the respective populations and financial contributions of such cities and towns.

At the first meeting of a district board of health, the members shall elect a chairman to serve for a period of one year.

RCW 70.46.020 amended.

Sec. 6. Section 2, chapter 183, Laws of 1945 and RCW 70.46.020 are each amended to read as follows:

Districts of two or more counties—  
Health board—  
Membership—  
Chairman.

Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties including all cities and towns except cities of over one hundred thousand population. The district board of health of such a district shall consist of not less than seven members, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county



within the district. The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the financial contribution of such cities and towns and representation from the several classifications of cities and towns.

At the first meeting of a district board of health the members shall elect a chairman to serve for a period of one year.

Sec. 7. Section 4, chapter 183, Laws of 1945 and RCW 70.46.040 are each amended to read as follows: RCW 70.46.040 amended.

Whenever a city of over one hundred thousand population desires to be included in a health district and shall through its legislative authority petition the district board of health to be included and the district board of health and the city legislative authority agree as to the functions to be performed for the city by the health district and the amount of financial contributions to be made by the city to the health district such city shall be included in the health district. Inclusion of city over 100,000 population.

Sec. 8. Section 5, chapter 183, Laws of 1945 as amended by section 1, chapter 100, Laws of 1957, and RCW 70.46.050 are each amended to read as follows: RCW 70.46.050 amended.

Whenever a city of over one hundred thousand population is included in a health district it shall have equal representation with the board of county commissioners of the county in which said city is located, the city's representatives to be selected by the legislative body of the city from among its membership. All appointments to the district board of health shall be made within thirty days after the formation of the district. Vacancies on the district board of health shall be filled by appointment Representation on the district health board.

Local health  
departments.

within thirty days and made in the same manner as was the original appointment. Representatives on the district board of the various units of the district shall continue at the pleasure of the legislative body of the unit: *Provided*, That the representation on the local boards of health in existence at the time of the enactment of this 1967 amendatory act may be continued without change in the discretion of the board.

Local health  
officer—  
Requirements  
—Appointment.

Sec. 9. Each local board of health shall appoint a local health officer who shall be an experienced physician licensed to practice medicine and surgery in this state. He shall also hold the degree of master of public health or its equivalent, and shall have had at least two years experience in public health. No term of office shall be established for the local health officer but he shall not be removed until after notice is given him, and an opportunity for a hearing before the board as to the reason for his removal: *Provided*, That the local board of health may, with the approval of the state director of health, appoint a physician without such qualifications as local health officer for a period not to exceed two years: *Provided further*, That such physician may be appointed as local health officer for an additional period in the event of an emergency where the local board of health is unable to obtain the services of a physician possessing the qualifications set forth above. He shall not engage in the private practice of his profession during his tenure of office. He shall act as executive secretary to, and administrative officer for the local board of health. He shall also be empowered to employ such technical and other personnel as approved by the local board of health. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health.

Sec. 10. Each local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction and shall:

Local health board—Duties and powers.

(1) Enforce through the local health officer the public health statutes of the state and rules and regulations promulgated by the state board of health and the state director of health;

(2) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction;

(3) Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof;

(4) Provide for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the local health department;

(5) Provide for the prevention, control and abatement of nuisances detrimental to the public health;

(6) Make such reports to the state board of health through the local health officer as the state board of health may require; and

(7) Establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules and regulations of the state board of health: *Provided*, That such fees for services shall not exceed the actual cost of providing any such services.

Sec. 11. Section 6, chapter 183, Laws of 1945 and RCW 70.46.060 are each amended to read as follows:

RCW 70.46.060 amended.

The district board of health shall constitute the local board of health for all the territory included in the health district, and shall supersede and exercise all the powers and perform all the duties by law vested in the county or city or town board of health

District health board—Powers and duties.

Local health board.

of any county, city or town included in the health district, except as otherwise in this 1967 amendatory act provided.

Local health officer—Powers and duties.

Sec. 12. The local health officer shall:

(1) Enforce the public health statutes of the state, rules and regulations of the state board of health and the state director of health, and all local health rules, regulations and ordinances within his jurisdiction;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the state director of health or his authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules and regulations of the state board of health.

(8) Take such measures as he deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

Sec. 13. In case of the refusal or neglect of any local board of health to appoint a local health officer after a vacancy exists, the state director of health may appoint a local health officer and fix the compensation and the local health officer so appointed shall have the same duties, powers and authority as though appointed by the local boards of health. Such local health officer shall serve until such time as the local board of health appoints a qualified individual in his place. The board shall be authorized to appoint an acting health officer to serve whenever the health officer is absent or incapacitated and unable to fulfill his responsibilities under the provisions of this 1967 amendatory act.

Failure of local health board to appoint local health officer — State board action.

Sec. 14. Whenever any physician shall attend any person sick with any dangerous contagious or infectious disease, or with any diseases required by the state board of health to be reported, he shall, within twenty-four hours, give notice thereof to the local health officer within whose jurisdiction such sick person may then be or to the state department of health in Olympia.

Physicians to report dangerous and/or contagious diseases.

Sec. 15. In case of the question arising as to whether or not any person is affected or is sick with a dangerous, contagious or infectious disease, the opinion of the local health officer shall prevail until the state department of health can be notified, and then the opinion of the executive officer of the state department of health, or any physician he may appoint to examine such case, shall be final.

Determination of nature of disease.

Sec. 16. It shall be the duty of the local board of health, health authorities or officials, and of physicians in localities where there are no local health authorities or officials, to report to the state board of health, promptly upon discovery thereof, the existence of any one of the following diseases which may come under their observation, to wit: Asiatic chol-

Duty of local health board to report to state health board.

Local health  
board.

era, yellow fever, smallpox, scarlet fever, diphtheria, typhus, typhoid fever, bubonic plague or leprosy, and of such other contagious or infectious diseases as the state board may from time to time specify.

Failure to  
enforce act—  
Penalty.

Sec. 17. Any local health officer who shall refuse or neglect to obey or enforce the provisions of this 1967 amendatory act or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.04 RCW, and the rules and regulations of the state board of health adopted thereunder.

Any member of a local board of health who shall violate any of the provisions of this 1967 amendatory act or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars. Any physician who shall refuse or neglect to report to the proper health officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state

board of health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

Any person violating any of the provisions of this 1967 amendatory act or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

Sec. 18. All expenses incurred by the state, health district, or county in carrying out the provisions of this 1967 amendatory act or any other public health law, or the rules and regulations of the state department of health enacted under such laws, shall be paid by the county or city by which or in behalf of which such expenses shall have been incurred and such expenses shall constitute a claim against the general fund as provided herein. Expenses.

Sec. 19. Section 8, chapter 183, Laws of 1945 and RCW 70.46.080 are each amended to read as follows: RCW 70.46.080  
amended.

Each health district shall establish a fund to be designated as the "district health fund", in which

Local health board—Treasurer—District funds—Contributions by counties and cities.

shall be placed all sums received by the district from any source, and out of which shall be expended all sums disbursed by the district. The county treasurer of the county in the district embracing only one county; or, in a district composed of more than one county the county treasurer of the county having the largest population shall be the custodian of the fund, and the county auditor of said county shall keep the record of the receipts and disbursements, and shall draw and the county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the board: *Provided*, That in local health departments wherein a city of over one hundred thousand population is a part of said department, the local board of health may pool the funds available for public health purposes in the office of the city treasurer in a special pooling fund to be established and which shall be expended as set forth above.

Each county, city or town which is included in the district shall contribute such sums towards the expense for maintaining and operating the district as shall be agreed upon between it and the local board of health in accordance with guidelines established by the state board of health after consultation with the Washington association of county commissioners and the association of Washington cities. In the event that no agreement can be reached between the district board of health and the county, city or town, the matter shall be resolved by a board of arbitrators to consist of a representative of the district board of health, a representative from the county, city or town involved, and a third representative to be appointed by the two representatives, but if they are unable to agree, a representative shall be appointed by a judge in the county in which the city or town is located. The determination of the



proportionate share to be paid by a county, city or town shall be binding on all parties. Payments into the fund of the district may be made by the county or city or town members during the first year of membership in said district from any funds of the respective county, city or town as would otherwise be available for expenditures for health facilities and services, and thereafter the members shall include items in their respective budgets for payments to finance the health district.

Sec. 20. The expense of providing public health services shall be borne by each county, city or town within the health district, and the local health officer shall certify the amount agreed upon or as determined pursuant to section 19 of this 1967 amendatory act, and remaining unpaid by each county, city or town to the fiscal or warrant issuing officer of such county, city or town.

Procedure on failure to pay contribution.

If the expense as certified is not paid by any county, city or town within thirty days after the end of the fiscal year, the local health officer shall certify the amount due to the auditor of the county in which the governmental unit is situated who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund shall be reimbursed by the county auditor out of the money due said governmental unit at the next monthly settlement or settlements of the collection of taxes and shall be transferred to the current expense fund.

Sec. 21. Section 9, chapter 183, Laws of 1945 and RCW 70.46.090 are each amended to read as follows:

RCW 70.46.090 amended.

Any county or any city or town may withdraw from membership in said health district any time after it has been within the district for a period of two years, but no withdrawal shall be effective except at the end of the calendar year in which the

Withdrawal of county or city.

Local health department.

county, city or town gives at least six months' notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of any moneys paid to the district nor relieve it of any obligations to pay to the district all sums for which it obligated itself due and owing by it to the district for the year at the end of which the withdrawal is to be effective: *Provided*, That any county, city or town which withdraws from membership in said health district shall immediately establish a health department or provide health services which shall meet the standards for health services promulgated by the state board of health: *Provided further*, That no local health department shall be deemed to provide adequate public health services unless there is at least one full time professionally trained and qualified physician as set forth in section 9 of this 1967 amendatory act.

Contracts for purchase of health care.

Sec. 22. In addition to powers already granted them, any city, town, county, district or local health department may contract for either the sale or purchase of any or all health services from any local health department: *Provided*, That such contract shall require the approval of the state board of health.

Repeal.

Sec. 23. The following acts or parts of acts and RCW sections are hereby repealed:

(1) Sections 1 through 6, chapter 50, Laws of 1893 and RCW 70.04.030 through 70.04.080;

(2) Section 7, chapter 50, Laws of 1893 [uncodified];

(3) Sections 2, 5 and 6, chapter 65, Laws of 1903 and RCW 70.06.010, 70.06.050 and 70.06.090;

(4) Sections 1, 3, 4, 7 and 8, chapter 65, Laws of 1903 as amended by sections 1, 3, 4, 5, and 6, chapter 85, Laws of 1907, and RCW 70.06.020, 70.06.030, 70.06.040, 70.06.070 and 70.06.080;

(5) Section 2, chapter 85, Laws of 1907 and RCW 70.06.025;

(6) Section 2, chapter 116, Laws of 1901 and RCW 70.06.060;

(7) Sections 1, 2 and 3, chapter 17, Laws of 1963 and RCW 70.09.010 through 70.09.030;

(8) Section 7, chapter 183, Laws of 1945 and RCW 70.46.070.

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.

Severability.

Passed the House March 23, 1967.

Passed the Senate April 5, 1967.

Approved by the Governor April 14, 1967.

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## CHAPTER 52.

[Engrossed House Bill No. 626.]

### SUPPORT OF OTHER GOVERNMENTS BY CITY DISTRIBUTING ELECTRICITY.

AN ACT relating to cities and towns; and authorizing contribution to the support of cities, towns, counties and taxing districts in which city owned electric utilities services are provided.

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

Section 1. Any city, located within a class A county west of the Cascades, owning and operating a public utility and having facilities for the distribution of electricity located outside its city limits, may provide for the support of cities, towns, counties and taxing districts in which such facilities are located, and enter into contracts with such county therefor. Such contribution shall be based upon the amount

Cities and towns—Public utility—Payments in lieu of taxes, etc.

of retail sales of electricity, other than to governmental agencies, made by such city in the areas of such cities, towns, counties or taxing districts in which such facilities are located, and shall be divided among them on the same basis as taxes on real and personal property therein are divided.

Passed the House April 6, 1967.

Passed the Senate April 5, 1967.

Approved by the Governor April 14, 1967.

## CHAPTER 53.

[Senate Bill No. 9.]

### CHARITABLE TRUSTS.

AN ACT relating to charitable trusts and similar relationships; and providing penalties for violations relating thereto.

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

Charitable trusts—  
Purpose.

Section 1. The purpose of this act is to facilitate public supervision over the administration of public charitable trusts and similar relationships and to clarify and implement the powers and duties of the attorney general with relation thereto.

Charitable trusts—  
Definitions.

Sec. 2. When used in this act, unless the context otherwise requires:

“Person” means an individual, organization, group, association, partnership, corporation, or any combination of them.

“Trustee” means (1) any person holding property in trust for a public charitable purpose; except the United States, its states, territories, and possessions, the District of Columbia, Puerto Rico, and their agencies and subdivisions; (2) any corporation which has accepted property to be used for a particular charitable corporate purpose as distinguished

from the general purposes of the corporation; and (3) a corporation formed for the administration of a charitable trust, pursuant to the directions of the settlor or at the instance of the trustee: *Provided*, That the term "trustee" does not apply to (a) religious corporations duly organized and operated in good faith as religious organizations, which have received a declaration of current tax exempt status from the government of the United States; their duly organized branches or chapters; and charities, agencies, and organizations affiliated with and forming an integral part of said organization, or operated, supervised, or controlled directly by such religious corporations nor any officer of any such religious organization who holds property for religious purposes: *Provided*, That if such organization has not received from the United States government a declaration of current tax exempt status prior to the time it receives property under the terms of a charitable trust, this exemption shall be applicable for two years only from the time of receiving such property, or until such tax exempt status is finally declared, whichever is sooner; (b) an educational institution which is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts; (c) a hospital which is nonprofit and charitable, other than a hospital initially formed as a trustee pursuant to or in connection with the terms of a charitable trust; (d) any bank or trust company subject to examination by the supervisor of banking of the state of Washington, the comptroller of the currency of the United States or the board of governors of the federal reserve system; and nothing in this act shall apply to any such bank or trust company while any such bank or trust company is acting as trustee, executor or court

Charitable  
trusts—  
Definitions.

appointed fiduciary; (e) Nonprofit charitable foundations known as community foundations incorporated under the laws of the state of Washington and empowered to receive and administer funds in trust contributed for the support of multiple community charitable purposes, when such foundations: (i) are tax exempt under federal law; (ii) are administered, in part, to foster continuity of support for local charities in accordance with changing community needs, thereby reducing the necessity of application of the trust doctrine of cy pres; (iii) are administered by a governing body of a public or representative nature, consisting of at least ten persons; (iv) control or administer trust assets with a total value in excess of two million dollars; (v) make available to the public an annual report of their sources of funds, the uses of their funds, and other information representative of their operations: *Provided*, That a copy of such report is forwarded to the attorney general.

Exemptions  
from filing  
and notice  
provisions.

Sec. 3. A nonprofit foundation incorporated for charitable purposes, contributions to which are currently allowed as charitable deductions under the United States income tax laws, shall be exempt from all notice and filing under the provisions of this act upon filing with the attorney general a copy of the declaration of its tax exempt status from the United States and, annually a copy of its United States tax return of an exempt corporation.

Public docu-  
ments—  
Inspection—  
Publication.

Sec. 4. All information, documents, and reports filed with the attorney general under this act are matters of public record and shall be open to public inspection, subject to reasonable regulation: *Provided*, That the attorney general shall withhold from public inspection any trust instrument so filed whose content is not exclusively for charitable purposes. The attorney general may publish, on a

periodic or other basis, such information as may be necessary or appropriate in the public interest concerning the registration, reports, and information filed with him or any other matters relevant to the administration and enforcement of this act.

Sec. 5. The attorney general shall establish and maintain a register of trustees as defined in section 2 of this act and, to that end, shall conduct whatever investigation is necessary, and shall obtain from public records, court officers, taxing authorities, trustees, and other sources whatever information, copies of instruments, reports, and records are needed, for the establishment and maintenance of the register.

Register of trustees.

Sec. 6. Every trustee subject to this act shall file with the attorney general within two months after receiving possession or control of the trust corpus a copy of the instrument establishing his title, powers, or duties, and an inventory of the assets of such charitable trust. The trustees of charitable trusts existing at the time this act takes effect shall comply with this section within six months thereafter.

Instruments establishing trust and inventory to be filed—Time.

Sec. 7. Except as otherwise provided every trustee subject to this act shall file with the attorney general annual reports, under oath, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof by the trustee, in accordance with rules and regulations of the attorney general.

Charitable trusts—Reports of trustees—Filing—Rules and regulations—Violations.

The attorney general shall make rules and regulations as to the time for filing reports, the contents thereof, and the manner of executing and filing them. He may classify trusts and other relationships concerning property held for a charitable purpose as to purpose, nature of assets, duration of the trust or other relationship, amount of assets, amounts to be devoted to charitable purposes, nature of trustee, or

Charitable trusts—Reports of trustees—Filing—Rules and regulations—Violations.

otherwise, and may establish different rules for the different classes as to time and nature of the reports required, to the ends (1) that he shall receive reasonably current, periodic reports as to all charitable trusts or other relationships of a similar nature which will enable him to ascertain whether they are being properly administered, and (2) that periodic reports shall not unreasonably add to the expense of the administration of charitable trusts and similar relationships. The attorney general may suspend the filing of reports as to a particular charitable trust or relationship for a reasonable, specifically designated time upon written application of the trustee filed with the attorney general after the attorney general has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and that periodic reports are not required for proper supervision by his office.

A copy of an account filed by the trustee in any court having jurisdiction of the trust or other relationship, if the account substantially complies with the rules and regulations of the attorney general, may be filed as a report required by this section.

The first report for a trust or similar relationship hereafter established, unless the filing thereof is suspended as herein provided, shall be filed not later than one year after any part of the income or principal is authorized or required to be applied to a charitable purpose. If any part of the income or principal of a trust previously established is authorized or required to be applied to a charitable purpose at the time this act takes effect, the first report, unless the filing thereof is suspended, shall be filed within six months after the effective date of this act.

The wilful refusal by a trustee to make or file any report, to perform any other duties expressly required by this act, or to comply with any valid rule or regulation promulgated by the attorney gen-



eral under this act, shall constitute a breach of trust and a violation of this act.

Sec. 8. The custodian of the records of a court having jurisdiction of probate matters or of charitable trusts shall furnish within two months after receiving possession or control thereof such copies of papers, records, and files of his office relating to the subject of this act as the attorney general shall require.

Court records, copies to attorney general—List of tax exemption applications.

Every officer, agency, board or commission of this state receiving applications for exemption from taxation of any charitable trust or similar relationship in which the trustee is subject to this act shall annually file with the attorney general a list of all applications received during the year.

Sec. 9. It is the purpose of this act to make uniform the laws of this and other states on the subject of charitable trusts and similar relationships. Recognizing the necessity for uniform application and enforcement of this act, its provisions are hereby declared mandatory and they shall not be superseded by the provisions of any trust instrument or similar instrument to the contrary.

Uniformity with other states.

Sec. 10. The attorney general may investigate transactions and relationships of trustees and other persons subject to this act for the purpose of determining whether the trust or other relationship is administered according to law and the terms and purposes of the trust, or to determine compliance with this act in any other respect. He may require any officer, agent, trustee, fiduciary, beneficiary, or other person, to appear, at a time and place designated by the attorney general in the county where the person resides or is found, to give information under oath and to produce books, memoranda, papers, documents of title, and evidence of assets, lia-

Attorney general—Investigation—Hearings—Production of papers, etc.

Charitable trusts.

bilities, receipts, or disbursements in the possession or control of the person ordered to appear.

Order to appear—Effect—Enforcement—Court review.

Sec. 11. When the attorney general requires the attendance of any person, as provided in section 10 of this act, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in the record, and shall be subject to review by the supreme court by certiorari or other appropriate proceeding.

Enforcement—Notice of court proceedings.

Sec. 12. The attorney general may institute appropriate proceedings to secure compliance with this act and to secure the proper administration of any trust or other relationship to which this act applies. He shall be notified of all judicial proceedings involving or affecting the charitable trust or its administration in which, at common law, he is a necessary or proper party as representative of the public beneficiaries. The notification shall be given by registered mail to the attorney general at his office in Olympia at least twenty days prior to hearing thereon, except where shorter periods are prescribed by statute or by rules of court. The powers

and duties of the attorney general provided in this act are in addition to his existing powers and duties, and are not to be construed to limit or to restrict the exercise of the powers or the performance of the duties of the attorney general or of any prosecuting attorney which they may exercise or perform under any other provision of law. Except as provided herein, nothing in this act shall impair or restrict the jurisdiction of any court with respect to any of the matters covered by it.

Sec. 13. A civil action for a violation of this act may be prosecuted by the attorney general or by a prosecuting attorney designated by the attorney general.

Violations—  
Civil action.

Sec. 14. Every false statement of material fact knowingly made or caused to be made by any person in any statement or report filed under this act and every other violation of this act is a gross misdemeanor.

Penalty.

Sec. 15. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the Senate April 10, 1967.

Passed the House April 8, 1967.

Approved by the Governor April 18, 1967.

CHAPTER 54.

[Engrossed Senate Bill No. 622.]

BANKS, TRUST COMPANIES, MUTUAL SAVINGS BANKS—  
RESERVES—AGRICULTURAL COMMODITY  
COMMISSION FUNDS.

AN ACT relating to banks and trust companies and mutual savings banks; adding a new section to chapter 33, Laws of 1955 and to chapter 30.04 RCW; and amending section 30.04.090, chapter 33, Laws of 1955, as last amended by section 1, chapter [133], Laws of 1967 (Senate Bill No. 65), and RCW 30.04.090.

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

RCW 30.04.090 amended.

Section 1. Section 30.04.090, chapter 33, Laws of 1955, as last amended by section 1, chapter [133], Laws of 1967 (Senate Bill No. 65), and RCW 30.04.090 are each amended to read as follows:

Banks and trust companies—Minimum available funds required.

Every bank and trust company shall maintain available funds of not less than six percent of its savings account and time account deposits and not less than fifteen percent of all of its other deposits; such funds may consist of balances due it from such banks or trust companies as the supervisor may approve, and actual cash or checks on solvent banks located in the same city. Deficiencies in required available funds shall be computed on the basis of the average of daily net balances of such sums, covering semimonthly periods. The supervisor shall prescribe the dates for the commencement and ending of such periods. Each bank shall maintain a record of its daily computations of the above balances on forms prescribed by the supervisor. In the event of a deficiency for a semimonthly period, such bank shall immediately forward to the supervisor a report of such deficiency, the record of its computations for the period deficient and for the prior period, and such additional information as the supervisor requests. This section shall not apply to a

corporation which is a member of the federal reserve banking system and duly complies with all of the reserve and other requirements of that system.

Notwithstanding the provisions above, whenever he determines that the maintenance of sound banking practices or the prevention of injurious credit expansions or contractions make such action advisable, the supervisor by regulation, may change, from time to time, the nature and amount of reserves required to be maintained by commercial banks doing business in this state which are not members of a federal reserve bank. The reserves so specified shall not be more than those provided in this section, nor less than those required, at the time, of commercial banks doing business in this state which are members of a federal reserve bank.

**NOTE:** See also section 1, chapter 133, Laws of 1967.

Sec. 2. There is added to chapter 33, Laws of 1955 and to chapter 30.04 RCW a new section to read as follows: New section.

Any funds of any agricultural commodity commission may be invested in savings or time deposits in banks, trust companies and mutual savings banks which are doing business in this state, up to the amount of insurance afforded such accounts by the Federal Deposit Insurance Corporation. This section shall apply to all funds which may be lawfully so invested, which in the judgment of any agricultural commodity commission are not required for immediate expenditure. The authority granted by this section is not exclusive and shall be construed to be cumulative and in addition to other authority provided by law for the investment of such funds. Agricultural commodity commission—Investment in savings and time deposits.

Passed the Senate March 29, 1967.

Passed the House April 10, 1967.

Approved by the Governor April 18, 1967.

CHAPTER 55.

[Senate Bill No. 291.]

AGRICULTURAL ENABLING ACT—AGENCIES  
APPLICABLE TO

AN ACT relating to agriculture and agricultural production; the application of the Washington agricultural enabling act to state agencies or other governmental units; and adding a new section to chapter 191, Laws of 1955 and to chapter 15.66 RCW.

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

New section.

Section 1. There is added to chapter 191, Laws of 1955 and to chapter 15.66 RCW a new section to read as follows:

Agricultural  
enabling act—  
Application.

The provisions of this chapter and any marketing order established thereunder shall be applicable to any state agency or other governmental unit engaged in the production for sale of any agricultural commodity subject to such marketing order, especially those relating to RCW 15.66.150 concerning assessments. Such assessments shall be paid by the state agency or governmental agency made subject to the marketing order from the proceeds derived from the sale of said agricultural commodities.

Passed the Senate March 27, 1967.

Passed the House April 8, 1967.

Approved by the Governor April 18, 1967.

## CHAPTER 56.

[Senate Bill No. 375.]

## COMMON SCHOOL PLANT FACILITIES—BONDS.

AN ACT relating to the common schools and the support thereof; authorizing the sale of limited obligation bonds and the use of the proceeds for needed common school plant facilities, modernization of existing common school facilities; providing ways and means to pay said bonds; making appropriations; and declaring an emergency.

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

Section 1. For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-two million dollars to be paid and discharged not more than twenty years after the date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee: *Provided*, That no part of the twenty-two million dollar bond issue shall be sold unless there are insufficient funds in the common school construction fund to meet appropriations authorized by this act as evidenced by a joint agreement entered into between the governor and the superintendent of public instruction.

Common  
school plant  
facilities—  
Bonds.  
Authority,  
terms, form.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity

School facilities—Bonds.

date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

Common school building construction account.

Sec. 2. The common school building construction account of the general fund is hereby created as an account of the general fund and the proceeds from the sale of the bonds authorized by this act shall be deposited therein and shall be used exclusively for the purposes of carrying out the provisions of this act, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

Not general obligation of state—Source of funds.

Sec. 3. Bonds issued under the provisions of this act shall distinctly state that they are not a general obligation bond of the state, but are payable in the manner provided in this act from that portion of the common school construction fund derived from the interest on the permanent common school fund. That portion of the common school construction fund derived from interest on the permanent common school fund is hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this act.

Common school bond redemption fund—Source of funds—Bondholder's rights.

Sec. 4. The common school building bond redemption fund of 1967 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by this act. The state finance committee shall, on or before June thirtieth of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by this act. On July first of each year the state treasurer shall transfer such amount to the common school building bond



redemption fund of 1967 from moneys in the common school construction fund certified by the state finance committee to be interest on the permanent common school fund and such amount certified by the state finance committee to the state treasurer shall be a prior charge against that portion of the common school construction fund derived from interest on the permanent common school fund.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 5. The legislature may provide additional means for raising funds for the payment of interest and principal of the bonds authorized by this act and this act shall not be deemed to provide an exclusive method of payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of general credit of the state of Washington.

Additional sources of funds.

Sec. 6. The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits.

Bonds are negotiable and legal investment.

Sec. 7. For the purpose of carrying out the provisions of this act funds appropriated to the state board of education from the common school building construction account of the general fund or the common school construction fund shall be allotted by the state board of education in accordance with the provisions of sections 7 through 15, chapter 3, Laws of 1961, extraordinary session: *Provided*, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided

Funds appropriated—Allocation—Rules and regulations.

School facilities—Bonds.

funds for school building construction purposes through the issuance of bonds or through the authorization of excess tax levies or both in an amount equivalent to ten percent of its taxable valuation or such amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Appropriation.

Sec. 8. There is hereby appropriated to the state board of education the following sums, or so much thereof as may be necessary, for the purpose of carrying out the provisions of the act: (1) twenty-two million dollars from the common school building construction account and (2) twenty-nine million seven hundred forty-four thousand five hundred and fifty-four dollars from the common school construction fund including three million for modernization of existing school facilities.

In accordance with section 7, the state board of education is authorized to allocate for the purposes of carrying out the provisions of this act the sum of sixty-three million nine hundred thousand dollars: *Provided*, That expenditures against such allocation shall not exceed the amount appropriated in this section: *Provided further*, That no part of the allocation provided in this section in excess of the total amount appropriated by this act shall be allocated unless joint agreement of its necessity shall be determined by the governor and the superintendent of public instruction.

Severability.

Sec. 9. If any section, paragraph, sentence, clause, phrase or word of this act should be held to be invalid or unconstitutional, such act shall not affect nor impair the validity or constitutionality of any other section, paragraph, sentence, clause,

phrase or word of this act. It is hereby declared that had any section, paragraph, sentence, clause, phrase or word as to which this act is declared invalid been eliminated from the act at the time the same was considered, the act would have nevertheless been enacted with such portions eliminated.

Sec. 10. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate April 10, 1967.

Passed the House April 8, 1967.

Approved by the Governor April 18, 1967.

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CHAPTER 57.

[Senate Bill No. 323.]

LEGAL NOTICE PUBLICATION RATES.

AN ACT relating to legal notice publication rates; and amending section 4, chapter 99, Laws of 1921 as last amended by section 1, chapter 186, Laws of 1955 and RCW 65.16.090.

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

Section 1. Section 4, chapter 99, Laws of 1921 as last amended by section 1, chapter 186, Laws of 1955 and RCW 65.16.090 are each amended to read as follows: RCW 65.16.090 amended.

Where publication of legal notices is required or allowed by law, the person or officer desiring the publication shall pay on a basis of three dollars and twenty cents per folio of one hundred words for the first insertion and two dollars and forty cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words: *Pro-* Legal notice  
—Publication  
rates.

*vided*, That a newspaper having a circulation of over fifteen thousand copies each issue may charge such additional rate as it deems necessary and just and any person or officer authorizing the publication of a legal notice in such newspaper may legally pay such rate as is charged by it: *Provided further*, That this section shall not apply to the amount to be charged for the publication of a legal notice or advertisement for a school district, city, town, county, state, municipal, or quasi municipal corporation or the United States government.

Passed the Senate April 4, 1967.

Passed the House April 8, 1967.

Approved by the Governor April 18, 1967.

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## CHAPTER 58.

[House Bill No. 976.]

### COMMUNITY COLLEGES—TRANSITIONAL PROVISIONS.

AN ACT relating to education; adding a new section to chapter 8, Laws of 1967 first extraordinary session; and declaring an emergency.

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

New section. Section 1. There is added to chapter 8, Laws of 1967 first extraordinary session, a new section to read as follows:

Community colleges—  
Transitional period.

Notwithstanding any other provision of law, during the transitional period between the time the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session) became effective and the time when the coordinating council for occupational education and the state board for community college education and the respective community college district boards of trustees have been appointed and organized, the powers and duties

transferred to such agencies by this act (chapter 8, Laws of 1967 first extraordinary session) shall continue to be performed, and the necessary disbursements, allotments and apportionments of state funds in connection therewith shall continue to be made as if this act (chapter 8, Laws of 1967 first extraordinary session) had not been enacted.

Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House April 15, 1967.

Passed the Senate April 17, 1967.

Approved by the Governor April 18, 1967.

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## CHAPTER 59.

[Engrossed House Bill No. 920.]

### COUNTIES—PREPAYMENT OF ESTIMATED FUTURE TAXES AND ASSESSMENTS.

AN ACT relating to revenue and taxation; and amending section 36.32.120, chapter 4, Laws of 1963 and RCW 36.32.120.

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

Section 1. Section 36.32.120, chapter 4, Laws of 1963 and RCW 36.32.120 are each amended to read as follows: RCW 36.32.120 amended.

The several boards of county commissioners shall: Boards of county commissioners—Powers and duties.

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and

Boards of  
county com-  
missioners—  
Powers and  
duties.

do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: *Provided*, That the board of county commissioners may permit all moneys, assessments and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: *Provided further*, That the taxpayer, with the concurrence of the board of county commissioners, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Having the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and

within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: *Provided*, That there shall be filed in the county auditor's office three copies of such codes, compilations, and/or statutes ten days prior to their adoption by reference, and one copy shall also be filed with the city clerk of each city within the county, and shall provide that any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor: *Provided further*, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the board of county commissioners of which at least ten days' notice has been given. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify

before them with the same power as justices of the peace.

Passed the House March 21, 1967.

Passed the Senate April 8, 1967.

Approved by the Governor April 19, 1967.

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CHAPTER 60.

[Substitute House Bill No. 936.]

PUBLIC ASSISTANCE—DISABILITY ASSISTANCE.

AN ACT relating to the state government and its existing public institutions; allocating state funds to eligible disability assistance applicants and recipients; making an appropriation; and adding new sections to chapter 26, Laws of 1959 and to chapter 74.10 RCW.

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

New section.

Section 1. There is added to chapter 26, Laws of 1959 and to chapter 74.10 RCW a new section to read as follows:

Public assist-  
ance—Disabil-  
ity assistance  
—Eligibility.

The department of public assistance is authorized to disregard as income of every eligible recipient of disability assistance under the provisions of this chapter an amount not exceeding fifty dollars of the first eighty dollars earned in any single month by such recipient as follows:

(1) The first twenty dollars earned by any eligible recipient is wholly exempt, and shall not be considered as a resource within the definition and application of this title;

(2) Fifty percent of any amount earned by such eligible recipient in excess of twenty dollars but not exceeding eighty dollars, is exempt to such eligible recipient and shall not be considered as a resource within the definition and application of this title;



(3) Every earned amount in excess of eighty dollars shall be considered a resource within the meaning of this title.

Sec. 2. There is added to chapter 26, Laws of 1959 and to chapter 74.10 RCW a new section to read as follows: New section.

It is the intent and purpose of this chapter that eligible recipients of disability assistance be given rehabilitation incentives by which they may make a better life for themselves and for their families, and in order that they may contribute productive energies benefiting the state and nation. Purpose.

Sec. 3. There is appropriated from the general fund to the department of public assistance for the biennium ending June 30, 1969, the sum of ninety-five thousand dollars, or so much thereof as is necessary in order to make the disability assistance grants directed under the provisions of chapter 74.10 RCW. Appropriation.

Passed the House March 29, 1967.

Passed the Senate April 8, 1967.

Approved by the Governor April 19, 1967.

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## CHAPTER 61.

[House Bill No. 966.]

### WASHINGTON CLEAN AIR ACT—AMENDMENT.

AN ACT relating to state government; and amending section 3, chapter 232, Laws of 1957 as amended by section 2, chapter 238, Laws of 1967 and RCW 70.94.030.

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

Section 1. Section 3, chapter 232, Laws of 1957 as amended by section 2, chapter 238, Laws of 1967 and RCW 70.94.030 are each amended to read as follows: RCW 70.94.030 amended.

Washington  
Clean Air Act  
—Definitions.

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

(3) "Person" means and includes an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(4) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) "Board" means the board of directors of an authority or a regional authority.

(6) "Control officer" means the air pollution control officer of any city, town, county, authority or regional authority.

(7) "State board" means the state air pollution control board.

(8) "Emission" means a release into the outdoor atmosphere of air contaminants.

(9) "Regional authority" means any regional air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries as provided in section 8, chapter 238, Laws of 1967.

(10) "Department" means the state department of health.

(11) "Ambient air" means the surrounding outside air.

(12) "Multicounty authority" means an authority other than a regional authority which consists of two or more counties.

**NOTE:** See also section 2, chapter 238, Laws of 1967.

Passed the House March 31, 1967.

Passed the Senate April 8, 1967.

Approved by the Governor April 19, 1967.

## CHAPTER 62.

[Engrossed House Bill No. 60.]

### MARINE RECREATION LAND ACT OF 1964— AMENDMENTS.

AN ACT relating to state and local government; amending section 6, chapter 5, Laws of 1965, and RCW 43.99.060; amending section 11, chapter 5, Laws of 1965, and RCW 43.99.110; amending section 13, chapter 5, Laws of 1965, and RCW 43.99.130; and adding new sections to chapter 5, Laws of 1965, and to chapter 43.99 RCW.

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

Section 1. Section 6, chapter 5, Laws of 1965 and RCW 43.99.060 are each amended to read as follows:

RCW 43.99.060 amended.

There is created the outdoor recreation account in the general fund, in which shall be deposited all moneys received from the marine fuel tax refund account pursuant to RCW 43.99.070, the proceeds of the bond issue authorized by chapter 12, Laws of 1963, extraordinary session, and any moneys made available to the state of Washington by the federal government for outdoor recreation not specifically designated for another fund or agency.

Outdoor recreation account in general fund created—Uses.

Grants, gifts, or other financial assistance awarded or designated for a particular purpose, or proceeds received from public bodies as administrative cost contributions, may be received and, when appropriated by the legislature, may be expended in

accordance with the general budget and accounting act.

RCW 43.99.110  
amended.

Sec. 2. Section 11, chapter 5, Laws of 1965 and RCW 43.99.110 are each amended to read as follows:

Interagency  
committee for  
outdoor  
recreation—  
Creation—  
Members—  
Term—  
Expenses and  
per diem.

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 the director of commerce and economic development, and, by appointment of the governor, 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 necessary travel and other expenses incurred in performance of their duties as members of the committee on the same basis as is provided by law for state officials and employees generally.

RCW 43.99.130  
amended.

Sec. 3. Section 13, chapter 5, Laws of 1965 and RCW 43.99.130 are each amended to read as follows:

When requested by the committee, members employed by the state shall furnish assistance to the committee from their departments for the analysis and review of proposed plans and projects, and such assistance shall be a proper charge against the appropriations to the several agencies represented on the committee. Assistance may be in the form of money, personnel, or equipment and supplies, whichever is most suitable to the needs of the committee.

Assistance furnished by state departments.

The committee shall employ an administrator and may employ an assistant administrator to serve at the pleasure of the committee and shall appoint such professional, technical, and clerical personnel and other assistants and employees as may be necessary to carry out the work of the committee.

Sec. 4. There is added to chapter 5, Laws of 1965 and to chapter 43.99 RCW a new section to read as follows:

New section.

The committee subject to the authority and responsibility of the state planning agency is authorized to prepare, maintain, and keep up-to-date a comprehensive plan for the development of the outdoor recreation resources of the state.

Comprehensive plan for development of outdoor recreation resources.

Sec. 5. There is added to chapter 5, Laws of 1965 and to chapter 43.99 RCW a new section to read as follows:

New section.

The committee may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation not specifically designated for another fund or agency. It may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States such reports and information as may be re-

Application for federal aid.

Outdoor recreation committee.

sonably necessary to enable such officials and agencies to perform their duties under such programs.

New section.

Sec. 6. There is added to chapter 5, Laws of 1965 and to chapter 43.99 RCW a new section to read as follows:

Limitation of committee—Areas for public recreation—Limitation on other state agencies.

The committee for outdoor recreation shall make no commitment nor enter into any agreement until it has determined that sufficient funds are available to meet project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this chapter, such areas and facilities shall be publicly maintained for outdoor recreation purposes. When requested by a state agency or public body, the committee may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition, and development projects involving participating federal-aid funds on behalf of any state agency, public body, or subdivision of this state: *Provided*, That recipients of funds give necessary assurances to the committee that they have available sufficient matching funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such state agency, public body, or subdivision for public outdoor recreation use.

New section.

Sec. 7. There is added to chapter 5, Laws of 1965 and to chapter 43.99 RCW a new section to read as follows:

Interest on funds made available.

Interest earned on funds granted or made available by the committee shall not be expended by the recipient but shall be returned to the outdoor recreation account of the general fund for disburse-

ment by the committee in accordance with general budget and accounting procedure.

Passed the House April 10, 1967.

Passed the Senate April 8, 1967.

Approved by the Governor April 19, 1967.

## CHAPTER 63.

[Engrossed House Bill No. 65.]

### PUBLIC LANDS.

AN ACT relating to public lands; amending section 1, chapter 178, Laws of 1961 and RCW 79.64.010; amending section 4, chapter 178, Laws of 1961 and RCW 79.64.040; adding a new section to chapter 178, Laws of 1961 and to chapter 79.64 RCW; repealing section 8, chapter 178, Laws of 1961 and RCW 79.64.080; repealing section 16, chapter 56, Laws of 1965 and RCW 79.08.107; and repealing section 6, chapter 175, Laws of 1933 and RCW 79.56.070.

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

Section 1. Section 1, chapter 178, Laws of 1961 and RCW 79.64.010 are each amended to read as follows:

RCW 79.64.010 amended.

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

Public lands—Funds for managing and administering lands—Definitions.

(1) "Account" means the resource management cost account in the state general fund.

(2) "Department" means the department of natural resources.

(3) "Board" means the board of natural resources of the department of natural resources.

(4) "Rule" means rule as the same is defined by RCW 34.04.010.

(5) The definitions set forth in RCW 79.01.004 shall be applicable.

RCW 79.64.040 amended.

Sec. 2. Section 4, chapter 178, Laws of 1961 and RCW 79.64.040 are each amended to read as follows:

Public lands—  
Deductions from proceeds—  
Limitation.

The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the gross proceeds of all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting public lands. The deductions authorized under this section shall in no event exceed twenty percent of the total sum received by the department in connection with any one transaction.

New section.

Sec. 3. There is added to chapter 178, Laws of 1961 and to chapter 79.64 RCW a new section to read as follows:

Interest on trust fund—  
Disposition.

Interest earned by trust moneys in the resource management cost account shall be deemed trust income to be apportioned according to the source and paid into the appropriate fund in the state treasury. Interest earned by other than trust moneys shall be paid into the general fund of the state treasury.

Parks and recreation department—  
Payment for trust lands—  
Other lands free.

Sec. 4. The parks and recreation commission shall pay to the department of natural resources the full market value rental for state-owned lands acquired in trust from the United States that are used for state parks. All other state lands used by the parks and recreation commission for state parks shall be rent free.

Full market value—  
Criteria.

Sec. 5. Full market value shall be determined by the assessor of the county in which trust lands used for state park purposes are situated. In making such determination the county assessor shall consider only the use to which such property is then applied and shall not consider potential use of such property.

Sec. 6. The full market value rental for trust lands used by the parks and recreation commission



shall be determined by negotiation between the department of natural resources, the parks and recreation commission and the trust beneficiaries of the lands involved. In making such determination only the following factors may be used:

Determination of full market value.

(1) The full market value of such lands as determined by the county assessor in accordance with the provisions of this act; and

(2) The off-setting benefits accruing directly or indirectly to the trust beneficiaries of such land; direct benefits include, but are not limited to, free lectures and instruction on natural history for students, free overnight camping facilities for educational classes, and free use of park lands for university research facilities; indirect benefits include, but are not limited to, an increase in the property value of other trust lands, and an increase in property values and taxes on private property located near the state parks.

Sec. 7. If the parks and recreation commission, the department of natural resources and the trust beneficiaries are unable to agree on the full market value rental for such trust lands used by the parks and recreation commission, the full market value rental shall be one percent of full market value, as determined by the county assessor in accordance with the provisions of this act, per year.

Full market value when interested agencies unable to agree.

Sec. 8. Section 8, chapter 178, Laws of 1961 and RCW 79.64.080 are each hereby repealed.

RCW 79.64.080 amended.

Sec. 9. The following acts and parts of acts are each repealed: (1) Section 6, chapter 175, Laws of 1933 and RCW 79.56.070; and (2) section 16, chapter 56, Laws of 1965 and RCW 79.08.107.

Repeal.

Passed the House March 23, 1967.

Passed the Senate April 5, 1967.

Approved by the Governor April 19, 1967.

CHAPTER 64.

[Engrossed House Bill No. 72.]

DEPARTMENT OF NATURAL RESOURCES—OUTDOOR RECREATION.

AN ACT relating to the department of natural resources; authorizing development, operation and acquisition of outdoor recreation areas and participation in outdoor recreation funding measures; authorizing the expenditure of certain funds for park purposes; providing for the exchange of state lands for privately owned lands of equal value to be used for park purposes; adding a new section to chapter 79.08 RCW; and adding new sections to chapter 8, Laws of 1965 and to chapter 43.30 RCW.

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

**New section.** Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.30 RCW a new section to read as follows:

Department of natural resources—Primitive recreational facilities.

The department of natural resources is authorized:

(1) To construct, operate, and maintain primitive outdoor recreation facilities on lands under its jurisdiction which are of primitive character when deemed necessary by the department to achieve maximum effective development of such lands and resources consistent with the purposes for which the lands are held. This authority shall be exercised only after review by the interagency committee for outdoor recreation and determination by the committee that the department is the most appropriate agency to undertake such construction, operation and maintenance. Such review is not required for authority exercised under the provisions of RCW 76.04.210.

(2) To acquire right of way and develop public access to lands under the jurisdiction of the department of natural resources and suitable for public outdoor recreation.

(3) To receive and expend funds from federal and state outdoor recreation funding measures for the purposes of this act.

Sec. 2. There is added to chapter 79.08 RCW a new section to read as follows:

For the purpose of securing and preserving privately owned lands for parks and recreation purposes, the department of natural resources is authorized, with the advice and approval of the state board of natural resources, to exchange any state lands of equal value for such lands. Lands acquired by exchange as herein provided shall be withdrawn from lease and sale and reserved for park and recreation purposes.

Exchange of lands for recreational purposes.

Sec. 3. There is added to chapter 8, Laws of 1965, and to chapter 43.08 RCW a new section to read as follows:

If any provision of sections 1 through 4 of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.30 RCW a new section to read as follows:

Nothing in this act shall be construed as affecting the jurisdiction or responsibility of any other state or local governmental agency, except as provided in section 1 of this act.

Construction.

Passed the House April 10, 1967.

Passed the Senate April 4, 1967.

Approved by the Governor April 19, 1967.

CHAPTER 65.

[House Bill No. 860.]

STATE SEAL—STATE FLAG.

AN ACT relating to the state seal and state flag; amending section 1, chapter 174, Laws of 1923 as amended by section 1, chapter 85, Laws of 1925 extraordinary session and RCW 1.20.010; adding a new section to Title 1 RCW; and declaring an emergency.

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

New section.

Section 1. There is added to Title 1 RCW a new section to read as follows:

State Seal.

The seal of the state of Washington shall be, a seal encircled with the words: "The Seal of the State of Washington," with the vignette of General George Washington as the central figure, and beneath the vignette the figures "1889" and shall be composed as appears in the illustration below:



Sec. 2. Section 1, chapter 174, Laws of 1923 as amended by section 1, chapter 85, Laws of 1925

extraordinary session, and RCW 1.20.010 are each amended to read as follows: RCW 1.20.010  
amended.

The official flag of the state of Washington shall be of dark green silk or bunting and shall bear in its center a reproduction of the seal of the state of Washington embroidered, printed, painted or stamped thereon. The edges of the flag may, or may not, be fringed. If a fringe is used the same shall be of gold or yellow color of the same shade as the seal. The dimensions of the flag may vary. State flag—  
Free copies to  
units of the  
armed forces  
—Sale.

The secretary of state is authorized to provide the state flag to units of the armed forces, without charge therefor, as in his discretion he deems entitled thereto. The secretary of state is further authorized to sell the state flag to any citizen at a price to be determined by the secretary of state.

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. Emergency

Passed the House April 7, 1967.

Passed the Senate April 6, 1967.

Approved by the Governor April 19, 1967.

## CHAPTER 66.

[Engrossed House Bill No. 913.]

### CITIES AND TOWNS—PREPAYMENT OF ESTIMATED FUTURE TAXES AND ASSESSMENTS.

AN ACT relating to revenue and taxation; and adding a new section to chapter 7, Laws of 1965 and to chapter 35.21 RCW.

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

Section 1. There is added to chapter 7, Laws of 1965 and to chapter 35.21 RCW a new section to read as follows: New section.

Cities and towns—Pre-payment of taxes and assessments authorized.

All moneys, assessments and taxes belonging to or collected for the use of any city or town, including any amounts representing estimates for future assessments and taxes, may be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: *Provided*, That the taxpayer may with the concurrence of the treasurer designate a particular fund of such city or town against which such prepayment of tax or assessment is made.

Passed the House March 21, 1967.

Passed the Senate April 8, 1967.

Approved by the Governor April 19, 1967.

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## CHAPTER 67.

[Reengrossed Senate Bill No. 442.]

### SCHOOL DISTRICTS—INTERMEDIATE DISTRICTS— DIRECTORS—LEGAL ADVISERS.

AN ACT relating to education; providing for changes in the boundaries of intermediate school districts; appointing a legal adviser; providing for the selection of temporary intermediate school directors; establishing limitations on school district board membership; amending section 3, chapter 139, Laws of 1965 and RCW 28.19.320; amending section 24, chapter 157, Laws of 1965 as amended by section 10, chapter 139, Laws of 1965 and RCW 28.20.013; and adding a new section to chapter 139, Laws of 1965 and to chapter 28.19 RCW; amending section 25, Laws of 1886 as last amended by section 16, chapter 139, Laws of 1965 and RCW 28.20.010; amending section 5, chapter 218, Laws of 1955 and RCW 28.04.040; and declaring an emergency.

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

RCW 28.19.320  
amended.

Section 1. Section 3, chapter 139, Laws of 1965 and RCW 28.19.320 are each amended to read as follows:

A statewide plan of designated areas, each of which shall be deemed a potential intermediate district, shall be established by the state board of education in the manner provided by this section.

Intermediate  
school districts  
—Statewide  
plan of ser-  
vice areas.

Within one hundred twenty calendar days following June 10, 1965, the county boards of education, after having consulted with their respective county superintendents, shall submit to the state board of education a recommended plan or plans for service areas within the state.

Within two hundred forty calendar days following June 10, 1965, the state board of education shall adopt a statewide plan of service areas. Prior to the adoption of that plan, the state board shall hold at least one public hearing thereon and shall consider the recommended plan or plans of the county boards of education which have been submitted to the state board. The state board of education may at any time it deems advisable, or upon petition by any intermediate board, make such changes in the boundaries of the intermediate school districts contained in its state-wide plan or the intermediate school districts as created, as it deems consistent with the purposes stated in RCW 28.19.300, as now or hereafter amended. Prior to the creation of such districts or any changes thereafter made to the boundaries thereof, the state board shall hold at least one public hearing on such proposed action and shall consider any recommended changes to such proposed action.

The state superintendent of public instruction shall furnish the employed personnel and material, supplies and information necessary to enable county boards of education and county superintendents to draft and consider the recommended plan or plans.

Sec. 2. There is added to chapter 139, Laws of 1965 and to chapter 28.19 RCW a new section to read as follows:

New section.

School districts—Legal council for intermediate districts.

Where the prosecuting attorney for the county in which the office of the intermediate district is located is required by law to devote full time to the duties of his office, he shall, as part of his official duties, be legal adviser to the intermediate district superintendent and the intermediate district board in all matters relating to their official business. Accordingly, he shall when requested draw up all instruments of an official nature for the use of such officers and appear for and represent such officers in all proceedings in which the intermediate district or the officers thereof may be a party.

Where the prosecuting attorney for the county in which the office of the intermediate district is located is not required by law to devote full time to his duties of office, the intermediate district superintendent and the intermediate district board shall have authority to contract for legal services.

RCW 28.20.013 amended.

Sec. 3. Section 24, chapter 157, Laws of 1955 as amended by section 10, chapter 139, Laws of 1965 and RCW 28.20.013 are each amended to read as follows:

Intermediate district boards.

Upon the formation of an intermediate district as provided in this 1965 amendatory act the county committees on school district reorganization of the counties within the intermediate district shall redistrict the counties embraced by such intermediate district into five board member districts within the intermediate district in the manner set forth in RCW 28.20.010 as though the counties within the intermediate district were one county, and thereafter, at the next annual school election, there shall be elected in the manner provided in RCW 28.20.010, the intermediate district board of education: *Provided*, That until the intermediate district board shall have been elected and qualified, the county board members of all counties or parts of



counties who reside within the limits of a newly organized intermediate district that is divided into director districts in conformity with provision of this chapter shall meet at the call of the intermediate or county superintendent and elect from among their number five directors for the new district: *Provided further*, That the election and terms of the members of the first intermediate district board shall be determined in the manner provided in RCW 28.20.010, except that filings for candidacy shall be with the county auditor of the most populous county whose office is within the intermediate district.

No member of a board of directors of a local school district shall continue to serve in that capacity after having been elected to an intermediate district board: *Provided*, That this restriction shall not apply to any intermediate district board members during their present term of office.

In the event of a vacancy in the intermediate district board from any cause, such vacancy shall be filled by appointment of a person from the same intermediate board member district by the boards of county commissioners of the counties comprising the intermediate district. Such appointed board member shall serve until the next general election, at which time there shall be elected a board member to fill the unexpired term of the board member whose position has been vacated.

Sec. 4. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected. Severability.

Sec. 5. Section 25, page 11, Laws of 1886 as last amended by section 16, chapter 139, Laws of 1965, and RCW 28.20.010 are each amended to read as follows: RCW 28.20.010 amended.

County boards  
of education.  
Members—  
Terms—Elec-  
tion, vacan-  
cies.

In each county, not within an intermediate district, there shall be a county board of education, which shall consist of five members elected by the voters of the county, one from each of five county board-member districts, such districts to be determined by the county committee on school district organization. Such county board-member districts shall be arranged on a basis of equal population and so that not more than one member of the county board shall come from any one school district: *Provided*, That in counties having less than five school districts, then the county board-member districts shall be arranged so as to give, as far as practicable, representation, according to equal population: *Provided further*, That the county committee, at any time that such committee deems it advisable, shall change the boundaries of county board-member districts so as to provide as far as practicable equal representation according to population of such board-member districts.

In any county having a joint school district with another county, all of the territory within such joint district and lying within both counties shall be included within a board-member district of the county within which the administrative office of such joint district is located, and the electors residing therein shall be eligible to vote for and hold membership on the county board of education of such county.

Filing of candidacy for the county board shall be with the county superintendent not more than sixty days nor less than forty-five days prior to the election, and he shall certify the names to the officials conducting the elections in all districts.

Election of board members shall be held at the time of the regular election of school district directors. Such election shall be called and notice thereof given by the county superintendent in the manner provided by law for giving notice of the election of

school district directors and such election shall be conducted by the official in each school district who conducts the election of school district directors and in conjunction with the election of school district directors. The term of office for each board member shall be four years and until his successor is duly elected and qualified. No member of a board of directors of a local school district shall continue to serve in that capacity after having been elected to a county board: *Provided*, That this restriction shall not apply to any county board members during their present term of office.

The term of every county board member shall begin on the twentieth day following his election and each county board shall be organized at the first meeting held after a newly elected member takes office. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the board of county commissioners. The appointed board member shall serve until the next regular election, at which time there shall be elected a member to fill the unexpired term of the member of the board whose position has been vacated.

Sec. 6. Section 5, chapter 218, Laws of 1955 and RCW 28.04.040 are each amended to read as follows:

RCW 28.04.040 amended.

Candidates for membership on the state board of education shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, nor later than the sixteenth day of September. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in his office or is not postmarked before the seventeenth day of September. No person employed in any

State board of education. Declarations of candidacy—Qualifications.

school, college, university, or other educational institution or any county school superintendent's office or in the office of superintendent of public instruction shall be eligible for membership on the state board of education and each member elected must be a resident of the congressional district from which he was elected. No member of a board of directors of a local school district shall continue to serve in that capacity after having been elected to the state board: *Provided*, That this restriction shall not apply to any state board members during their present term of office.

Emergency.

Sec. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 11, 1967.

Passed the House April 10, 1967.

Approved by the Governor April 19, 1967.

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## CHAPTER 68.

[Senate Bill No. 641.]

### REGISTRATION AND REGULATION OF AIRCRAFT AND AIRMEN.

AN ACT relating to registration and regulation of aircraft and airmen; amending section 23, chapter 165, Laws of 1947, as last amended by section 7, chapter [9], (H.B. 3), Laws of 1967 first extraordinary session, and RCW 14.04.230; repealing section 1, chapter 207, Laws of 1967; and prescribing penalties.

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

Section 1. The purpose of this act is to correct inconsistencies in amendment to section 23, chapter

165, Laws of 1947 and RCW 14.04.230, occasioned by two amendments to the same section by two different bills neither of which took cognizance of the other.

Purpose.

Sec. 2. Section 23, chapter 165, Laws of 1947, as last amended by section 7, chapter [9], (H.B. 3), Laws of 1967 first extraordinary session, and RCW 14.04.230 are each amended to read as follows:

RCW 14.04.230 amended.

It shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective certificate, permit or license issued by the United States, if such certificate, permit or license is required by the United States, and a current registration certificate issued by the director of the department of motor vehicles, if registration of the aircraft with the department of motor vehicles is required by this chapter. It shall be unlawful for any person to engage in aeronautics as an airman in the state unless he has an appropriate effective airman certificate, permit, rating or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if such certificate, permit, rating or license is required by the United States and a current airman's registration certificate issued by the commission as required by chapter 207, Laws of 1967.

Registration and regulations of aircraft and airmen.

Where a certificate, permit, rating or license is required for an airman by the United States or by chapter 207, Laws of 1967, it shall be kept in his personal possession when he is operating within the state. Where a certificate, permit or license is required by the United States or by this chapter for an aircraft, it shall be carried in the aircraft at all times while the aircraft is operating in the state and shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors. Such certificates shall be presented for inspection

upon the demand of any peace officer, or any other officer of the state or of a municipality or member, official or employee of the aeronautics commission authorized pursuant to this chapter to enforce the aeronautics laws, or any official, manager or person in charge of any airport, or upon the reasonable request of any person.

**Note:** See also section 7, chapter 9, Laws of 1967 ex. sess.

Repeal.

Sec. 3. Section 1, chapter 207, Laws of 1967 is hereby repealed.

**Note:** See also section 1, chapter 207, Laws of 1967.

Passed the Senate April 8, 1967.

Passed the House April 10, 1967.

Approved by the Governor April 19, 1967.

## CHAPTER 69.

[Engrossed House Bill No. 365.]

### SCHOOL DISTRICTS—CHANGE OF NAME.

AN ACT relating to school districts; and providing a procedure for change of name.

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

School dis-  
tricts. Change  
of name.  
Petition of  
electors.

Section 1. Any school district in the state, regardless of size or method of organization, may change its name in the following manner: Upon receipt of a petition signed by ten percent of the registered voters of the district, requesting that the name of the school district shall be changed and submitting with said request a proposed name, the school board shall accept or reject the petition within the time for the next two regular meetings. If the petition is rejected, the board's action shall not be appealed.

Hearing—  
Notice.

Sec. 2. If the petition is accepted, the board shall set a date for a public hearing thereon to be held within one month of the date of acceptance and

cause notice thereof, together with the proposed new name to be published once a week for three consecutive weeks in a newspaper of general circulation within the school district: *Provided*, That additional petitions for change of name may be heard at the same public hearing without the necessity of additional publication of notice, so long as the additional proposed names are presented at any board meeting, whether special or regular, including at the public hearing. At the hearing any interested elector who is a resident of the school district may appear and speak for or against the propositions.

Sec. 3. Within two regular meetings after the public hearing the board shall select one name to present to the residents of the school district for their approval or rejection at the next special or general election.

Election on proposed names.

Sec. 4. If a majority of the electors voting at the election at which the proposed name is voted upon approve the proposed name, the new name shall be recorded in the school district office, the office of the intermediate superintendent or county superintendent of schools, the offices of the state superintendent of public instruction and the state board of education.

Election winner, procedure.

All institutions which have a legal or financial interest in the status of a school district whose name has been changed shall be notified in a manner prescribed by the state attorney general.

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.

Severability.

Passed the House March 24, 1967.

Passed the Senate April 12, 1967.

Approved by the Governor April 22, 1967.

## CHAPTER 70.

[Engrossed House Bill No. 449.]

## ACQUISITION OF SURPLUS PROPERTY.

AN ACT relating to the purchase, lease, or other acquisition of surplus property of the federal government; amending section 1, chapter 205, Laws of 1945 and RCW 39.32.010; amending section 2, chapter 205, Laws of 1945 and RCW 39.32.020; amending section 3, chapter 205, Laws of 1945 and RCW 39.32.030; amending section 4, chapter 205, Laws of 1945 and RCW 39.32.035; amending section 5, chapter 205, Laws of 1945 and RCW 39.32.040; and amending section 7, chapter 205, Laws of 1945 and RCW 39.32.060.

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

RCW 39.32.010  
amended.

Section 1. Section 1, chapter 205, Laws of 1945 and RCW 39.32.010 are each amended to read as follows:

Purchase of  
federal surplus  
property.  
Definitions.

For the purposes of RCW 39.32.010 through 39.32.060:

The term "eligible institution" means, any tax-supported medical institution, hospital, clinic, health center, school system, and nonprofit medical institution, hospital, clinic, health center, youth camp facility, school, college or university declared or held exempt from taxation under Section 501(c) (3) of the United States Internal Revenue Code of 1954, and institutions or activities as may be or are hereafter declared or held eligible under federal law to acquire surplus property.

The term "state department" means any office, department, commission, institution or other agency of the state of Washington authorized by law to exercise any governmental authority on behalf of the state.

The term "political subdivision" means any political subdivision of the state including any county, city, town, township, port district, public utility district, irrigation district or other municipal corporation or quasi municipal corporation.



The term "surplus property" means any property, title to which is in the federal government or any department or agency thereof, and which property is to be disposed of as surplus under any act of congress heretofore or hereafter enacted providing for such disposition.

Sec. 2. Section 2, chapter 205, Laws of 1945 and RCW 39.32.020 are each amended to read as follows:

RCW 39.32.020 amended.

The director of general administration, through and by means of the division of purchasing, is hereby authorized to purchase, lease or otherwise acquire from the government of the United States or any surplus property disposal agency thereof surplus property to be used in accordance with the provisions of this chapter.

Acquisition.

Sec. 3. Section 3, chapter 205, Laws of 1945 and RCW 39.32.030 are each amended to read as follows:

RCW 39.32.030 amended.

There is created in the department of general administration a revolving fund to be designated the surplus property purchase revolving fund, and there is hereby appropriated to said revolving fund from the general fund for the fiscal biennium ending March 31, 1947, the sum of five million dollars or so much thereof as shall be necessary. The director shall have power, with the approval of the governor, to transfer so much of this appropriation to the revolving fund from time to time as he may deem necessary to maintain said fund in a condition adequate to carry out the purposes of RCW 39.32.010 through 39.32.060.

"Surplus property purchase revolving fund" creation.

Sec. 4. Section 4, chapter 205, Laws of 1945 and RCW 39.32.035 are each amended to read as follows:

RCW 39.32.035 amended.

The surplus property purchase revolving fund shall be administered by the director of general administration and be used for the purchase, lease or other acquisition from time to time of surplus property from any federal surplus property disposal

Administration and use of fund.

Purchase of federal surplus property.

agency. The director may purchase, lease or acquire such surplus property on the requisition of a state department or political subdivision and without such requisition at such time or times as he deems it advantageous to do so; and in either case he shall be responsible for the care and custody of the property purchased so long as it remains in his possession.

RCW 39.32.040 amended.

Sec. 5. Section 5, chapter 205, Laws of 1945 and RCW 39.32.040 are each amended to read as follows:

Procedure to purchase.

In purchasing surplus property on requisition for any state department or political subdivision the director may advance the purchase price thereof from the surplus property purchase revolving fund, and he shall then in due course bill the proper state department or political subdivision for the amount paid by him for the property plus a reasonable amount to cover the expense incurred by him in connection with the transaction. In purchasing surplus property without requisition, the director shall be deemed to take title outright and he shall then be authorized to resell from time to time any or all of such property to such state departments, political subdivisions and eligible institutions as desire to avail themselves of the privilege of purchasing. All moneys received in payment for surplus property from state departments, political subdivisions and eligible institutions, shall be deposited by the director in the surplus property purchase revolving fund. The director shall sell surplus property to state departments, political subdivisions and eligible institutions at a price sufficient only to reimburse the surplus property purchase revolving fund for the cost of the property to the fund, plus a reasonable amount to cover expenses incurred in connection with the transaction. Where surplus property is transferred to a state agency, political subdivision or eligible institution without cost to the transferee, the director may impose a reasonable charge to

cover expenses incurred in connection with the transaction. The governor, through the director of general administration, shall administer the surplus property program in the state and shall perform or supervise all those functions with respect to the program, its agencies and instrumentalities.

Sec. 6. Section 7, chapter 205, Laws of 1945 and RCW 39.32.060 are each amended to read as follows:

RCW 39.32.060 amended.

The director of general administration shall have power to promulgate such rules and regulations as may be necessary to effectuate the purposes of RCW 39.32.010 through 39.32.060.

Rules and regulations

Passed the House March 21, 1967.

Passed the Senate April 15, 1967.

Approved by the Governor April 22, 1967.

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## CHAPTER 71.

[Engrossed Senate Bill No. 480.]

### ADMINISTRATIVE PROCEDURE.

AN ACT relating to administrative procedure; amending section 15, chapter 234, Laws of 1959, as last amended by section 7, chapter 237, Laws of 1967, and RCW 34.04.150; and repealing sections 21 and 22, chapter 237, Laws of 1967.

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

Section 1. Section 15, chapter 234, Laws of 1959, as last amended by section 7, chapter 237, Laws of 1967, and RCW 34.04.150 are each amended to read as follows:

RCW 34.04.150 amended.

This chapter shall not apply to the state militia, or the board of prison terms and paroles. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals unless an election is made

Administrative Procedure Act —Application.

pursuant to sections 43 or 48 of chapter 26, Laws of 1967 extraordinary session. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act. **Note:** See also section 7, chapter 237, Laws of 1967.

Repeal.

Sec. 2. Sections 21 and 22, chapter 237, Laws of 1967 are each repealed.

**Note:** See also sections 21 and 22, chapter 237, Laws of 1967.

Passed the Senate April 12, 1967.

Passed the House April 13, 1967.

Approved by the Governor April 22, 1967.

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CHAPTER 72.

[Engrossed Substitute Senate Bill No. 23.]

PROPRIETARY SCHOOLS.

AN ACT relating to proprietary schools; providing for registration of proprietary schools and licensing of their agents; prescribing penalties; making an appropriation; and declaring an effective date.

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

Proprietary schools—  
Regulation—  
Purpose.

Section 1. The legislature hereby declares that the provisions of this act are enacted in the exercise of the police power of this state for the protection of the health, peace, safety, and general welfare of the people of this state; for the general improvement of educational programs available to the residents of this state; to prevent misrepresentation, fraud, and collusion in offering education programs; to establish higher standards for, and to protect, preserve, foster, improve, and encourage the educational programs offered to the public; and to encourage the residents of Washington to attain a high degree of excellence in the pursuit of education. To these ends, this act shall be liberally construed.

## Sec. 2. As used in this act:

## Definitions.

(1) "Proprietary school", except as hereinafter in this section provided, means any business enterprise whether operated on a profit or nonprofit basis which maintains a place or places of business either within or without this state and which offers or maintains a course or courses of instruction or study through classroom instruction or by correspondence or both whether such instruction or study is given in a single location or several locations through branches or otherwise, for the purpose of training or preparing persons for a field of endeavor, whether in a business or trade, or in a technical, professional, or industrial occupation.

The definition of "proprietary school" shall not include schools or courses of instruction:

(a) Approved by the state superintendent of public instruction, the state board of education, or the state board for vocational education;

(b) Supported entirely or partly by state or local taxes or federal funds;

(c) Approved as a private school for meeting the compulsory attendance requirements in RCW 28.27.010;

(d) Accredited by the applicable national or regional accrediting agency recognized by either the United States Department of Health, Education and Welfare, Office of Education, or the state superintendent of public instruction, state board of education, or state board for vocational education;

(e) Sponsored by an employer for the training and preparation of its own employees, or by a trade, business, or professional organization recognized by the state board for vocational education for the instruction of members of such organization; or

(f) Regulated or licensed as to course content by any agency of the state or under any occupational licensing act of the state, or recognized by the ap-

Proprietary  
schools—  
Regulation.

prenticeship council under an agreement registered with said council pursuant to chapter 49.04 RCW;

(2) "Director" means the director of the division of professional licensing of the department of motor vehicles.

Registration  
required—  
Fees—Forms—  
Contents.

Sec. 3. No proprietary school may offer a course of instruction within this state without first registering as a proprietary school with the director and paying an annual registration fee of twenty-five dollars before July first of each year to the director. Such registration shall be on forms provided by the director and shall contain: (1) the names of the individual owner, or if the owner is a corporation or partnership, the names of the officers and directors or members thereof; (2) the administrator, business address, and location of the proprietary school; (3) the field or fields of endeavor for which the proprietary school purports to train or prepare persons, and a brief description of the courses offered by the proprietary school.

Cancellation  
of enrollment  
by student—  
Return of  
materials—  
Refund.

Sec. 4. Any person who enrolls as a student with a proprietary school shall be entitled to cancel his contract of enrollment immediately after the first classroom instruction session by informing the classroom instructor of his election to cancel, or, if a correspondence course, within the next business day after receiving a part of the instructional materials, by sending notice of cancellation by registered mail, return receipt requested, addressed to the proprietary school. Upon such cancellation and return of all instructional materials in undamaged condition the student shall be entitled to a refund of at least ninety percent of the amount which he contracted to pay for the course or courses.

Sec. 5. Each proprietary school shall:

(1) Furnish each student applicant with a brief description of the course or courses of instruction

and schedule of tuition and notify each student of his right to cancel pursuant to section 4 of this act and his right to a certificate pursuant to subsection (5) of this section, prior to enrollment;

Conduct—  
Practices.

(2) Adhere to a tuition refund schedule presented in published form prior to enrollment for any student who elects to discontinue training or one excluded therefrom;

(3) Comply with all applicable state and local laws and ordinances, including rules and regulations adopted pursuant thereto;

(4) Refrain from using any false, misleading or deceptive advertising;

(5) Upon satisfactory completion of training or preparation by any student, if he requests a certificate, give a certificate to such student which indicates the course or courses of instruction which have been satisfactorily completed.

Sec. 6. (1) No person shall for remuneration sell any course or courses in this state for any proprietary school, or solicit students therefor in this state, without first obtaining an agent's permit from the director. If the agent represents more than one school, a separate permit shall be obtained for each school represented by him: *Provided*, That if an agent represents a school with more than one location or branches he need only obtain a single permit for such school. Upon approval for a permit the director shall issue a pocket card to the agent, giving his name and address, the name and address of his employing correspondence school and certifying that the person whose name appears on the card is an authorized agent of the school. A permit shall be valid until the subsequent July 1st from the date on which it was issued.

Agent's  
permits.

(2) The application for a permit or renewal shall be made on forms to be furnished by the director and shall be accompanied by a fee of ten dollars.

Proprietary  
schools—  
Regulation.

(3) Any permit applied for pursuant to this section shall be granted or denied within thirty days of the receipt of the application therefor by the director. If the director has not completed his determination with respect to the issuance of a permit pursuant to this section within such thirty-day period, he shall issue a temporary permit to the applicant, which permit shall be sufficient to meet the requirements of this act until such time as such determination is made. An agent's permit shall be issued if the director is satisfied that the applicant does in fact represent the proprietary school for which a permit is requested, that the applicant is of good moral character, and that a previous permit for such person has not been revoked.

(4) Any permit issued may be revoked by the director if the holder of the permit solicits or enrolls students through fraud, deception or misrepresentation or upon a finding that a fact or condition exists which would have warranted the denial of the issuance of the permit, had such fact or condition existed at the time of original application.

(5) The applicant for, or holder of, an agent's permit shall be entitled to an opportunity for an agency hearing with respect to the denial of an application therefor, or the revocation or suspension thereof, by the director, and the applicable provisions of the Administrative Procedure Act found in chapter 34.04 RCW, as it now exists or may hereafter be amended, shall apply with respect thereto.

(6) The issuance of a permit pursuant to this section shall not be deemed to constitute approval of any course or the proprietary school offering or administering the same. Any representation contrary to this paragraph or tending to imply that a permit issued pursuant to this section constitutes such approval shall be misrepresentation within the meaning of this act.



Sec. 7. The director is authorized to adopt rules and regulations for the administration and enforcement of sections 3 and 6 of this act, and describing and forbidding deceptive advertising, and may establish an advisory committee of owners or operators of proprietary schools and of other persons with knowledge in the fields to which this act applies, to advise him in its administration.

Rules and regulations—  
Advisory committee.

Sec. 8. (1) It is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of the application of the consumer protection act found in chapter 19.86 RCW: (a) for any proprietary school to violate sections 3, 4 or 5 of this act or to offer a course, or courses, of instruction which purports to train or prepare persons for a field of endeavor but which in fact cannot reasonably be expected to satisfactorily train or prepare the average student in such course, or courses, for such field of endeavor; or (b) for any person to violate section 6 of this act.

Unfair acts of practices.

(2) In considering whether a course of instruction could reasonably be expected to train or prepare the average student to qualify for a field of endeavor the following factors shall be considered by the court: (a) the equipment, materials and course content furnished, (b) the qualifications, training and experience of instructors, and (c) the normal and usual requirements of training and experience prevailing in the particular field of endeavor.

Sec. 9. No note, negotiable instrument, or contract relating to payment for a course or courses of instruction shall be enforceable by any proprietary school in the courts of this state, unless said proprietary school and its agents shall have complied with the provisions of this chapter.

Payment—  
Notes—  
Enforcement.

**Appropriation  
to enforce.**

Sec. 10. There is hereby appropriated to the department of motor vehicles from the general fund for the biennium ending June 30, 1969, the sum of five thousand six hundred and eighty dollars, or so much thereof as necessary to carry out the purposes of this act.

**Short title.**

Sec. 11. This act may be cited as "The Proprietary School Act".

**Severability.**

Sec. 12. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**Effective date.**

Sec. 13. This act shall become effective July 1, 1968.

Passed the Senate April 13, 1967.

Passed the House April 12, 1967.

Approved by the Governor April 22, 1967.

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## CHAPTER 73.

[House Bill No. 281.]

### ELECTIONS—NEW RESIDENTS—SPECIAL BALLOT, PRESIDENT AND VICE PRESIDENT.

AN ACT relating to elections; establishing a procedure for new residents to vote a special ballot limited to the offices of president and vice-president; adding a new chapter to chapter 9, Laws of 1965 and to Title 29 RCW; and making an appropriation.

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

**"New resident"  
defined.**

Section 1. As used in this chapter "new resident" means a person qualified to vote for presidential and vice-presidential electors as provided by this chap-

ter and authorized by Article VI, section 1A of the state constitution.

Sec. 2. A new resident who moves into the state of Washington less than one year from an approaching presidential election and intends to make this state his permanent residence shall be entitled to vote for presidential and vice-presidential electors or for the office of president and vice president of the United States, as the case may be, but no other office, provided he meets the following qualifications:

New resident entitled to vote for president-vice president—Qualification.

- (1) He possesses the qualifications required of other voters as contained in Article VI, section 1 of the state constitution except as to residence;
- (2) He is not excluded from suffrage under any other provision of law;
- (3) He is unable to vote for presidential and vice-presidential electors in the state of his former residence; and
- (4) He has followed the voting procedure as hereinafter in this chapter provided.

Sec. 3. All voting as provided by this chapter shall be by mail through the use of a special ballot issued by the secretary of state.

Procedure—New resident voting.

Insofar as applicable, the voting procedure for a new resident to cast a special presidential ballot shall be substantially the same as for civilian absentee voting as provided in chapter 29.36 RCW but the secretary of state shall make such revisions that are necessary to carry out the purpose of this chapter, including but not limited to, the following:

- (1) A new resident must execute an official application form as prescribed by section 4 of this act, as a prerequisite to obtaining a ballot;
- (2) All such signed application forms must be received by the secretary of state no later than the day prior to the election concerned. In order to be valid, all ballots must be voted and postmarked no

Procedure—  
New resident  
voting.

later than the day of the election and received by the secretary of state no later than the fifteenth day following the election;

(3) The state canvassing board as prescribed in RCW 29.62.100 shall perform the preliminary tasks and be responsible for the count of the special presidential ballots in the same manner as the county canvassing board performs in the count of absentee ballots as provided in chapter 29.36 RCW. In the event any member of the state canvassing board cannot appear in person, his assistant or deputy may serve in his place;

(4) The actual count of the special presidential ballots shall be done by teams, each consisting of four persons, and equally representing each major political party as provided by RCW 29.54.043. The secretary of state shall determine the number of such counting teams to be used and shall employ such persons as needed from lists of names submitted by the state chairman of each major political party. The compensation of such persons shall be the same as those employed by the Thurston county canvassing board to count absentee ballots; and

(5) The tallying of the special presidential ballot shall be by county and upon the conclusion and certification of such count, the appropriate election figures shall be added to the vote cast on the position of president as reported to the secretary of state by each county auditor. Such adjusted totals shall then constitute the official election returns of the respective counties.

Application—  
Form—  
Contents.

Sec. 4. The official application form to be used by a new resident desiring to vote shall be issued by the secretary of state. It shall be of a distinctive color and shall be substantially as follows:

APPLICATION FOR A SPECIAL  
PRESIDENTIAL BALLOT

Voter's affi-  
davit—Form—  
Temporary  
registration  
for this  
purpose.

I do solemnly swear (or affirm) under penalty as set forth in RCW 29.36.110 (see below), that I am a citizen of the United States; that I will be at least twenty-one (21) years of age on the day of the approaching presidential election; that I am able to read and speak the English language; that I intend to make the state of Washington my permanent residence, that I have resided in this state for less than one year but will have resided here for at least sixty (60) days immediately preceding the approaching presidential election.

I further swear that I do not qualify to vote for presidential and vice-presidential electors in the state of my former residence and will not vote any other ballot of the state of Washington or of any other state at this election; that my last voting address before entering the state of Washington was:

.....  
(Street) (City) (County) (State)

I hereby make application for a special presidential ballot to vote for presidential and vice-presidential electors only at the approaching presidential election and request that such ballot be sent to the following address:

.....  
(Street)

.....  
(City)

.....  
(Print name for positive  
identification)

.....  
(Signature)

—————  
PENALTY PROVISION

Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or

New resident  
voting—  
Presidential  
election.

a fine of not more than five thousand dollars,  
or by both such fine and imprisonment.

A supply of the above described application forms shall be distributed at least three months prior to the election concerned by the secretary of state to each city and town clerk, county auditor, county chairman of each political party, and to all other persons or organizations requesting the same.

Voter's  
affidavit.

Sec. 5. The wording of the voter's affidavit appearing upon the pre-addressed return envelope shall be substantially the same as the wording of the official application as contained in section 4 of this act.

Such declaration properly executed is hereby declared to be a full and complete temporary registration of the new resident concerned but only for the purposes of this chapter and the election for which it is submitted.

Public  
inspection of  
records.

Sec. 6. The signed applications of the new residents received by the secretary of state shall be available for public inspection under such reasonable rules and regulations as may be prescribed therefor.

Election sup-  
plies. Respon-  
sibility of  
secretary of  
state.

Sec. 7. The secretary of state shall be responsible for furnishing all election supplies necessary to carry out the purposes of this chapter, including but not limited to ballots, envelopes, voting instructions and application forms.

The ballots shall be patterned after the absentee ballots, including arrangement of political party columns, as issued by the respective county auditors for the same election, except that only the presidential and vice-presidential offices shall appear upon the special presidential ballots.

The sets of envelopes used for mailing such ballots shall be patterned after the envelopes as pro-

vided by RCW 29.36.030 for the voting of absentee ballots.

The secretary of state shall determine the size of envelopes, dimensions of ballots and voting instructions, and may revise the wording of forms and affidavits whenever in his judgment such changes shall best serve the voting procedure for new residents.

Sec. 8. The secretary of state as chief election officer may make such rules and regulations as will facilitate the operation, accomplishment and purpose of sections 1 through 7 of this act. Rules and regulations.

Sec. 9. Sections 1 through 7 of this act shall constitute a new chapter and be added to chapter 9, Laws of 1965 and Title 29 RCW. New chapter.

Sec. 10. There is hereby appropriated out of the general fund for the biennium ending June 30, 1969, the sum of twelve thousand five hundred dollars, or so much thereof as may be necessary, to the secretary of state for the purpose of carrying out the provisions of sections 1 through 7 of this act. Appropriation.

Passed the House March 14, 1967.

Passed the Senate April 15, 1967.

Approved by the Governor April 24, 1967.

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## CHAPTER 74.

[Engrossed Senate Bill No. 280.]

### MOTOR VEHICLE DEALERS AND SALESMEN.

AN ACT relating to the sale of motor vehicles; licensing dealers and salesmen; defining terms; establishing fees; defining and prescribing certain unfair acts and practices and prescribing civil remedies and penalties therefor; amending section 46.70.060, chapter 12, Laws of 1961 as amended by section 77, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.70.060; amending section 46.70.070, chapter 12, Laws of 1961 as amended by section 1, chapter 239, Laws of 1961

and RCW 46.70.070; repealing section 46.70.010, chapter 12, Laws of 1961 as amended by section 1, chapter 68, Laws of 1965 and RCW 46.70.010; repealing section 46.70.020, chapter 12, Laws of 1961 as last amended by section 76, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.70.020; repealing section 46.70.030, chapter 12, Laws of 1961 and RCW 46.70.030; repealing section 46.70.040, chapter 12, Laws of 1961 as amended by section 3, chapter 68, Laws of 1965 and RCW 46.70.040; repealing section 46.70.050, chapter 12, Laws of 1961 and RCW 46.70.050; repealing section 46.70.080, chapter 12, Laws of 1961 and RCW 46.70.080; repealing section 46.70.100, chapter 12, Laws of 1961 as amended by section 4, chapter 68, Laws of 1965 and RCW 46.70.100; repealing section 46.70.110, chapter 12, Laws of 1961 as last amended by section 78, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.70.110; adding new sections to chapter 12, Laws of 1961 and 46.70 RCW and declaring an effective date; and amending chapter RCW 19.86, chapter 216, Laws of 1961.

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

New section. Section 1. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Motor vehicle dealers and salesmen— Purpose. The legislature finds and declares that the distribution and sale of motor vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate motor vehicle manufacturers, distributors or wholesalers and factory or distributor representatives, and to regulate and license dealers, and salesmen of motor vehicles doing business in Washington, in order to prevent frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.

New section. Sec. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:



All provisions of this amendatory act shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, barter, or disposition of motor vehicles in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, bartering, or otherwise dealing in motor vehicles in this state and reliable persons may be encouraged to engage in the business of selling, bartering and otherwise dealing in motor vehicles in this state: *Provided*, That this act shall not apply to printers, publishers, or broadcasters who in good faith print, publish or broadcast material without knowledge of its deceptive character.

Liberal  
construction.

Sec. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

New section.

As used in this act:

(1) "Motor vehicle" means any motor driven vehicle required to be registered and titled under Title 46, Motor Vehicles.

Definitions.

(2) "Motor vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection (a) of this section, engaged in the business of buying, selling, exchanging, offering, auctioning, soliciting, or advertising the sale of new, or used motor vehicles, trailers or motorcycles.

(a) The term "motor vehicle dealer" does not include:

(i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(ii) Public officers while performing their official duties; or

(iii) Employees of motor vehicle dealers when engaged in the specific performance of their duties as such employees; or

Motor vehicle  
dealers and  
salesmen—  
Definitions.

(iv) Any person engaged in an isolated sale of a motor vehicle in which he is the registered and/or legal owner thereof.

(v) Any person, firm, association, corporation or trust, engaged in selling equipment other than motor vehicles, used for agricultural or industrial purposes.

(3) "Motor vehicle salesman" means any person who for any form of compensation sells, auctions, or offers to sell motor vehicles, trailers or motorcycles on behalf of a motor vehicle dealer.

(4) The term "Department" means the department of motor vehicles which shall administer and enforce the provisions of this act.

(5) "Director" means the director of the department of motor vehicles.

(6) "Manufacturer" means any person, firm, association, corporation or trust, resident or non-resident, who manufactures or assembles new and unused motor vehicles.

(7) "Distributor" means any person, firm, association, corporation or trust, resident or non-resident, who in whole or in part offers for sale, sells or distributes any new and unused motor vehicle to motor vehicle dealers or who maintains factory representatives.

(8) "Factory branch" means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, motor vehicles to a distributor, wholesaler or motor 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 motor vehicles in this state of a particular brand or make to motor vehicle dealers.

(9) "Factory representative" 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 motor vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(10) "Established place of business" means a permanent enclosed building or structure, either owned in fee or leased, actually occupied and easily accessible to the public, located and constructed in conformity with applicable zoning laws, at which a permanent business of bartering, trading and selling of vehicles will be carried on as such, wherein the public may contact the owner or operator 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 a permanent sign thereon with letters clearly visible to the major avenue of traffic.

Sec. 4. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

New section.

It shall be unlawful for any motor vehicle dealer or motor vehicle salesman to engage in this business as such, act as such, serve in the capacity of such, or advertise himself, itself, or themselves as such, in this state, without first obtaining and holding a current license as provided in this amendatory act: *Provided*, That a motor vehicle dealer shall not be required to have a motor vehicle salesman's license.

Licenses required for dealers and salesmen.

Sec. 5. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

New section.

A motor vehicle dealer or salesman may apply for a license by filing with the director an application in such form as the director may prescribe and

Application for license—Form—Fee.

Motor vehicle  
dealers and  
salesmen.

upon payment of the necessary fee as herein set forth.

New section.

Sec. 6. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Application—  
Contents.

(1) Every application shall contain the following information to the extent the same is applicable to the applicant:

(a) The applicant's honesty and reputation;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a motor vehicle dealer, any partner, officer or director;

(d) Whether the applicant has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(f) Any other information the director may require.

(2) If the applicant is a motor vehicle dealer, then information as to the type of business he will be engaged in, including:

(a) Name or names of new cars the motor vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer or distributor from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used motor vehicles, and if so, whether he has space available for servicing and repairs;

(d) A statement by the chief of police or his deputy that the applicant has "an established place of business" as defined by this amendatory act if the location is in a city over five thousand in population; otherwise, by a member of the Washington state patrol.

(3) If the application is for a salesman's license, a certification by the motor vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character.

Sec. 7. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows: New section

After the application has been filed and the fee paid, the director shall, if no denial order is in effect and no proceeding is pending under sections 16 or 17 of this amendatory act, issue the appropriate license. Issuance of license.

Sec. 8. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows: New section.

The license issued to each motor vehicle dealer shall specify the location of the dealership, place of business or office of the agency. In case such location is changed the department shall be notified within ten days. Any change to another county shall require a new license. Location—Multiple location—Continuation.

A motor vehicle dealer maintaining one or more places of business shall be required to obtain and hold a current license for each place of business, including a branch or subagency: *Provided, however,* That only one license shall be required for all places of business doing business under the same name within a single county.

Motor vehicle  
dealers and  
salesmen.

A motor vehicle dealer's license shall upon the death, or incapacity of an individual motor vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of said death or incapacity.

New section.

Sec. 9. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Salesmen's  
license—  
Posting—Upon  
termination.

The license issued to the motor vehicle salesman shall be sent to the salesman by the department and shall be posted in a conspicuous place on the premises of the dealer by whom the salesman is employed during the period of the salesman's employment.

When a salesman begins or terminates a connection with a motor vehicle dealer, the salesman and dealer shall promptly notify the director, in writing, in the form prescribed by the director. In addition to other information required by the director, the motor vehicle dealer with whom the salesman is beginning a connection shall certify that he has examined the background of the salesman and, to the best of his knowledge, the salesman is of good moral character.

New section.

Sec. 10. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Expiration—  
Renewal.

Registration of a motor vehicle dealer or motor vehicle salesman shall be effective until June 30 and may be renewed by filing with the director 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.

Sec. 11. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

The director may by order deny, suspend or revoke the license of any motor vehicle dealer or salesman if he finds that the order is in the public interest and that the applicant, or licensee, or in the case of a motor vehicle dealer, any partner, officer or director or majority stockholder:

New section.  
  
Motor vehicle dealers and salesmen—Denial, suspension or revocation of licenses—Grounds.

(1) Was previously the holder of a license issued under this amendatory act, 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;

(2) Has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving fraud, misrepresentation or conversion;

(3) Has made a false statement of a material fact in his application or in any data attached thereto;

(4) Has failed to comply with the applicable provisions of 46.12 RCW any rule or regulation or order issued under this amendatory act;

(5) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a motor vehicle;

(6) Has forged the signature of the registered or legal owner on a certificate of title;

(7) Has purchased, sold, or disposed of a motor vehicle which such applicant or licensee knows or has reason to know has been stolen or appropriated without the consent of the owner;

(8) Has wilfully failed to deliver to a purchaser a certificate of ownership to a motor vehicle which the applicant or licensee has sold;

Motor vehicle  
dealers and  
salesmen—  
Denial,  
suspension or  
revocation of  
licenses—  
Grounds.

(9) Has suffered or permitted the cancellation of a fidelity bond or the exhaustion of the penalty thereof;

(10) Has failed to comply with the provisions of this amendatory act including notices, or reports of transfers of vehicles, or the maintenance of records, or has caused or suffered or is permitting the unlawful use of the dealer license certificate or dealer license plates;

(11) Has committed any act in violation of section 16 of this act;

(12) Is a motor vehicle dealer who:

(a) Does not have an established place of business as defined in this chapter;

(b) Employs an unlicensed salesman;

(c) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records and files maintained within this state;

(d) Knowingly employs a salesman whose license has been denied, or revoked within the last year, or is currently suspended;

(13) Is an applicant for a salesman's license who was previously the holder of, or was a partner in a partnership, or was an officer, director, or stockholder involved in management of a corporation which was the holder, of a license which was revoked for cause and never reissued or was suspended and the terms of the suspension have not been terminated;

(14) Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they may mature.

New section.

Sec. 12. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Upon the entry of the order under section 11 of this amendatory act the director shall promptly not-



ify the applicant or licensee, as well as the employer or prospective employer if the applicant or licensee is a salesman, that the order has been entered and of the reasons therefor and that if requested by the applicant or licensee within fifteen days after the receipt of the director's notification, the matter will be promptly set down for hearing pursuant to 34.04 RCW. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, or his personal representative, after notice of and opportunity for hearing, may modify or vacate the order, or extend it until final determination. No final order may be entered under section 11 denying or revoking a license without appropriate prior notice to the applicant or licensee (as well as the employer or prospective employer if the applicant or licensee is a salesman), opportunity for hearing, and written findings of fact and conclusions of law.

Notice—  
Hearing—  
Procedure.

Sec. 13. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

New section.

(1) For motor vehicle dealers, the fee as provided in RCW 46.70.060;

Fees—Disposition.

(2) For dealers plates, three dollars per set for each additional set over one;

(3) For location change by a motor vehicle dealer within the same county, five dollars. A change to another county shall require a new license;

(4) For each motor vehicle salesman, ten dollars per year and ten dollars for each year for renewal thereof;

(5) For transfer of a motor vehicle salesman from one motor vehicle dealer to another motor vehicle dealer, transfer fee of five dollars.

Motor vehicle  
dealers and  
salesmen  
licensing.

(6) All fees collected under this amendatory act shall be turned into the state treasury and credited to the motor vehicle fund.

New section.

Sec. 14. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Application—  
Retention by  
department—  
Confidential-  
ity.

Every application for license shall be retained by the department for a period of three years and shall be confidential information for the use of the department, the attorney general or the prosecuting attorney only: *Provided*, That upon a showing of good cause therefor any court in which an action is pending by or against the applicant or licensee, may order the director to produce and permit the inspection and copying or photographing the application and any accompanying statements.

New section.

Sec. 15. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Investigations  
or proceedings  
—Powers of  
director—  
Penalty.

For the purpose of any investigation or proceeding under this amendatory act, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(1) In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the director, or the officer designated by him, to produce documentary or other evidence touching the matter under investigation or in question. The failure to obey an order of the court may be punishable by contempt.

(2) No person is excused from attending and testifying or from producing any document or record before the director, or in obedience of the subpoena of the director or any officer designated by him, or in any proceeding instituted by the director, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 16. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows: New section.

Each of the following acts or practices is hereby declared unlawful: Motor vehicle dealers and salesmen—Unlawful acts and practices.

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a motor vehicle which is false, deceptive or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a motor vehicle when a down payment is in fact required, or that a motor vehicle may be purchased for less down payment than is actually required;

(b) That a certain percentage of the sale price of a motor vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

Motor vehicle  
dealers and  
salesmen—  
Unlawful acts  
and practices.

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new motor vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific motor vehicle to be sold;

(e) That a motor vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a motor vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a motor vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which motor vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a motor vehicle a written order

or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a motor vehicle, delivered or to be delivered by the buyer as part of the purchase price, because of depreciation, obsolescence, or any other reason except substantial and latent mechanical defect that could not have been reasonably discovered at the time of the taking of said order, offer or contract: *Provided*, That said physical damage or mechanical defect shall have occurred before the dealer took possession of the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs.

(5) Being a manufacturer, distributor, or factory representative or branch to:

(a) Coerce or attempt to coerce any motor vehicle dealer to order or accept delivery of any motor vehicle or vehicles, parts or accessories, or any other commodities which shall not have been voluntarily ordered by the said motor vehicle dealer: *Provided*, That recommendation, endorsement, exposition, persuasion, urging, or argument shall not be deemed to constitute coercion;

Motor vehicle  
dealers and  
salesmen—  
Unlawful acts  
and practices.

(b) Cancel, or, fail to renew the franchise or selling agreement of any motor vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory, possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (1) The capital investment shall have been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (2) Said cancellation or nonrenewal was not done in good faith. Good faith shall be defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: *Provided*, That recommendation, endorsement, exposition, persuasion, urging or argument shall not be deemed to constitute a lack of good faith.

(c) Encourage, aid, abet or teach a motor vehicle dealer to sell motor vehicles through any false, deceptive or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a motor vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any motor vehicle publicly advertised for immediate delivery to any duly licensed motor vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused motor vehicles sold or distributed by such manufacturer, distributor, or factory representative or branch, within sixty days after such dealer's

order shall have been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation or utility services, or to any labor or production difficulty, or to any cause beyond the reasonable control of the manufacturer.

(6) Nothing in this section shall be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this act, from requiring performance of a written contract entered into with any licensee hereunder, nor shall the requirement of such performance constitute a violation of any of the provisions of this section: *Provided, however,* Any such contract, or the terms thereof, requiring performance, shall have been theretofore freely entered into and executed between the contracting parties.

Sec. 17. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

The director shall revoke or refuse to issue a motor vehicle dealer's license for a franchise replacing a cancelled or terminated franchise if a civil action pursuant to section 21 is pending and was filed within 60 days following the written notification of the cancellation or nonrenewal of an existing franchise and a certified copy of said complaint alleging the date of said notification is filed with the department within said 60 days by the complaining motor vehicle dealer. The court may, however, in order to maintain adequate and competitive service in the area or upon a showing of good cause by the manufacturer, distributor, or factory branch order the director to issue said motor vehicle dealer's license if the dealer complies with other sections of chapter 46.70 RCW.

New section.

Civil action  
pending—  
Effect—Court  
order.

New section.

Sec. 18. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Motor vehicle dealers and salesmen—Unlawful acts.

Upon the filing of a complaint pursuant to section 21 by a complaining motor vehicle dealer within 60 days following the written notification of the cancellation or nonrenewal of the existing franchise, any cancelled or nonrenewed franchise of said complaining dealer shall stay in full force and effect until the complaint has been expeditiously disposed of, unless the court, pursuant to section 17 of this amendatory act, has ordered the director to issue a motor vehicle dealer's license to a new franchisee.

Filing complaint—Effect.

If a new franchise is given by a manufacturer, distributor or factory branch for the sale of the same make of motor vehicle in the same area of responsibility in that covered in said cancelled or terminated franchise, such act shall be prima facie evidence that the new franchise replaced the canceled or terminated franchise.

New section.

Sec. 19. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Duties of attorney general and prosecuting attorney to enforce—Limitation of civil actions.

The director may refer such evidence as may be available concerning violations of this amendatory act or of any rule or order hereunder to the attorney general or the proper prosecuting attorney, who may in his discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice herein prohibited or declared unlawful: *Provided*, That this amendatory act shall be considered in conjunction with chapter 9.04 RCW, 19.86 RCW and 63.14 RCW and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons sub-



ject to this amendatory act: *Provided further*, That any action to enforce a claim for civil damages under chapter 19.86 RCW shall be forever barred unless commenced within 6 years after the cause of action accrues.

Sec. 20. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows: New section.

In the enforcement of this amendatory act, the attorney general and/or any said prosecuting attorney may accept an assurance of compliance with the provisions of this amendatory act from any person deemed in violation hereof. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county. Assurance of compliance—  
Effect.

Sec. 21. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows: New section.

Any person who is injured in his business or property by a violation of this amendatory act, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this amendatory act, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee. Civil actions—  
Claims under  
Federal act—  
Election of  
remedies—  
Time limita-  
tion.

Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer, distributor or factory representative or branch pursuant to sections 16 (5) (b) and 21 of this amendatory act shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of

Regulation of motor vehicle dealers and salesmen.

said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221-1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of Section 16 (5) (b) of this amendatory act, with respect to matters arising prior to the date of said judgment.

A civil action brought in the superior court pursuant to the provisions of section 21 of this amendatory act must be filed no later than one year following the alleged violation of this amendatory act.

New section.

Sec. 22. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Penalties—Jurisdiction.

Any person who violates the terms of any court order, or temporary or permanent injunction issued pursuant to this amendatory act, shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general and/or the prosecuting attorney acting in the name of the state, or any person who pursuant to section 21 of this amendatory act has secured the injunction violated, may petition for the recovery of civil penalties.

New section.

Sec. 23. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Service of process outside of state.

Personal service of any process in an action under this amendatory act may be made upon any person outside the state if such person has engaged in conduct in violation of this amendatory act which has had the impact in this state which this amenda-

tory act reprehends. Such person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state within the meaning of RCW 4.28.180 and 4.28.185.

Sec. 24. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows: New section.

The provisions of this amendatory act shall be applicable to all franchises and contracts existing between motor vehicle dealers and manufacturers or factory branches and to all future franchises and contracts. Application of act.

Sec. 25. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows: New section.

The provisions of this amendatory act shall be cumulative to existing laws: *Provided*, That the violation of section 16 of this amendatory act shall be construed as exclusively civil and not penal in nature. Provisions cumulative—  
Violations—  
Effect.

Sec. 26. Section 46.70.060, chapter 12, Laws of 1961 as amended by section 77, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.70.060 are each amended to read as follows: RCW 46.70.060 amended.

The fee for original dealer license for each calendar year or fraction thereof shall be as follows: Motor vehicle dealers, fifty dollars; which shall include one set of dealer license plates, and which may be renewed annually for a fee of twenty dollars. Additional sets of the dealer license plates, bearing the same license number, may be obtained for three dollars per set. If any dealer shall fail or neglect to apply for such renewal prior to August 1st in each year, his license shall be declared canceled by the director, in which case the dealer will be required to apply for an original license and pay the fee required for such original license. The fees Dealer's license fee—  
Dealer's plates.

Regulation of motor vehicle dealers and salesmen.

prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44.

**Note: See also section 77, chapter 32, Laws of 1967.**

RCW 46.70.070 amended.

Sec. 27. Section 46.70.070, chapter 12, Laws of 1961 as amended by section 1, chapter 239, Laws of 1961 and RCW 46.70.070 are each amended to read as follows:

Bond required —Actions —Revocation of licenses.

Before issuing a dealer license, the director shall require the applicant to file with said director a surety bond in the amount of ten thousand dollars for a motor vehicle dealer running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any retail purchaser who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted by the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the director shall revoke the license of the dealer.

New section.

Sec. 28. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows:

Severability.

If any provision of this amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

Sec. 29. There is added to chapter 12, Laws of 1961 and to chapter 46.70 RCW a new section to read as follows: New section.

All persons doing business within this state as a motor vehicle salesman as defined in this amendatory act who may be required by this amendatory act to be licensed by the department shall comply with the provisions hereof no later than September 30, 1967. Effective dates for compliance.

All motor vehicle dealers now licensed by the state shall renew their licenses on or before February 1, 1968, for a period expiring June 30th and thereafter licenses shall expire June 30th of each year: *Provided*, That those who renew for the six months period from January 1, 1968, to June 30, 1968, shall only pay one-half the regular renewal fee.

All persons doing business within this state not previously licensed as a dealer but who may be required to license as a "motor vehicle dealer" as defined in this amendatory act shall comply with the provisions hereof no later than September 30, 1967.

Sec. 30. Section 46.70.010, chapter 12, Laws of 1961 as amended by section 1, chapter 68, Laws of 1965 and RCW 46.70.010; section 46.70.020, chapter 12, Laws of 1961 as last amended by section 76, chapter [32], Laws of 1967 (S.B. 36) and RCW 46.70.020; section 46.70.030, chapter 12, Laws of 1961 and RCW 46.70.030; section 46.70.040, chapter 12, Laws of 1961 as amended by section 3, chapter 68, Laws of 1965 and RCW 46.70.040; section 46.70.050, chapter 12, Laws of 1961 and RCW 46.70.050; section 46.70.080, chapter 12, Laws of 1961 and RCW 46.70.080; section 46.70.100, chapter 12, Laws of 1961 as amended by section 4, chapter 68, Laws of 1965 and RCW 46.70.100; section 46.70.110, chapter 12, Laws of 1961 as last amended by section 78, chapter Repeal.

[32], Laws of 1967 (S.B. 36) and RCW 46.70.110 are each repealed.

**Note:** See also sections 76 and 78, chapter 32, Laws of 1967.

Emergency.  
Effective  
dates.

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 sections 1 through 3 and sections 16 through 25 shall take effect immediately. Sections 4 through 15 and sections 26 through 30 inclusive shall take effect on July 1, 1967.

Passed the Senate March 29, 1967.

Passed the House April 12, 1967.

Approved by the Governor April 22, 1967, with the exception of a certain item in Section 15 which was vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This bill makes significant changes in the law relating to licensing of motor vehicle dealers, provides for the licensing of salesmen of motor vehicles, and declares certain practices to be unlawful.

"The Director of Motor Vehicles is charged with the enforcement of the act, and is given the power to deny, suspend or revoke a salesman's or dealer's license. The bill grants to the director the power to conduct investigations, hold hearings, and issue subpoenas to compel attendance of witnesses.

"The grant of subpoena power is not uncommon in statutes regulating business and professions, and is desirable in this bill in order to permit the director to investigate unfair practices in sales of motor vehicles.

"However, subsection (2) of Section 15 of the bill contains provisions which are not normally found in statutes regulating and licensing business and professions. It provides that a witness compelled to testify or produce documents at any proceeding instituted by the director may not refuse to testify on the ground that his testimony or other evidence might tend to incriminate him. However, if the witness claims his constitutional privilege against self-incrimination, he may not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled to testify or produce evidence during the course of the proceeding.

"In this type of proceeding, I object to denying a witness his constitutional privilege against self-incrimination. I am convinced that the Director of Motor Vehicles will be able to obtain sufficient information to determine whether to grant, deny or revoke the license of a motor vehicle dealer or salesman without requiring a witness to incriminate himself. Moreover, I feel that the director of a state agency, which is not charged with the responsibility of conducting criminal prosecutions, normally, should not have the power to grant immunity from prosecution for a crime. This could be the result of the director's action in compelling testimony under this subsection.

"For the foregoing reasons, I have vetoed Subsection (2) of Section 15. The remainder of Senate Bill No. 280 is approved."

**DANIEL J. EVANS,**  
Governor.

## CHAPTER 75.

[Engrossed Senate Bill No. 31.]

## INTOXICATING LIQUORS AND ALCOHOLISM.

AN ACT relating to intoxicating liquor and alcoholism; increasing certain license fees; providing for disbursement of certain moneys to the department of health; amending section 77, chapter 62, Laws of 1933 extraordinary session, as last amended by section 2, chapter 143, Laws of 1965 extraordinary session and RCW 66.08.180; amending section 23-M, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937, as amended by section 1, chapter 220, Laws of 1941, and RCW 66.24.320; amending section 23-N, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937, as amended by section 2, chapter 220, Laws of 1941, and RCW 66.24.330; amending section 23-O, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937, as amended by section 3, chapter 220, Laws of 1941, and RCW 66.24.340; amending section 23-P, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937 and RCW 66.24.350; amending section 23-Q, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937 and RCW 66.24.360; amending section 23-R, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937 and RCW 66.24.370; and providing an effective date.

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

Section 1. Section 77, chapter 62, Laws of 1933 extraordinary session, as last amended by section 2, chapter 143, Laws of 1965 extraordinary session, 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

RCW 66.08.180  
amended.

Intoxicating  
liquors—  
License fees—  
Distribution—  
Reserve—Dis-  
bursement.

Intoxicating  
liquors—  
License fees—  
Distribution—  
Reserve—Dis-  
bursement.

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 health 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 health solely to carry out the purposes of RCW 70.96.085, as now or hereafter amended. The budget director shall prescribe suitable accounting procedure to insure that the funds transferred to the general fund to be used by the department of health and appropriated are separately accounted for.

RCW 66.24.320  
amended.

Sec. 2. Section 23-M, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937, as amended by section 1, chapter 220, Laws of 1941, and RCW 66.24.320 are each amended to read as follows:

Beer retailer's  
license—  
Class A.

There shall be a beer retailer's license to be designated as a class A license to sell beer by the individual glass or opened bottle 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 aeroplanes, and to clubs. 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;

The annual fee for such license, if issued outside of cities and towns, shall be sixty-two 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 dollars and fifty cents.

Sec. 3. Section 23-N, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937, as amended by section 2, chapter 220, Laws of 1941, and RCW 66.24.330 are each amended to read as follows:

RCW 66.24.330 amended.

There shall be a beer retailer's license to be designated as a class B license to sell beer by the individual glass or opened bottle at retail, for consumption on 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*

Beer retailer's license—  
Class B.

Beer retailer's  
license—  
Class B.

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;

The annual fee for such license, if issued outside of cities and towns, shall be sixty-two 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.

RCW 66.24.340  
amended.

Sec. 4. Section 23-O, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937, as amended by section 3, chapter 220, Laws of 1941, and RCW 66.24.340 are each amended to read as follows:

Wine retailer's  
license—  
Class C.

There shall be a wine retailer's license to be designated as a class C license to sell wine by the individual glass or opened bottle at retail, for consumption on the premises only; such license to be issued to hotels, restaurants, dining places on boats and aeroplanes, 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;

The annual fee, when issued outside of the limits of cities and towns, shall be forty-seven dollars: *Provided, however,* That where dancing is permit-

ted 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 dollars.

Sec. 5. Section 23-P, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937 and RCW 66.24.350 are each amended to read as follows:

RCW 66.24.350  
amended.

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 dollars and fifty cents per annum.

Beer retailer's  
license—  
Class D.

Sec. 6. Section 23-Q, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937 and RCW 66.24.360 are each amended to read as follows:

RCW 66.24.360  
amended.

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 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 dollars and fifty cents for each store.

Beer retailer's  
license—  
Class E.

Sec. 7. Section 23-R, chapter 62, Laws of 1933 extraordinary session as added by section 1, chapter 217, Laws of 1937 and RCW 66.24.370 are each amended to read as follows:

RCW 66.24.370  
amended.

Wine retailer's  
license—  
Class F.

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 such wines the current retail price; fee forty-three 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 dollars and fifty cents for each store.

Effective date.

Sec. 8. The effective date of this 1967 amendatory act is July 1, 1967.

Passed the Senate March 29, 1967.

Passed the House April 17, 1967.

Approved by the Governor April 25, 1967.

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CHAPTER 76.

[Engrossed Senate Bill No. 55.]

ESCROW AGENTS.

AN ACT relating to escrow agents; and amending section 2, chapter 153, Laws of 1965 and RCW 18.44.020.

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

RCW 18.44.020  
amended.

Section 1. Section 2, chapter 153, Laws of 1965 and RCW 18.44.020 are each amended to read as follows:

Escrow agents  
—Exemptions.

It shall be unlawful for any person to engage in business as an escrow agent within this state unless such person has been registered with the department and issued a certificate of registration by the director pursuant to this chapter: *Provided*, That

the registration requirements of this chapter shall not apply to:

(1) Any person doing business under the law of this state or the United States relating to banks, trust companies, mutual savings banks, savings and loan associations, credit unions, insurance companies, title insurance companies, the duly authorized agents of title insurance companies the business of which agents is exclusively devoted to the title insurance business, or any federally approved agency or lending institution under the National Housing Act.

(2) Any person licensed to practice law in this state while engaged in the performance of his professional duties.

(3) Any company, broker, or agent subject to the jurisdiction of the director while performing acts in the course of or incidental to sales or purchases of real or personal property handled or negotiated by such company, broker, or agent: *Provided, however,* That no compensation is received for escrow services.

(4) Any transaction in which money or other property is paid to, deposited with, or transferred to a joint control agent for disbursement or use in payment of the cost of labor, materials, services, permits, fees, or other items of expense incurred in the construction of improvements upon real property.

(5) Any receiver, trustee in bankruptcy, executor, administrator, guardian, or other person acting under the supervision or order of any superior court of this state or of any federal court.

Passed the Senate April 7, 1967.

Passed the House April 17, 1967.

Approved by the Governor April 25, 1967.

## CHAPTER 77.

[Reengrossed Senate Bill No. 318.]

## COUNTY OFFICERS—COMPENSATION.

AN ACT relating to county officers; amending section 36.16.032, chapter 4, Laws of 1963 as amended by section 2, chapter 164, Laws of 1963 and RCW 36.16.032; amending section 36.17.020, chapter 4, Laws of 1963 as last amended by section 3, chapter 218, Laws of 1967, and RCW 36.17.020.

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

RCW 36.16.032  
amended.

Section 1. Section 36.16.032, chapter 4, Laws of 1963 as amended by section 2, chapter 164, Laws of 1963 and RCW 36.16.032 are each amended to read as follows:

County officers  
—Compensa-  
tion for com-  
bined offices.

The office of county auditor may be combined with the office of county clerk in counties of the eighth class by unanimous resolution of the board of county commissioners passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor shall be six thousand eight hundred dollars.

RCW 36.17.020  
amended.

Sec. 2. Section 36.17.020, chapter 4, Laws of 1963 as last amended by section 3, chapter 218, Laws of 1967 and RCW 36.17.020 are each amended to read as follows:

Compensation  
of county  
officers.

The salaries of county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:

Class A counties: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroner, thirteen

thousand eight hundred dollars; prosecuting attorney, sixteen thousand two hundred dollars;

Counties of the first class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, twelve thousand five hundred dollars; prosecuting attorney, fourteen thousand eight hundred dollars; coroner, six thousand two hundred dollars;

Counties of the second class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, ten thousand six hundred dollars; prosecuting attorney, twelve thousand five hundred dollars; coroner, three thousand six hundred dollars: *Provided*, That the prosecuting attorneys of counties of the second class shall not engage in the private practice of law;

Counties of the third class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, members of board of county commissioners, prosecuting attorney, nine thousand five hundred dollars; coroner, two thousand four hundred dollars;

Counties of the fourth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, eight thousand four hundred dollars; members of the board of county commissioners and prosecuting attorney, seven thousand seven hundred dollars;

Counties of the fifth class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, seven thousand seven hundred dollars; members of the board of county commissioners and prosecuting attorney, six thousand six hundred dollars;

Counties of the sixth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, seven thousand dollars; prosecuting attorney, four thousand two hundred dollars; members of the board of county commissioners, two thousand three hundred dollars;

Compensation  
of county  
officers.

Counties of the seventh class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, six thousand eight hundred dollars; prosecuting attorney, four thousand two hundred dollars; members of the board of county commissioners, two thousand three hundred dollars;

Counties of the eighth class: Auditor, treasurer, assessor, sheriff, six thousand dollars; clerk, four thousand two hundred dollars; superintendent of schools, four thousand dollars; prosecuting attorney, three thousand six hundred dollars; members of board of county commissioners, one thousand eight hundred dollars.

Counties of the ninth class: Auditor-clerk, sheriff, treasurer-assessor, five thousand six hundred dollars; superintendent of schools, three thousand four hundred dollars; prosecuting attorney, two thousand six hundred dollars; members of the board of county commissioners, eighteen dollars per diem.

The salaries of county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroners, eighteen thousand dollars; prosecuting attorney, twenty thousand three hundred dollars.

In addition to the compensation provided for herein, county commissioners of counties of the sixth, seventh, eighth and ninth class shall be entitled to additional compensation for the performance of additional duties not a part of their regular duties as provided in RCW 36.32.320, as now or hereafter amended.

**Note: See also section 3, chapter 218, Laws of 1967.**

Passed the Senate April 18, 1967.

Passed the House April 17, 1967.

Approved by the Governor April 25, 1967.



## CHAPTER 78.

[Reengrossed Senate Bill No. 472.]

## LEASING AND SALE OF STATE LANDS.

AN ACT relating to the leasing and sale of state lands; amending section 23, chapter 255, Laws of 1927, as last amended by section 4, chapter 257, Laws of 1959, and RCW 79.01.092; amending section 25, chapter 255, Laws of 1927, as amended by section 6, chapter 257, Laws of 1959, and RCW 79.01.100; and amending section 24, chapter 255, Laws of 1927, as last amended by section 5, chapter 257, Laws of 1959 and RCW 79.01.096; and adding a new section to chapter 255, Laws of 1927 and to chapter 79.01 RCW.

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

Section 1. Section 24, chapter 255, Laws of 1927, as last amended by section 5, chapter 257, Laws of 1959 and RCW 79.01.096 are each amended to read as follows:

RCW 79.01.096  
amended.

Not more than one hundred and sixty acres of any land granted to the state by the United States shall be offered for sale in one parcel and no university lands shall be offered for sale except by legislative directive or with the consent of the board of regents of the University of Washington.

Public lands  
—Leasing and  
sale—Limita-  
tions.

Any land granted to the state by the United States may be sold or leased for any lawful purpose in such minimum areas as may be fixed by the commissioner of public lands, except that upon the application of a school district for the purchase of a schoolhouse site or sites on any school land, not less than three nor more than ten acres may be offered for sale, and in all cases where a schoolhouse is or may be erected upon any school land the school district to which the schoolhouse belongs shall have the preference right for six months after the filing of the final appraisal of such school land to purchase the schoolhouse sites, to include the land occupied

by the schoolhouse and grounds, at the appraised value thereof.

Land granted to the state shall not be leased for a longer period than ten years: *Provided*, That such lands may be leased for the purpose of prospecting for, developing and producing oil, gas and other hydrocarbon substances or for the mining of coal subject to the provisions of chapter 79.14 RCW and RCW 79.01.692: *Provided further*, That such lands may be leased for public school purposes for any period not exceeding twenty years with an option for a new lease covering such lands for an additional period not exceeding twenty years, the terms and conditions of said new lease to be fixed by the department of natural resources: *Provided further*, That such lands may be leased for commercial, residential, business or recreational purposes for any period not exceeding fifty-five years: *And, provided further*, That, as to lands under lease on the date of the passage of this act for commercial, residential, business or recreational purposes for a period of not to exceed twenty years, the lessee shall have an option for a new lease for such lands for an additional period not exceeding thirty-five years, the terms and conditions of said new lease to be fixed by the department: *And, provided further*, That if, during the term of the lease of any state lands for commercial, residential, business or recreational purposes, in the opinion of the department it is in the best interests of the state so to do, the department may, on the application of the lessee, alter and amend the terms and conditions of such lease as to the types and conditions of commercial, residential, business or recreational enterprises conducted on such leased premises and the rent to be paid.

Sec. 2. The board of regents of Washington State University is authorized to sell all or any part of the south half of section 34, township 15 north, range 45,

E.W.M., Whitman County, Washington to the City of Pullman for at least the appraised value thereof as determined by two competent, disinterested appraisers, and to use the proceeds to acquire other real estate.

Sec. 3. Section 23, chapter 255, Laws of 1927 as last amended by section 4, chapter 257, Laws of 1959 and RCW 79.01.092 are each amended to read as follows:

RCW 79.01.092  
amended.

When in the judgment of the department of natural resources, a sufficient number of applications for the appraisal and sale, or the lease, for any lawful purpose, excepting mining of valuable minerals or coal, or extraction of petroleum or gas, of state lands, have been received, the department shall cause each tract of land so applied for to be inspected by one or more state land inspectors as to its character, topography, agricultural and grazing qualities, timber, coal, mineral, stone, gravel or other valuable material, the distance from any city or town, railroad, river, irrigation canal, ditch or other waterway, and a full report thereof to be made to the department, together with the inspector's judgment as to the present and prospective value, or rental value, as the case may be. In case of an application to purchase land granted to the state for educational purposes, the department shall submit said report together with all other information in the records of the office of the department of natural resources concerning the land applied for, to the board of natural resources, which board shall fix the value per acre of each lot, block, subdivision or tract proposed to be sold in one parcel, which value shall be not less than ten dollars per acre. In case of applications to purchase state lands, other than lands granted to the state for educational purposes and capitol building lands, the department shall appraise and fix the value thereof. In case of appli-

Sale of public  
lands—inspec-  
tion and  
appraisal—  
Criteria.

Sale of public lands—inspection and appraisal—Criteria.

cations for the lease of state lands, for any lawful purposes other than that of mining for valuable minerals or coal, or extraction of petroleum or gas, the department shall fix the rental value thereof, and shall fix the limit of the value of the improvements that may be placed upon said land by any lessee of the state, and may, in case the land is leased, at any time during the life of the lease, extend the limit of value of the improvements that may be placed upon the land covered by the lease, if he deems it advisable and for the best interest of the state, by written order which shall be filed with the lease in the department of natural resources, and a copy mailed to the lessee at his last known post office address, and upon the expiration of such lease the department, shall not appraise said improvements in an amount exceeding the limit so fixed by the department: *Provided*, That the board of natural resources, in considering the management of individual tracts of state lands, shall include in their consideration of the financial benefits that may accrue to the particular beneficiary of such trust land any increased financial benefits that the beneficiary may receive from direct and indirect state and local taxes, including improvement in values resulting from private development and the local taxation benefits therefrom, if the property were to be sold into private ownership.

RCW 79.01.100 amended.

Sec. 4. Section 25, chapter 255, Laws of 1927 as amended by section 6, chapter 257, Laws of 1959 and RCW 79.01.100 are each amended to read as follows:

State lands in urban or suburban areas—Platting.

The department of natural resources shall cause all unplatted state lands, within the limits of any incorporated city or town, or within two miles of the boundary thereof, where the valuation of such lands is found by appraisal to exceed one hundred dollars per acre, to be platted into lots and blocks, of not more than five acres in a block, before

the same are offered for sale, and not more than one block shall be offered for sale in one parcel. The department of natural resources may designate or describe any such plat by name, or numeral, or as an addition to such city or town, and, upon the filing of any such plat, it shall be sufficient to describe the lands, or any portion thereof, embraced in such plat, according to the designation prescribed by the department of natural resources. Such plats shall be made in duplicate, and when properly authenticated by the department of natural resources, one copy thereof shall be filed in the office of the department and one copy in the office of the county auditor in which the lands are situated, and said auditor shall receive and file such plats without compensation or fees and make record thereof in the same manner as required by law for the filing and recording of other plats in his office.

In selling lands subject to the provisions of Article 16, section 4, of the state Constitution, the department of natural resources will be permitted to sell the land within the required land subdivision without being required to complete the construction of streets, utilities, and such similar things as may be required by any local government entity in the instance of the platting of private or other property within their area of jurisdiction: *Provided*, That no construction will be permitted on lands so sold until the purchaser or purchasers collectively comply with all of the normal requirements for platting.

Sec. 5. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows: New section.

(1) The purpose of this section is to provide revenues to the state and its various taxing districts through the sale of public lands which are currently used primarily for grazing and similar low priority

Public lands—  
Sale of grazing  
and other low  
yield use land  
authorized.

purposes, by enabling their development as irrigated agricultural lands.

(2) All applications for the purchase of lands of the foregoing character, when accompanied by a proposed plan of development of the lands for a higher priority use, shall be individually reviewed by the board of natural resources. The board shall thereupon determine whether the sale of the lands is in the public interest and upon an affirmative finding shall offer such lands for sale under the applicable provisions of this chapter: *Provided*, That any such parcel of land shall be sold to the highest bidder but only at a bid equal to or higher than the last appraised valuation thereof as established by appraisers for the department for any such parcel of land: *Provided further*, That any lands lying within United States reclamation areas, the sale price of which is limited or otherwise regulated pursuant to federal reclamation laws or regulations thereunder, need not be offered for sale so long as such limitations or regulations are applicable thereto.

(3) The department of natural resources shall make appropriate regulations defining properties of such irrigated agricultural potential and shall take into account the economic benefits to the locality in classifying such properties for sale.

Passed the Senate April 18, 1967.

Passed the House April 17, 1967.

Approved by the Governor April 25, 1967.

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CHAPTER 79.

[Engrossed Senate Bill No. 642.]

HALIBUT—MARKETING PRACTICES.

AN ACT relating to food and food products; adding a new section to chapter 257, Laws of 1945 and to chapter 69.04 RCW; defining crimes; prescribing penalties; and declaring an emergency.

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

Section 1. There is added to chapter 257, Laws of 1945 and to chapter 69.04 RCW a new section to read as follows: New section.

No person shall label or offer for sale any food fish product designated as halibut, with or without additional descriptive words unless such food fish product is *Hippoglossus Hippoglossus* or *Hippoglossus Stenolepis*. Any person violating the provisions of this section shall be guilty of misbranding under the provisions of this chapter. Halibut—Labeling.

Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency

Passed the Senate April 17, 1967.

Passed the House April 17, 1967.

Approved by the Governor April 25, 1967.



CHAPTER 80.  
[Senate Bill No. 194.]

MINIMUM WAGES.

AN ACT relating to minimum wages; and amending section 2, chapter 294, Laws of 1959 as amended by section 3, chapter 18, Laws of 1961 extraordinary session and RCW 49.46.020.

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

Section 1. Section 2, chapter 294, Laws of 1959 as amended by section 3, chapter 18, Laws of 1961 extraordinary session and RCW 49.46.020 are each amended to read as follows: RCW 49.46.020 amended.

Minimum wages.

Every employer shall pay to each of his employees who have reached the age of eighteen years wages at a rate of not less than one dollar and forty cents per hour except as may be otherwise provided under this chapter: *Provided*, That beginning the calendar year 1968, the applicable rate under this section shall be one dollar and sixty cents per hour.

Passed the Senate April 8, 1967.

Passed the House April 18, 1967.

Approved by the Governor April 26, 1967.

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CHAPTER 81.

[Senate Bill No. 519.]

ACTIONS BY PARENT FOR DEATH OF OR INJURY TO CHILD—DAMAGES.

AN ACT relating to actions by parents for death of or injury to their children; and amending section 9, page 4, Laws of 1869 as last amended by section 1, chapter 191, Laws of 1927 and RCW 4.24.010.

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

RCW 4.24.010 amended.

Section 1. Section 9, page 4, Laws of 1869 as last amended by section 1, chapter 191, Laws of 1927 and RCW 4.24.010 are each amended to read as follows:

Civil proceedings—By parents, etc. for death or injury to child.

A father, or in case of his death or desertion of his family, the mother may maintain an action as plaintiff for the injury or death of a minor child, or a child on whom either is dependent for support, and the mother for the injury or death of an illegitimate minor child, or an illegitimate child on whom she is dependent for support.

In such an action, in addition to damages for medical, hospital, medication expenses, and loss of services and support, damages may be recovered for the loss of love and companionship of the child and



for injury to or destruction of the parent-child relationship in such amount as, under all the circumstances of the case, may be just.

Passed the Senate March 31, 1967.

Passed the House April 18, 1967.

Approved by the Governor April 26, 1967.

## CHAPTER 82.

[Reengrossed Senate Bill No. 282.]

### CREDIT LIFE INSURANCE.

AN ACT relating to the regulation of credit life insurance; and amending section 6, chapter 219, Laws of 1961 and RCW 48.34.060.

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

Section 1. Section 6, chapter 219, Laws of 1961 and RCW 48.34.060 are each amended to read as follows:

RCW 48.34.060 amended.

The initial amount of credit life insurance under a group policy shall at no time exceed the amount owed by the debtor which is repayable in installments to the creditor, or twelve thousand five hundred dollars, whichever is less. Nor shall the amount repayable under the contract of indebtedness extend over a period in excess of seven years, except that in case of long term agricultural real estate mortgages or agricultural short term crop production loans, the amount of insurance on the life of the debtor shall at no time exceed the amount owed by him to the creditor or twenty-five thousand dollars, whichever is less.

Insurance—  
Group creditors life insurance—  
Maximum.

Passed the Senate April 18, 1967.

Passed the House April 18, 1967.

Approved by the Governor April 26, 1967.

## CHAPTER 83.

[Engrossed House Bill No. 595.]

HIGHWAYS—FUEL TAX—DISTRIBUTIONS—URBAN  
ARTERIALS—BOND ISSUE—FEES.

AN ACT relating to highways; providing for the distribution of highway construction funds, to be derived from additional excise taxes on motor vehicle fuels and the sale of limited obligation bonds as authorized herein, to the state, counties and cities, pursuant to prescribed administrative procedures and conditions; creating an urban arterial board and an urban arterial trust account in the motor vehicle fund; prescribing vehicle fees; amending section 82.36.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.020; amending section 82.36.100, chapter 15, Laws of 1961 as amended by section 2, chapter 7, Laws of 1961 extraordinary session and RCW 82.36.100; amending section 3, chapter 22, Laws of 1963 extraordinary session and RCW 82.37.030; amending section 19, chapter 22, Laws of 1963 extraordinary session and RCW 82.37.190; amending section 82.40-.020, chapter 15, Laws of 1961 as amended by section 3, chapter 7, Laws of 1961 extraordinary session and RCW 82.40.020; amending section 82.40.290, chapter 15, Laws of 1961 as last amended by section 2, chapter 113, Laws of 1963 and RCW 82.40.290; amending section 46.68.100, chapter 12, Laws of 1961 as amended by section 6, chapter 7, Laws of 1961 extraordinary session and RCW 46.68.100; amending section 36.81.121, chapter 4, Laws of 1963 and RCW 36.81.121; amending section 35.77.010, chapter 7, Laws of 1965 and RCW 35.77.010; adding a new section to chapter 46.68 RCW; amending section 46.16.070, chapter 12, Laws of 1961 as last amended by section 11, chapter 7, Laws of 1961 extraordinary session and RCW 46.16.070; adding two new sections to chapter 12, Laws of 1961 and to chapter 46.16 RCW; amending section 46.16.040, chapter 12, Laws of 1961 and RCW 46.16.040; repealing section 46.16.072, chapter 12, Laws of 1961 as last amended by section 33, chapter 21, Laws of 1961 extraordinary session and RCW 46.16.072; repealing section 46.16.074, chapter 12, Laws of 1961 as last amended by section 3, chapter 137, Laws of 1965 and RCW 46.16.075; repealing section 46.16.110, chapter 12, Laws of 1961 and RCW 46.16.110; repealing section 46.16.120, chapter 12, Laws of 1961 as last amended by section 14, chapter 7, Laws of 1961 extraordinary session and RCW 46.16.120; declaring an emergency and providing effective dates.

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

Section 1. Due to unprecedented industrial development and population increases, the state of Washington is confronted with emergency needs for improvement of state highways, county roads, and city streets in urban areas. It is the intent of the legislature to provide sufficient new highway revenues to alleviate and prevent intolerable traffic congestion in urban areas without the disruption of the long range state-wide highway program essential to the economic well-being of the people of this state.

Motor vehicle fuel taxes—Urban arterials. Purpose.

Sec. 2. Section 82.36.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.020 are each amended to read as follows:

RCW 82.36.020 amended.

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of nine cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: *Provided*, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

Motor vehicle fuel tax—Rate—Distribution.

Motor vehicle  
fuel tax—  
Rate—Distri-  
bution.

The proceeds of the nine cents excise tax collected on the net gallonage after the deduction provided for herein shall be distributed as follows:

(1) Seven and one-quarter cents shall be distributed between the state, cities, and counties under the provisions of RCW 46.68.090 and 46.68.100, as amended in section 8 of this 1967 amendatory act.

(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to section 9 of this 1967 amendatory act.

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by section 14 of this 1967 amendatory act.

(4) One-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.

(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: *Provided*, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

**Note:** See also section 75, chapter 145, Laws of 1967 ex. sess.

Sec. 3. Section 82.36.100, chapter 15, Laws of 1961 as amended by section 2, chapter 7, Laws of 1961

extraordinary session and RCW 82.36.100 are each amended to read as follows: RCW 82.36.100 amended.

Every person other than a distributor who acquires any motor vehicle fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such motor vehicle fuel into this state and sells, distributes, or in any manner uses it in this state shall, if the tax has not been paid, apply for a license to carry on such activities, file bond, make reports, comply with all regulations the director may prescribe in respect thereto, and pay a tax of nine cents for each gallon thereof so sold, distributed, or used in the manner provided for distributors, and the director shall issue a license to such person in the manner provided for issuance of licenses to distributors. The proceeds of the tax imposed by this section shall be distributed in the manner provided for the distribution of the motor vehicle fuel tax in RCW 82.36.020. However, a distributor licensed under the provisions of this chapter may deliver motor vehicle fuel to an importer in individual quantities of five hundred gallons or less and assume the liability for payment of the tax to this state. Under such conditions, the importer shall be exempt from the requirements of this section. For failure to comply with the terms of this chapter such person shall be subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as is provided with respect to distributors. Nothing herein shall be construed as classifying such persons as distributors. Tax of persons other than distributors—Distribution of proceeds.

Sec. 4. Section 3, chapter 22, Laws of 1963 extraordinary session and RCW 82.37.030 are each amended to read as follows: RCW 82.37.030 amended.

In consideration of the use of the public highways of this state, motor carriers who import motor

Motor vehicle fuel importers tax—Rate.

vehicle fuel into the state of Washington in the fuel supply tank or tanks of commercial motor vehicles for use in propelling said vehicles on said highways shall be subject to a tax for such use of the highways as hereinafter provided. A tax at the rate of nine cents per gallon is hereby imposed upon every motor carrier measured and determined by the number of gallons of motor vehicle fuel so imported and actually used by such motor carrier in its operations within this state.

RCW 82.37.190 amended.

Sec. 5. Section 19, chapter 22, Laws of 1963 extraordinary session and RCW 82.37.190 are each amended to read as follows:

Disposition of revenues.

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to the state auditor.

The proceeds of the motor vehicle fuel importer use tax imposed by chapter 82.37 RCW shall be distributed in the manner provided for the distribution of the motor vehicle fuel tax in RCW 82.36.020, as amended in section 2 of this 1967 amendatory act.

RCW 82.40.020 amended.

Sec. 6. Section 82.40.020, chapter 15, Laws of 1961 as amended by section 3, chapter 7, Laws of 1961 extraordinary session and RCW 82.40.020 are each amended to read as follows:

Motor vehicle users tax.

In addition to other taxes now provided by law, there is hereby imposed and levied an excise tax at the rate of nine cents per gallon on the use of fuel by any user thereof.

RCW 82.40.290 amended.

Sec. 7. Section 82.40.290, chapter 15, Laws of 1961 as last amended by section 2, chapter 113, Laws of 1963 and RCW 82.40.290 are each amended to read as follows:

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to the state auditor.

Allocation of proceeds of tax.

The proceeds of the use fuel tax imposed by chapter 82.40 RCW shall be distributed in the manner provided for the distribution of the motor vehicle fuel tax in RCW 82.36.020, as amended in section 2 of this 1967 amendatory act.

Sec. 8. Section 46.68.100, chapter 12, Laws of 1961 as amended by section 6, chapter 7, Laws of 1961 extraordinary session and RCW 46.68.100 are each amended to read as follows:

RCW 46.68.100 amended.

From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

Motor vehicle fund—Net amount—Distribution.

(1) To the cities and towns of the state sums equal to ten percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state sums equal to thirty-one and four-tenths percent of the net tax amount to be paid monthly as the same accrues;

(3) To the state to be expended as provided by RCW 46.68.130, sums equal to fifty-eight and six-tenths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle funds.

**Note:** See also section 79, chapter 145, Laws of 1967 ex. sess.

Sec. 9. There is added to chapter 46.68 RCW a new section to read as follows:

New section

Motor vehicle fuel tax—allocation to urban areas.

The proceeds of five-eighths of one cent of motor vehicle fuel tax and use fuel tax distributed to the state pursuant to RCW 82.36.020(2), after proper deductions for refunds and costs of collection as provided in RCW 46.68.090, and the proceeds of bonds issued and sold pursuant to sections 37 through 44 of this 1967 amendatory act shall be expended by the state highway commission for construction and improvement of state highways in urban areas as provided for in sections 10 through 13 of this 1967 amendatory act or for payment of principal and interest on bonds issued pursuant to sections 37 through 44 of this 1967 amendatory act.

“Urban area” defined.

Sec. 10. The term “urban area” means every area of this state designated as an urban area by the state highway commission with the approval of the secretary of transportation or the federal highway administrator in accordance with federal law.

Urban state highway funds—Allocation by region.

Sec. 11. For the purpose of apportioning urban state highway funds, the urban areas of the state are grouped within five regions of the state as follows:

(1) Puget Sound region shall include those urban areas within the counties of King, Pierce and Snohomish.

(2) Northwest region shall include those urban areas within the counties of Clallam, Jefferson, Island, Kitsap, San Juan, Skagit and Whatcom.

(3) Northeast region shall include those urban areas within the counties of Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman.

(4) Southeast region shall include those urban areas within the counties of Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Walla Walla and Yakima.

(5) Southwest region shall include those urban areas within the counties of Clark, Cowlitz, Grays



Harbor, Lewis, Mason, Pacific, Skamania, Thurston and Wahkiakum.

Sec. 12. Funds available for expenditure by the state highway commission pursuant to section 9 of this 1967 amendatory act shall be apportioned to the five regions for expenditure upon state highways in urban areas in the following manner:

Highway tax funds—Allocation by region for urban highway construction.

(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;

(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; and

(3) One-third in the ratio which the state highway needs on state highways (other than interstate highways) within the urban areas of each region bears to the total needs on state highways (other than interstate highways) within all urban areas of the state as last revised by the state highway commission.

The state highway commission 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. 13. Funds available for expenditure by the state highway commission pursuant to section 9 of this act and apportioned to the five regions of the state shall be budgeted and expended, pursuant to proper appropriations, for specific state highway improvement projects within the urban areas of each region in accordance with the priority programming procedures established in chapter

Priority of allocations—Budgeting.

Highway construction—  
Tax source.

47.05 RCW. Such expenditures in urban areas shall be additional to expenditures from all other construction funds regularly programmed for state highway improvements throughout the state pursuant to chapter 47.05 RCW. The state highway commission is authorized to establish separate long range objectives in terms of the percentages of completion of construction needs for the several functional classes of highways within the urban areas of each region.

Urban arterial trust fund.

Sec. 14. 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.

“Arterial” defined.

Sec. 15. The term “arterial” as used in sections 14 through 35 and 46 through 55 of this 1967 amendatory act means any county road or city street so designated in accordance with criteria established by regulations of the urban arterial board.

“City” defined.

Sec. 16. The term “city” as used in this 1967 amendatory act shall include incorporated towns.

“Urban arterial” defined.

Sec. 17. The term “urban arterial” as used in this 1967 amendatory act means an arterial within an urban area.

Urban arterial board—Creation—Members.

Sec. 18. (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.

(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.

(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 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.

Urban arterial  
board—Crea-  
tion—Mem-  
bers.

(5) Prior to July 1, 1967, the state highway 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 commission shall request from the executive committee of the Washington state association of county commissioners, 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.

Expenses and  
per diem.

Sec. 19. Members of the urban arterial board shall receive no compensation for their services on the board, but shall be reimbursed for travel and other expenses incurred while attending meetings of the board or while engaged on other business of the

board when authorized by the board to the extent of twenty dollars per day plus ten cents per mile.

Sec. 20. The assistant director of highways for state aid shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses of the members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund.

Staff services  
and facilities.

Sec. 21. The urban arterial board shall first meet during the first week of July, 1967. Thereafter the board shall meet at least once quarterly and upon the call of its chairman and shall from time to time adopt rules and regulations for its own government and as may be necessary for it to discharge its duties and exercise its powers under this 1967 amendatory act.

Meetings.

Sec. 22. The urban arterial board shall:

(1) Adopt rules and regulations necessary to implement the provisions of this 1967 amendatory act relating to the allocation of funds in the urban arterial trust account of the motor vehicle fund to counties and cities.

Powers and  
duties of  
urban arterial  
board.

(2) Adopt reasonably uniform design standards for city and county arterials which meet the requirements for urban development.

(3) Report annually on the first day of July to the state highway commission and the joint committee on highways regarding progress of cities and counties in developing long range plans for their urban arterial construction and programming of urban arterial construction work and the allocation of urban arterial trust funds to the cities and counties.

Sec. 23. Prior to January 1, 1969, the legislative authority of each county or city lying within or

Highways—  
Counties and  
cities long  
range plan—  
Submission to  
urban arterial  
board.

having within its boundaries an urban area shall prepare, adopt and submit to the urban arterial board a long range plan for arterial construction, taking into account the comprehensive land use plan of each such jurisdiction and setting forth arterial construction needs through the year 1985. The long range arterial construction plans shall be revised by the counties and cities every two years to show the current arterial construction needs through 1985 and as revised shall be submitted to the urban arterial board during the first week of July of every even-numbered year. The long range plans shall be prepared pursuant to guidelines established by the urban arterial board and with the assistance of such board and the state highway commission. Upon receipt of the long range arterial construction plans of the several counties and cities the urban arterial board shall revise the construction needs for urban arterials set forth in such plans as necessary to conform with its uniform standards for establishing construction needs of the counties and cities.

Classification  
of streets and  
roads.

Sec. 24. The legislative authority of each county and city lying within or having within its boundaries an urban area shall with the advice and assistance of its chief engineer divide all of its roads or streets into arterial roads or streets and access roads or streets and shall further subdivide the arterials into three functional classes to be known as major arterials, secondary arterials, and collector arterials, all in accordance with uniform standards established by the urban arterial board. This classification of roads and streets shall be submitted to the urban arterial board by July 1, 1968. Upon receipt of the classification plans of the several counties and cities, the urban arterial board shall review and revise the classification for the urban arterials as necessary to conform with its uniform standards for classifying urban arterials.

Sec. 25. On or before April 1st of each year the urban arterial board shall apportion funds credited to the urban arterial trust account which are available for the construction and improvement of urban arterials among the five regions defined in section 11 of this 1967 amendatory act in the manner prescribed in section 12 of this 1967 amendatory act relating to the apportionment of state urban funds.

Apportionment of funds by board.

Sec. 26. Section 36.81.121, chapter 4, Laws of 1963 and RCW 36.81.121 are each amended to read as follows:

RCW 36.81.121 amended.

Prior to July 1, 1968, the board of county commissioners of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years and shall file the same with the director of highways not more than thirty days after its adoption by the board. Annually thereafter each board shall review the work accomplished under the program and determine current county road needs. Based on these findings each board shall prepare and after public hearing thereon adopt a revised and extended comprehensive road program, and each one year extension and revision shall be filed with the director of highways not more than thirty days after its adoption by the board. The purpose of this section shall be to assure that perpetually each county shall have available advanced plans, looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. Such program may at any time be revised by a majority of the board but only after a public hearing thereon.

Counties—  
Six year comprehensive road plan—  
Submission to urban arterial board.

The six year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six year program

Counties—Six year comprehensive road plan—Submission to urban arterial board.

for arterial road construction based upon its long range construction plan and formulated in accordance with regulations of the urban arterial board. The six year program for arterial road construction shall be submitted to the urban arterial board forthwith after its annual revision and adoption by the board of county commissioners. The six year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the county commissioners may request for urban arterials only from the urban arterial trust account for the six year period. The arterial road construction program shall provide for a more rapid rate of completion of the long range construction needs of major arterial roads than for secondary and collector arterial roads, pursuant to regulations of the urban arterial board.

RCW 35.77.010 amended.

Sec. 27. Section 35.77.010, chapter 7, Laws of 1965 and RCW 35.77.010 are each amended to read as follows:

Cities and towns—Six year road comprehensive plan. Submission to urban arterial board.

Prior to July 1, 1968, the legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years and shall file the same with the director of highways not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program, and each one year extension and revision shall be filed with the director of highways not more than thirty days after its adoption. The purpose of this section shall be to assure that perpetually each city and town



shall have available advanced plans, looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. Such program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six year program of each city lying within an urban area shall contain a separate section setting forth the six year program for arterial street construction based upon its long range construction plan and formulated in accordance with regulations of the urban arterial board. The six year program for arterial street construction shall be submitted to the urban arterial board forthwith after its annual revision and adoption by the legislative body of the city. The six year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials only from the urban arterial trust account for the six year period. The arterial street construction program shall provide for a more rapid rate of completion of the long range construction needs of major arterial streets than for secondary and collector arterial streets, pursuant to regulations of the urban arterial board.

Sec. 28. Counties and cities, in preparing their respective six year programs relating to urban arterial improvements, shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;

Counties and cities—Selection of priority items in comprehensive road plan.

Counties and cities—Selection of priority items in comprehensive road plan.

- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

The six year construction programs shall remain flexible and subject to annual revision as provided in sections 26 and 27 of this act.

Joint planning by city and county on urban arterials.

Sec. 29. Whenever an urban arterial in a city crosses into an unincorporated urban area or into an adjacent city, the proper city and county officials shall jointly plan the development of the arterial in their respective long range plans, arterial classification plans and six year construction programs. Whenever an urban arterial connects with and will be substantially affected by a programmed construction project on a state highway, the proper county or city officials shall jointly plan the development of such connecting arterial with the state highway department district engineer. The urban arterial board shall adopt regulations providing for the system development of county-city arterials and urban arterials with state highways.

Urban arterial board—Review of city and county plans.

Sec. 30. Upon receipt of a county's or city's revised six year program, the urban arterial board as soon as practicable shall review and may revise the construction program as it relates to urban arterials for which urban arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in section 28 of this 1967 amendatory act, in relation to proposed projects in all other urban arterial construction programs submitted by the cities and counties in the same region, and (2) the amount of urban arterial trust account funds which the urban arterial board

estimates will be apportioned to the region in the ensuing six year period.

Sec. 31. At the time the urban arterial board reviews the six year program of each county and city each year, it shall act upon the urban arterial construction program for the first year of the six year program and may approve in whole or in part the program for the expenditure of funds from the urban arterial trust account in the ensuing calendar year. At such time the board may allocate urban arterial trust account funds for expenditure in future years as may be necessary for the completion of construction projects to be commenced in the ensuing calendar year. The board shall notify each county and city of its action as provided herein by September 15.

Action on first  
year plans  
after review.

Sec. 32. (1) Upon the completion of an approved urban arterial construction project, the county or city constructing the project shall submit to the urban arterial board its voucher for the payment of the trust account share of the cost. The chairman of the urban arterial board or his designated agent shall approve such voucher when proper to do so, for payment from the urban arterial trust account to the county or city submitting the voucher.

Payments for  
construction of  
urban arterials  
—Procedure,  
vouchers.

(2) The urban arterial board may adopt regulations providing for the approval of payments of funds in the urban arterial trust account to a county or city for costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the urban arterial trust account share of the costs of construction incurred to the date of the voucher covering such payment.

Sec. 33. Counties and cities receiving funds from the urban arterial trust account for construction of arterials shall provide such matching funds as shall

Urban arterial  
construction—  
Matching  
funds by cities  
and counties.

be established by regulations recommended by the urban arterial board subject to review, revision and final approval by the state highway commission. Matching requirements shall be established after appropriate studies by the board taking into account (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes.

Apportion-  
ment of funds  
during period  
ending De-  
cember 31,  
1969.

Sec. 34. Notwithstanding any other provisions in this 1967 amendatory act, for the period beginning July 1, 1967 and ending December 31, 1969, the urban arterial board shall once quarterly apportion the funds then credited to the urban arterial account among the five regions of the state defined in section 11 of this 1967 amendatory act in the manner provided in section 12 of this 1967 amendatory act for apportioning state urban funds. Commencing on October 1, 1967, the board at the time of making each quarterly apportionment shall allocate the funds apportioned to each region to specific counties and cities within the region for the construction of specific urban arterial projects. The board shall allocate such funds to the counties and cities based upon the priority rating of construction projects for which urban arterial trust account moneys are requested by the counties and cities. The board shall determine the priority of specific improvement projects based upon the rating of each urban arterial section proposed to be improved in relation to all other urban arterial sections proposed to be improved taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

Urban arterial trust account moneys allocated during such period shall be matched in the case of cities from local funds by an amount not less than ten percent of the total costs of the construction project. The matching fund requirements prescribed in RCW 82.36.020 may be considered in meeting the matching requirements of this section. Counties shall match such funds on the ratio of forty percent locally collected road funds to sixty percent urban arterial trust account moneys.

Urban arterial trust account funds allocated to a specific improvement project as provided in this section shall be paid to the county or city constructing the improvement on vouchers duly approved by the chairman of the urban arterial board or his agent in the manner provided in section 32 of this 1967 amendatory act.

The urban arterial board shall adopt regulations subject to the approval of the state highway commission providing for the implementation of this section.

Sec. 35. The legislative body of any county or city feeling aggrieved by any action or decision of the urban arterial board may appeal to the state highway commission by filing with the secretary of the commission a notice of appeal within ninety days after such action or decision of the urban arterial board. Such notice shall specify the action or decision complained of. The state highway commission shall fix a time for a hearing on said

Appeal.

Urban arterial  
construction.

appeal at the earliest convenient time and shall notify the county auditor or the city clerk as the case may be and the chairman of the urban arterial board by registered mail at least twenty days prior to the date of said hearing. At such hearing the state highway commission shall receive evidence from the county or city filing the appeal and from the urban arterial board. After such hearing the state highway commission shall make such order as in its judgment is just and proper.

Bonds for  
urban arterial  
construction.

Sec. 36. In order to provide funds necessary to meet the urgent needs for highway construction on state highways within urban areas, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of sections 36 through 43 of this 1967 amendatory act in any biennium shall not exceed the amount of a specific appropriation therefor from the proceeds of such bonds, for the construction of state highways 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 highway 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 highway commission.

Bonds—Form  
and terms.

Sec. 37. Each of such bonds shall be made payable at any time not exceeding twenty-five 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 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. 38. The 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 sections 36 through 43 of this 1967 amendatory act shall be legal investment for any of the funds of the state, except the permanent school fund.

Bonds—Sale—  
—Legal investment.

Sec. 39. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of state highways within the urban areas of the state, and for payment of the expenses incurred in the printing, issuance, and sale of any such bonds.

Bonds—Sale—  
Deposit of funds.

Highway construction bonds—Contents—Pledge of taxes to repay.

Sec. 40. Bonds issued under the provisions of sections 36 through 43 of this 1967 amendatory act shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in sections 36 through 43 of this 1967 amendatory act from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of sections 36 through 43 of this 1967 amendatory act, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of sections 36 through 43 of this 1967 amendatory act.

Motor vehicle fuel taxes to repay.

Sec. 41. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is distributed to the state under the provisions of RCW 82.36.020(2) for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

State finance committee.

Sec. 42. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the



provisions of section 41 of this 1967 amendatory act, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle 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 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 fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely 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. 43. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of 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 the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Disposition of surplus funds.

Sec. 44. Notwithstanding the provisions of section 12 of this 1967 amendatory act, the state highway commission is authorized in any biennium, subject to proper appropriations, to expend from funds

Expenditure of sums exceeding amount apportioned to region.

Highway construction bonds.

available pursuant to section 9 of this 1967 amendatory act, for urban state highway construction projects within a region, an amount including bond proceeds which may exceed the amount apportionable during the biennium to the region. The total amounts apportioned to each region through 1985 shall meet the apportionment requirements of section 12 of this 1967 amendatory act for such period.

Highway construction in urban areas—Bonds.

Sec. 45. In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of sections 45 through 52 of this 1967 amendatory act 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 highway 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 highway commission.

Terms and form.

Sec. 46. Each of such bonds shall be made payable at any time not exceeding twenty-five 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 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. 47. The 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 sections 45 through 52 of this 1967 amendatory act shall be legal investment for any of the funds of the state, except the permanent school fund.

Bonds—Sale.

Sec. 48. The money arising from the sale of said 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.

Urban arterial  
trust account  
—Deposits.

Sec. 49. Bonds issued under the provisions of sections 45 through 52 of this 1967 amendatory act

Urban arterial construction bonds—Pledge of taxes on motor vehicle fuel to repay.

shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in sections 45 through 52 of this 1967 amendatory act from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of sections 45 through 52 of this 1967 amendatory act, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of sections 45 through 52 of this 1967 amendatory act.

Limited nature of obligation.

Sec. 50. Any funds required to repay such bonds or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is distributed to the urban arterial trust account in the motor vehicle fund, and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

State finance committee.

Sec. 51. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of section 50 of this 1967 amendatory act, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on

motor vehicle 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 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 fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely 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. 52. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of 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 the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Surplus funds  
—Disposition.

Sec. 53. Notwithstanding the provisions of sections 25 and 30 of this 1967 amendatory act, 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

Expenditures  
exceeding  
amount allo-  
cated to re-  
gion.

Highway construction financing.

the amount apportionable during the biennium to the region. The total amounts apportioned to each region through 1985 shall meet the apportionment requirements of sections 25 and 30 of this 1967 amendatory act for such period.

Biennial budget request to highway commission.

Sec. 54. Not later than November 1 of each even numbered year the urban arterial board shall prepare and present to the state highway commission a recommended budget for expenditures from the urban arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the urban arterial trust account and the amount, if any, of bond proceeds which the board determines should be made available to the urban arterial trust account through the sale of bonds in the ensuing biennium.

The state highway commission shall review the budget as recommended, revise the same as it deems proper and include the budget for the urban arterial board as revised as a separate section of the state highway commission budget which it shall submit to the governor and the legislature at the time of its convening.

Severability.

Sec. 55. If any provision of this 1967 amendatory act or the application thereof to any person, firm, or corporation or circumstance is held invalid, in whole or in part, such invalidity shall not affect other provisions of the act which can be given effect without the invalid provisions or application and to this end the provisions of this 1967 amendatory act are declared to be severable.

RCW 46.16.070 amended.

Sec. 56. Section 46.16.070, chapter 12, Laws of 1961 as amended by section 11, chapter 7, Laws of 1961 extraordinary session and RCW 46.16.070 are each amended to read as follows:

Gross vehicle weight fees.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for

each motor truck, truck tractor, and auto stage or for hire vehicle with seating capacity of six or more, based upon the maximum gross weight thereof, the following gross weight fees as indicated in column A: *Provided, however,* That in the case of each motor truck or truck tractor which is propelled by steam, electricity, natural gas, diesel oil, butane or propane, the fee shall be as provided in column B:

	A	B
Up to 4,000 lbs. ....	\$ 5.00	\$ 5.60
4,000 or more and less than 7,000 lbs. .....	\$ 10.00	\$ 11.25
6,000 or more and less than 8,000 lbs. .....	\$ 17.50	\$ 19.70
8,000 or more and less than 10,000 lbs. .....	\$ 22.50	\$ 25.30
10,000 or more and less than 12,000 lbs. .....	\$ 29.50	\$ 33.20
12,000 or more and less than 14,000 lbs. .....	\$ 36.50	\$ 41.10
14,000 or more and less than 16,000 lbs. .....	\$ 43.50	\$ 49.00
16,000 or more and less than 18,000 lbs. .....	\$ 73.00	\$ 82.10
18,000 or more and less than 20,000 lbs. .....	\$ 80.00	\$ 90.00
20,000 or more and less than 22,000 lbs. .....	\$ 88.00	\$ 99.00
22,000 or more and less than 24,000 lbs. .....	\$ 95.00	\$107.00
24,000 or more and less than 26,000 lbs. .....	\$102.00	\$114.75
26,000 or more and less than 28,000 lbs. .....	\$122.00	\$137.25
28,000 or more and less than 30,000 lbs. .....	\$140.00	\$157.50
30,000 or more and less than 32,000 lbs. .....	\$170.50	\$191.80

Gross vehicle weight fees.	32,000	or more and less than	34,000	lbs.		
					\$181.50	\$204.20
	34,000	or more and less than	36,000	lbs.		
					\$198.00	\$222.75
	36,000	or more and less than	38,000	lbs.		
					\$218.50	\$245.80
	38,000	or more and less than	40,000	lbs.		
					\$242.50	\$272.80
	40,000	or more and less than	42,000	lbs.		
					\$252.00	\$283.50
	42,000	or more and less than	44,000	lbs.		
					\$261.50	\$294.20
	44,000	or more and less than	46,000	lbs.		
					\$280.50	\$315.55
	46,000	or more and less than	48,000	lbs.		
					\$291.00	\$327.40
	48,000	or more and less than	50,000	lbs.		
					\$312.50	\$351.55
	50,000	or more and less than	52,000	lbs.		
					\$329.50	\$370.70
	52,000	or more and less than	54,000	lbs.		
					\$353.50	\$397.70
	54,000	or more and less than	56,000	lbs.		
					\$378.00	\$425.25
	56,000	or more and less than	58,000	lbs.		
					\$397.00	\$446.65
	58,000	or more and less than	60,000	lbs.		
					\$417.50	\$469.70
	60,000	or more and less than	62,000	lbs.		
					\$445.00	\$500.65
	62,000	or more and less than	64,000	lbs.		
					\$455.50	\$512.45
	64,000	or more and less than	66,000	lbs.		
					\$505.50	\$568.70
	66,000	or more and less than	68,000	lbs.		
					\$527.50	\$593.45
	68,000	or more and less than	70,000	lbs.		
					\$574.00	\$645.75



70,000 or more and less than 72,000 lbs.  
..... \$615.50 \$692.45:

*Provided, however,* That every motor truck shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle.

**Note:** See also section 1, chapter 118, Laws of 1967 ex. sess.

Sec. 57. There is added to chapter 12, Laws of 1961 and to chapter 46.16 RCW a new section to read as follows:

New section.

The maximum gross weight in the case of any motor truck or truck tractor shall be the scale weight of the motor truck or truck tractor, plus the scale weight of any trailer, semi-trailer or pole trailer to be towed thereby, to which shall be added the maximum load to be carried thereon or towed thereby as set by the licensee in his application or otherwise.

Gross vehicle weight—Computing.

The maximum gross weight in the case of any auto stage and for hire vehicle, except taxicabs, with seating capacity over six, shall be the scale weight of each auto stage and for hire vehicle plus an average load factor of fifty percent of the seating capacity computed at one hundred and fifty pounds per seat.

Sec. 58. There is added to chapter 12, Laws of 1961 and to chapter 46.16 RCW a new section to read as follows:

New section.

In addition to other fees for the licensing of vehicles, there shall be paid and collected annually, for each auto stage and for hire vehicle, except taxicabs, with a seating capacity of six or less the sum of fifteen dollars.

Auto stages, for-hire vehicles—Additional fees.

Motor vehicles.

RCW 46.16.040 amended.

Vehicle licenses—Application.

Sec. 59. Section 46.16.040, chapter 12, Laws of 1961 and RCW 46.16.040 are each amended to read as follows:

Application for original vehicle license shall be made on form furnished for the purpose by the director of licenses. Such application shall be made by the owner of the vehicle or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the vehicle;
- (2) Trade name of the vehicle, model, year, type of body, the motor number or identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;
- (3) The power to be used—whether electric, steam, gas or other power;
- (4) The purpose for which said vehicle is to be used and the nature of the license required;
- (5) The maximum gross license for such vehicle which in case of for hire vehicles and auto stages shall be the maximum adult seating capacity thereof, exclusive of the operator, and in cases of motor trucks, truck tractors, trailers and semitrailers shall be the unladen weight of such vehicle to which shall be added the maximum gross load to be carried thereon or towed thereby, as the case may be, as set by the applicant, which maximum gross license shall in no event be less than the unladen weight thereof or more than the legal limit for such vehicle as allowed by law;
- (6) The weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a

certified weighmaster, which slip shall be attached to the original application;

(7) Such other information as shall be required upon such application by the director of licenses.

**Note:** See also section 16, chapter 32, Laws of 1967.

Sec. 60. Section 46.16.125, chapter 12, Laws of 1961 and RCW 46.16.125 are each amended to read as follows: RCW 46.16.125 amended.

In addition to the fees required by RCW 46.16.070, operators of auto stages with seating capacity over six shall pay quarterly, at the time they file gross earning returns with the public service commission, the sum of fifteen cents for each one hundred vehicle miles operated by each auto stage over the public highways of this state: *Provided*, That in the case of each auto stage propelled by steam, electricity, natural gas, diesel oil, butane or propane, the payment required hereunder shall be twenty cents per one hundred miles of such operation. The commission shall transmit all such sums so collected to the state treasurer, who shall deposit the same in the motor vehicle fund. Any person failing to make any payment required by this section shall be subject to a penalty of one hundred percent of the payment due hereunder, in addition to any penalty provided for failure to submit a quarterly report. Any penalties so collected shall be credited to the public service revolving fund. Mileage fees.

Sec. 61. Section 46.16.072, chapter 12, Laws of 1961 as last amended by section 33, chapter 21, Laws of 1961 extraordinary session and RCW 46.16.072; section 46.16.074, chapter 12, Laws of 1961 as last amended by section 3, chapter 137, Laws of 1965 and RCW 46.16.075; section 46.16.110, chapter 12, Laws of 1961 and RCW 46.16.110; and section 46.16.120, chapter 12, Laws of 1961 as last amended by section Repeal.

Motor vehicles.

14, chapter 7, Laws of 1961 extraordinary session and RCW 46.16.120 are each repealed.

Emergency—  
Effective date.

Sec. 62. This 1967 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 sections 1 through 55 and section 56, renumbered "Sec. 62", shall take effect on the first day of the month following the approval of this act by the governor; sections 56 through 61 shall take effect on July 1, 1967 with respect to fees paid on or after July 1, 1967. Fees paid pursuant to RCW 46.16.070, 46.16.072, 46.16.075 or 46.16.120 prior to July 1, 1967 shall not be affected by this act.

Distribution of accumulated and undistributed funds.

Sec. 63. All funds heretofore accumulated and undistributed to any city and town by reason of the matching requirements of the 1961 amendatory provisions in RCW 82.36.020 and 82.40.290 shall be immediately disbursed and released for use in accordance with the 1967 amendatory provisions of RCW 82.36.020 and 82.40.290.

This section 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 21, 1967.

Passed the Senate April 19, 1967.

Approved by the Governor April 26, 1967.

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## CHAPTER 84.

[Reengrossed House Bill No. 261.]

### SUPERIOR COURT JUDGES.

AN ACT relating to the superior courts and the number of judges therein in certain counties; and amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 48, Laws of 1963, and RCW 2.08.061; and amend-

ing section 4, chapter 125, Laws of 1951, as amended by section 2, chapter 48, Laws of 1963, and RCW 2.08.062; and amending section 6, chapter 125, Laws of 1951, as last amended by section 1, chapter 35, Laws of 1963, and RCW 2.08.064; and declaring an emergency.

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

Section 1. Section 3, chapter 125, Laws of 1951, as last amended by section 1, chapter 48, Laws of 1963, and RCW 2.08.061 are each amended to read as follows:

RCW 2.08.061 amended.

There shall be in the county of King twenty-two judges of the superior court; in the county of Spokane seven judges of the superior court; in the county of Pierce eight judges of the superior court.

Superior court judges—King, Spokane, Pierce counties.

Sec. 2. Section 4, chapter 125, Laws of 1951, as amended by section 2, chapter 48, Laws of 1963 and RCW 2.08.062 are each amended to read as follows:

RCW 2.08.062 amended.

There shall be in the county of Chelan one judge of the superior court; in the county of Clark three judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap three judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis one judge of the superior court.

Superior court judges—Numbers.

Sec. 3. Section 6, chapter 125, Laws of 1951, as last amended by section 1, chapter 35, Laws of 1963, and RCW 2.08.064 are each amended to read as follows:

RCW 2.08.064 amended.

There shall be in the counties of Benton and Franklin jointly, two judges of the superior court; in the counties of Clallam and Jefferson jointly, one judge of the superior court; in the county of Snohomish five judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cow-

Superior court judges—Numbers.

litz, two judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Emergency.

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 section 3 shall take effect immediately.

Passed the House April 18, 1967.

Passed the Senate April 17, 1967.

Approved by the Governor April 27, 1967.

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## CHAPTER 85.

[Engrossed Substitute Senate Bill No. 424.]

### SCENIC AND RECREATIONAL HIGHWAY SYSTEM.

AN ACT relating to public highways; establishing a scenic and recreational highway system; and adding a new chapter to Title 47 RCW.

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

Scenic and recreational highways system. Creation.

Section 1. There is hereby created a scenic and recreational highway system. Highways in this system shall be developed and maintained in accordance with general standards for state highways of comparable classification and usage.

Scenic and recreational highways system—Designation of system.

Sec. 2. The following portions of highways are designated as part of the scenic and recreational highway system:

(1) Primary state highway No. 2, or the Sunset highway, beginning at the CMSTPP Railroad overcrossing, highway department designation 2/609.5S, approximately 2.3 miles southeast of North Bend, thence in an easterly direction by the most feasible route by way of Snoqualmie Pass to the Cle Elum

River bridge, highway department designation 2/510N, approximately 2.6 miles west of Cle Elum.

(2) Primary state highway No. 3, or the Inland Empire Highway, beginning at the upper Wilson Creek bridge, highway department designation 3/1003, approximately 33.4 miles north of Yakima, thence southerly by the most feasible route to the Selah-Moxee Canal bridge, highway department designation 3/910, approximately 5.4 miles north of Yakima.

(3) Primary state highway No. 1, or the Pacific highway beginning at Nugent's bridge over the Nooksack river, highway department designation 1AP/24, approximately 7.7 miles northeast of Bellingham, thence in an easterly direction to a point in the vicinity of Austin Pass in Whatcom County;

(4) Primary state highway No. 3, or the Inland Empire highway, beginning at the Northern Pacific Railroad bridge, highway department designation 3/606, approximately 3.4 miles west of Dixie, thence in a northerly direction by the most feasible route by way of Dayton to a junction with primary state highway No. 3 in the vicinity of Dodge; also beginning at a junction with primary state highway No. 3, as herein described, in the vicinity of Dodge, thence in an easterly direction by the most feasible route by way of Pomeroy to a junction with a county road 2.38 miles west of a junction with primary state highway No. 3 in Clarkston; also beginning at the north end of the Mill Creek bridge, highway department designation 3/103, in the vicinity of Colville on primary state highway No. 3, then to a junction with secondary state highway No. 3P in the vicinity of the Kettle Falls bridge; also beginning at the upper Wilson Creek bridge, highway department designation 3/1003, approximately 33.4 miles north of Yakima, thence southerly by the most feasible route to the Selah-Moxee Canal bridge,

Scenic and recreational highways system—Designation of system.

highway department designation 3/910, approximately 5.4 miles north of Yakima;

(5) Primary state highway No. 4, or the Tonasket-San Poil highway, beginning at the Keller Ferry slip on the north side of Roosevelt Lake, thence in a northerly direction by the most feasible route to the Granite Creek bridge, highway department designation 4/9.75, approximately fifty-four miles north of the Keller Ferry;

(6) Primary state highway No. 6, or the Newport highway, beginning at Newport, thence in a northerly direction to a junction with secondary state highway No. 6A in the vicinity of Tiger;

(7) Primary state highway No. 7, or the North Central highway beginning at the point on primary state highway No. 7, as described in RCW 47.16.070, in the vicinity of Soap Lake, thence in a northerly direction by the most feasible route to a junction with primary state highway No. 2 west of Coulee City;

(8) Primary state highway No. 8, or the Evergreen highway, beginning at the Gibbons Creek bridge, highway department designation 8/302, approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a junction with primary state highway No. 8 in the vicinity of Maryhill; also beginning at a junction with primary state highway No. 8, in the vicinity of Maryhill, thence in a southerly direction to connect with the approach to the Biggs Rapid toll bridge across the Columbia river; also beginning in the vicinity of Maryhill, running easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(9) Primary state highway No. 9, or the Olympic highway, beginning at the west end of the Black Lake road overcrossing in the vicinity of Olympia, thence in a westerly direction by way of Elma and



Montesano to a junction with a county road approximately 2.82 miles west of the west end of the Wynoochee River bridge, highway department designation 9/435, approximately 1.2 miles west of Montesano; also beginning at a junction with secondary state highway No. 9C, in the vicinity of Queets, thence in a northeasterly direction by way of Forks to the west boundary of the Olympic National Park in the vicinity of Lake Crescent; also beginning at Sequim Bay State Park, thence in a southerly direction to a junction with Airport Road north of Shelton; also beginning at a junction with a county road 2.64 miles south of the junction of primary state highway No. 9 with secondary state highway 14A in Shelton; thence in a southerly direction to a junction with primary state highway No. 9 in the vicinity west of Olympia;

(10) Primary state highway No. 11, or the Columbia Basin highway, beginning at a junction with secondary state highway No. 11G in the vicinity of Eltopia, thence in a southerly direction to the Northern Pacific Railroad overcrossing, highway department designation 11/301, approximately 2.6 miles north of Pasco;

(11) Primary state highway No. 16, or the North Cross State highway, beginning in the vicinity of Pateros on primary state highway No. 10, thence in a northerly and westerly direction by the most feasible route by way of Twisp, Diablo Dam, Marblemount and Concrete to the Hansen Creek bridge, highway department designation 16/271, approximately 6.0 miles west of Lyman.

(12) Secondary state highway No. 1D, beginning at a junction with primary state highway No. 1 in the vicinity southeast of Anacortes, thence southerly by way of Deception Pass, to a junction with Torpedo Road in the vicinity northeast of Oak Harbor; also beginning at a junction with Miller Road in the

Scenic and recreational highways system—Designation of system.

vicinity southwest of Oak Harbor, thence southeasterly to a junction with Sherman Road in the vicinity west of Coupeville; also beginning at a junction with Rhododendron Road in the vicinity east of Coupeville, thence southeasterly to a junction with Maxwellton Road in the southern portion of Whidbey Island; also beginning at a junction with secondary state highway No. 1D, as herein described, in the vicinity easterly of the Keystone ferry slip, thence westerly to the Keystone ferry slip;

(13) Secondary state highway No. 1R, beginning at a junction with primary state highway No. 1 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit Lake to Mt. St. Helens;

(14) Secondary state highway No. 2F, beginning at a junction with primary state highway No. 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee Dam;

(15) Secondary state highway No. 3P, beginning at a junction with primary state highway No. 3 at the west end of the Kettle Falls bridge over the Columbia river, highway department designation 3/5, thence in a westerly direction to a junction with secondary state highway No. 4A east of Republic;

(16) Secondary state highway No. 6A, beginning at Tiger on primary state highway No. 6, thence in a southwesterly direction by the most feasible route to a junction with a county road 2.76 miles east of a junction with primary state highway No. 3 in Colville;

(17) Secondary state highway No. 9A, beginning in the vicinity of Laird's Corner on highway No. 9, thence in a westerly direction to Neah Bay.

(18) Secondary state highway 9C, beginning at a junction with a county road 3.01 miles northwest of

the junction with primary state highway No. 9 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Mo-clips to a junction with primary state highway No. 9 in the vicinity of Queets;

(19) Secondary state highway No. 9E, beginning at a junction with primary state highway No. 9 in the vicinity south of Discovery Bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal.

(20) Secondary state highway No. 11G, beginning in the vicinity of Eltopia on primary state highway No. 11, thence in a northwesterly direction to the south end of the overcrossing of primary state highway No. 18 in the vicinity of Moses Lake; also beginning at a junction with Grape Drive in the vicinity of Moses Lake, then northwesterly to a junction with primary state highway No. 7 in the vicinity of Soap Lake;

(21) Secondary state highway No. 12B, beginning at Point Ellice on primary state highway No. 12, thence in an easterly and northerly direction to a junction with primary state highway No. 12 in the vicinity north of Naselle;

(22) Secondary state highway No. 13A, beginning at Raymond on primary state highway No. 13, thence in a westerly direction by the most feasible route by way of Tokeland, North Cove to the shore of Grays Harbor north of Westport; also beginning at Aberdeen on primary state highway No. 13, thence in a southwesterly direction by the most feasible route to a junction with secondary state highway No. 13A in the vicinity south of Westport.

(23) Secondary state highway 10A beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer City; thence in a northwesterly direction to the west end of the Omak Creek bridge east of Omak.

Scenic and recreational highways system—Designation of system.

(24) Secondary state highway 3L, beginning at a junction with primary state highway 3 in the vicinity of Dayton, thence in a northeasterly direction by way of Whetstone and Marengo to a junction with primary state highway 3 west of Pomeroy.

(25) Primary state highway No. 21 on the Kitsap Peninsula highway beginning with a junction with primary state highway No. 9 in the vicinity of Union; thence northeasterly to a junction with Arsenal Way south of Bremerton; also beginning with Carr Boulevard north of Bremerton, thence northeasterly to Port Gamble.

Sharing of costs.

Sec. 3. (1) The highway commission shall pay from motor vehicle funds appropriated for construction of state highways, the following costs of developing and constructing scenic and recreational highways: (a) acquisition of the right of way necessary for state highway purposes, (b) construction of the portion of the highway designed primarily for motor vehicle travel, (c) exit and entrance roadways providing access to scenic observation points, (d) safety rest areas, (e) roadside landscaping within the portion of the highway right of way acquired by the highway commission for state highway purposes, (f) the uniform signs and markers designating the various features and facilities of the scenic and recreational highways, and (g) any additional costs of constructing and developing the scenic and recreational highways, including property acquisition adjacent to highways as authorized by RCW 47.12.250, for which the highway commission shall receive reimbursement from the federal government or any other source.

(2) The parks and recreation commission shall pay the costs of developing and constructing the scenic and recreational highways not provided for in subsection (1) of this section from any funds appropriated for such purposes.

(3) The costs of maintaining the scenic and recreational highway system shall be allocated between the highway commission and the parks and recreation commission in the same manner that costs of developing and constructing such highways are allocated in subsections (1) and (2) of this section.

Sec. 4. The establishment of planning and design standards for items provided for in section 5 of this act shall be coordinated by the state office of community affairs. The highway commission, parks and recreation commission, and any other departments or commissions whose interests are affected shall prepare, submit and file with the state office of community affairs standards relating to the scenic and recreational highway system. In the event varying planning and design standards are filed, the state office of community affairs shall consult with the submitting agencies on the merits of the several proposals and, based upon such consultation, establish a set of standards. Pursuant to the planning and design standards so established, the highway commission and parks and recreation commission shall develop the highways and areas adjacent thereto to accomplish the purposes of this act: *Provided*, That the highway commission shall retain exclusive authority over the highway right of way.

Coordination  
of planning  
and design  
standards—  
Maintenance  
and repair.

Responsibility for construction and maintenance is hereby established between the highway commission and the parks and recreation commission with the highway commission responsible for activities financed with funds provided for under section 3, subsection (1) of this act and the parks and recreation commission responsible for activities financed from other sources of funds. By mutual consent, responsibility for development and/or maintenance may be transferred between the two commissions.

Scenic and recreational highways system—Standards.

Sec. 5. Planning and design standards established for highways falling within the scenic and recreational highways system may include, but shall not be limited to, provision for the following:

- (1) Hiking, bicycle, and bridle trails, including regulations for their use;
- (2) Campsites and shelters;
- (3) Boat launching sites;
- (4) Access trails to lakes, rivers and streams, and easements along their shores;
- (5) Safety rest areas;
- (6) Historic and geologic interpretative facilities;
- (7) Scenic observation facilities;
- (8) Roadside landscaping, restoration and aesthetic enhancement;
- (9) Specifically delineated highway corridors and means for the preservation of natural beauty, historic sites, or viewpoints;
- (10) A uniform system of signs and markers designating the various features and facilities of the scenic and recreational highway systems.

Maps—Reference to system.

Sec. 6. The highway commission and parks and recreation commission shall on any maps, or in any relevant descriptive material they may prepare at state expense, include reference to those portions of highways designated in section 2 by appropriate color or code designation.

New chapter—Short title.

Sec. 7. Sections 1 through 8 of this act shall constitute a new chapter in Title 47 RCW and shall be known and may be cited as the "Scenic and Recreational Highway Act of 1967."

Severability.

Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid,

the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 21, 1967.

Passed the House April 18, 1967.

Approved by the Governor April 27, 1967.

## CHAPTER 86.

[Engrossed Senate Bill No. 643.]

### CLAIMS—DISTRRAINT OR INSOLVENCY PROCEEDINGS.

AN ACT relating to claims in certain distraint and insolvency proceedings.

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

Section 1. In distraint or insolvency proceedings affecting the assets of an employer, claims for labor, salaries or wages not to exceed six hundred dollars to each claimant which have been earned within three months before the date of the distraint or commencement of the proceeding shall be paramount and superior to any claim preferred or presented by an agency of the state: *Provided*, That this section shall not apply to any compensation payable to an employer or to an officer, director, or stockholder of a corporate employer.

Distraint or  
insolvency  
proceedings—  
Exemption,  
wages due  
employees.

Passed the Senate April 21, 1967.

Passed the House April 20, 1967.

Approved by the Governor April 28, 1967.

CHAPTER 87.

[Senate Bill No. 466.]

COURT COMMISSIONERS.

AN ACT relating to courts of record; providing for the appointment of court commissioners and referees; and amending section 1, chapter 124, Laws of 1909 as amended by section 1, chapter 42, Laws of 1961 and RCW 2.24.010.

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

RCW 2.24.010 amended.

Section 1. Section 1, chapter 124, Laws of 1909 as amended by section 1, chapter 42, Laws of 1961 and RCW 2.24.010 are each amended to read as follows:

Court commissioners.

There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein, a court commissioner for said county or judicial district. Such commissioner shall be a citizen of the United States and an elector of the county or judicial district in which he may be appointed, and shall hold his office during the pleasure of the judges appointing him.

Passed the Senate April 4, 1967.

Passed the House April 20, 1967.

Approved by the Governor April 28, 1967.

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CHAPTER 88.

[Reengrossed Senate Bill No. 338.]

GIFTS TO MINORS.

AN ACT relating to gifts to minors and to make uniform the law in reference thereto; amending section 1, chapter 202, Laws of 1959 and RCW 21.24.010; amending section 2, chapter 202, Laws of 1959 and RCW 21.24.020; amending section 3, chapter 202, Laws of 1959 and RCW 21.24.030; amending section 4, chapter 202, Laws of 1959 and RCW 21.24.040; amending section 6, chapter 202, Laws of 1959 and RCW 21.24.060; amending section 7, chapter 202, Laws of 1959 and RCW 21.24.070; adding twelve new sections to chapter 21.24 RCW; and providing an effective date.



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

Section 1. Section 1, chapter 202, Laws of 1959 and RCW 21.24.010 are each amended to read as follows:

RCW 21.24.010 amended.

In this chapter, unless the context otherwise requires: (1) An "adult" is a person who has attained the age of twenty-one years.

Uniform gifts to minors. Definitions.

(2) A "bank" is a bank, trust company, national banking association, or mutual savings bank.

(3) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(4) "Court" means the superior courts of the state of Washington.

(5) The "custodial property" includes: (a) All securities, life insurance policies, annuity contracts and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this chapter.

(b) the income from the custodial property; and

(c) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, surrender or other disposition of such securities, money, life insurance policies, annuity contracts and income.

(6) A "custodian" is a person so designated in a manner prescribed in this chapter; the term includes a successor custodian.

(7) A "financial institution" is a bank, a federal savings and loan association, a savings institution chartered and supervised as a savings and loan or

Uniform gifts  
to minors.  
Definitions.

similar institution under federal law or the laws of a state or a federal credit union or a credit union chartered and supervised under the laws of a state; an "insured financial institution" is one, deposits (including a savings, share, certificate or deposit account) in which are, in whole or in part, insured by the federal deposit insurance corporation, or by the federal savings and loan insurance corporation, or by a deposit insurance fund approved by this state.

(8) A "guardian" of a minor means the general guardian, guardian, tutor or curator of his property, or estate appointed or qualified by a court of this state or another state.

(9) An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(10) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(11) A "life insurance policy or annuity contract" means a life insurance policy or annuity contract issued by an insurance company authorized to do business in this state on the life of a minor to whom a gift of the policy or contract is made in the manner prescribed in this chapter or on the life of a member of the minor's family.

(12) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(13) A "minor" is a person who has not attained the age of twenty-one years.

(14) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(15) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(16) A "trust company" is a bank authorized to exercise trust powers.

Sec. 2. Section 2, chapter 202, Laws of 1959 and RCW 21.24.020 are each amended to read as follows: RCW 21.24.020 amended.

(1) An adult person may, during his lifetime, or by testamentary disposition, make a gift of a security, a life insurance policy or annuity contract or money to a person who is a minor on the date of the gift: (a) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person or a trust company, followed, in substance, by the words: "As custodian Manner of making gift.

Uniform Gifts  
to Minors Act  
—Manner of  
making gift.

for (name of minor) under the Washington uniform gifts to minors act”;

(b) if the subject of the gift is a security not in registered form, by delivering it to an adult other than the donor or a trust company accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

“GIFT UNDER THE WASHINGTON UNIFORM GIFTS TO MINORS ACT

I, (name of donor), hereby deliver to (name of custodian) as custodian for (name of minor) under the Washington uniform gifts to minors act, the following security (ies): (Insert an appropriate description of the security or securities delivered sufficient to identify it or them) .....

..... (signature of donor) (name of custodian) hereby acknowledges receipt of the above described security (ies) as custodian for the above minor under the Washington uniform gifts to minors act.

Dated: ..... (signature of custodian)”

(c) if the subject of the gift is money, by paying or delivering it to a broker or a financial institution for credit to an account in the name of the donor, another adult or a trust company, followed, in substance, by the words: “As custodian for (name of minor) under the Washington uniform gifts to minors act.”

(d) if the subject of the gift is a life insurance policy or annuity contract, by causing the ownership of the policy or contract to be registered with the issuing insurance company in the name of the donor, another adult or a trust company, followed, in substance, by the words: “as custodian for (name of minor) under the Washington uniform gifts to minors act”.

(2) Any gift made in a manner prescribed in subsection (1) may be made to only one minor and only one person may be the custodian.

(3) A donor who makes a gift to a minor in a manner prescribed in subsection (1) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subsection, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

Sec. 3. Section 3, chapter 202, Laws of 1959 and RCW 21.24.030 are each amended to read as follows: RCW 21.24.030 amended.

(1) A gift made in a manner prescribed in this chapter is irrevocable and conveys to the minor indefeasibly vested legal title to the security, life insurance policy, annuity contract or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this chapter. Effect of gift.

(2) By making a gift in a manner prescribed in this chapter, the donor incorporates in his gift all the provisions of this chapter and grants to the custodian, and to any issuer, transfer agent, bank, financial institution, life insurance company, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this chapter.

Sec. 4. Section 4, chapter 202, Laws of 1959 and RCW 21.24.040 are each amended to read as follows: RCW 21.24.040 amended.

(1) The custodian shall collect, hold, manage, invest and reinvest the custodial property. Duties and powers of custodian.

(2) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support,

Uniform Gifts  
to Minors Act  
—Duties and  
powers of cus-  
todian.

maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of twenty-one years, or, if the minor dies before attaining the age of twenty-one years, he shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this chapter or hold money so given in an account in a financial institution to which it was paid or delivered by the donor.

(6) The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He

may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for (name of minor) under the Washington uniform gifts to minors act". The custodian shall hold all money which is custodial property in an account with a broker or in an insured financial institution in the name of the custodian, followed, in substance, by the words: "as custodian for (name of minor) under the Washington uniform gifts to minors act". The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

(9) A custodian has, with respect to the custodial property, in addition to the rights and powers provided in this chapter, all the rights and powers which a guardian has with respect to property not held as custodial property.

(10) If the subject of the gift is a life insurance policy or annuity contract, the custodian:

Uniform Gifts  
to Minors Act  
—Duties and  
powers of  
custodian.

(a) in his capacity as custodian, has all the incidents of ownership in the policy or contract to the same extent as if he were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom he is acting; and

(b) may pay premiums on the policy or contract out of the custodial property.

RCW 21.24.060  
amended.

Sec. 5. Section 6, chapter 202, Laws of 1959 and RCW 21.24.060 are each amended to read as follows:

Exemption of  
third persons  
from liability.

No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated as custodian by the purported donor or by the custodian or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this chapter, or is obliged to inquire into the validity or propriety under this chapter of any instrument of instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him. No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on any instrument of designation of a successor custodian, executed as provided in subsection (1) of RCW 21.24.070, as now or hereafter amended, by a minor to whom a gift has been made in a manner



prescribed in this chapter, and who has attained the age of fourteen years, is responsible for determining whether the person designated by the minor as successor custodian has been duly designated, or is obliged to inquire into the validity or propriety under this chapter of the instrument of designation.

Sec. 6. Section 7, chapter 202, Laws of 1959 and RCW 21.24.070 are each amended to read as follows:

RCW 21.24.070 amended.

(1) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A custodian may designate his successor by executing and dating an instrument of designation before a subscribing witness other than the successor; the instrument of designation may but need not contain the resignation of the custodian. If the custodian does not so designate his successor before he dies or becomes legally incapacitated, and the minor has attained the age of fourteen years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this chapter.

Uniform Gifts to Minors Act—Resignation, death or removal of custodian—Bond—Appointment of successor custodian.

(2) The designation of a successor custodian as provided in subsection (1) takes effect as to each item of the custodial property when the custodian resigns, dies or becomes legally incapacitated and the custodian or his legal representative:

(a) causes the item if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with the issuing insurance company in the case of a life insurance policy or annuity contract, in the name of the successor custodian followed, in substance, by the words: "as custodian for (name of minor) under the Washington uniform gifts to minors act"; and

Uniform Gifts  
to Minors Act  
—Resignation,  
death or re-  
moval of cus-  
todian—Bond  
—Appoint-  
ment of  
successor  
custodian.

(b) delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof to the successor custodian.

(3) A custodian who executes an instrument of designation of his successor containing the custodian's resignation as provided in subsection (1) shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in the instrument. The legal representative of a custodian who dies or becomes legally incapacitated shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in an instrument of designation executed as provided in subsection (1) by the custodian or, if none, by the minor if he has no guardian and has attained the age of fourteen years, or in the possession and control of the guardian of the minor if he has a guardian. If the custodian has executed as provided in subsection (1) more than one instrument of designation, his legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

(4) If a person designated as custodian or as successor custodian by the custodian as provided in subsection (1) is not eligible, dies or becomes legally incapacitated before the minor attains the age of twenty-one years and if the minor has a guardian, the guardian of the minor shall be successor custodian. If the minor has no guardian and if no successor custodian who is eligible and has not died or become legally incapacitated has been designated as provided in subsection (1), a donor, his legal representative, the legal representative of

the custodian or an adult member of the minor's family may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, a successor custodian, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(6) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Sec. 7. The provisions of chapter 202, Laws of 1959 hereby amended as hereby amended shall be construed as a continuation of chapter 202, Laws of 1959 hereby amended according to the language employed and not as a new enactment. This amendment of chapter 202, Laws of 1959 hereby amended does not affect gifts made in a manner prescribed therein nor the powers, duties or immunities conferred by gifts in such manner upon custodians and persons dealing with custodians. The provisions of chapter 202, Laws of 1959 hereby amended as hereby amended henceforth apply, however, to all gifts made in a manner and form prescribed in chapter 202, Laws of 1959 hereby amended except insofar as such application impairs constitutionally vested rights. Construction.

Sec. 8. In this chapter, unless the context otherwise requires:

Gifts of realty  
to minors—  
Definitions.

(1) An "adult" is a person who has attained the age of twenty-one years.

(2) A "bank" is a bank, trust company, savings and loan association, national banking association, or mutual savings bank.

(3) A "broker" is a person lawfully engaged in the business of effecting transactions in real property for the account of others who is licensed to do business under the laws of this state. The term includes a bank which effects or participates in effecting such transactions.

(4) "Court" means the superior courts of the state of Washington.

(5) "The custodial property" includes:

(a) All real property interests and all rents, royalties and income therefrom under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this chapter.

(b) The income from the custodial property; and

(c) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such money and income.

(6) A "custodian" is a person so designated in a manner prescribed in this chapter.

(7) A "guardian" of a minor includes the general guardian, guardian or curator of his property, estate or person.

(8) An "issuer" is a person who places or authorizes the placing of his name on real property interest other than as a transfer agent, to evidence that it represents an interest in his property or to evidence his duty or undertaking to perform an obligation evidenced by the real property interest, or who becomes responsible for or in place of any such person.

(9) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, conservator or curator of his property or estate.

(10) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(11) A "minor" is a person who has not attained the age of twenty-one years.

(12) A "real property interest" includes any note, mortgage, contract to purchase or to sell real property, option to purchase or to sell real property, deed evidencing any title to or interest in real property, or, in general, any interest or instrument commonly recognized as evidencing or purporting to evidence an interest in real property, however minimal. The term does not include a "security" within the definition of RCW 21.24.010 (12) as now or hereafter amended.

(13) A "transfer agent" is a person who acts as authenticating trustee, transfer agent or real estate broker or salesman as defined in RCW 18.85.010 as now or hereafter amended.

(14) A "trust company" is a bank authorized to exercise trust powers.

Sec. 9. (1) An adult person may, during his lifetime, make a gift of a real property interest to a person who is a minor on the date of the gift if the subject of the gift is a real property interest which constitutes a recordable interest or charge in or against real property in the records of the county auditor, by registering it in the name of the donor, another adult person or a trust company, followed, in substance, by the words: "As custodian for (name of minor) under the 1967 Washington gifts of realty to minors act".

Gifts of realty  
to minors—  
Manner of  
making gift.

Gifts of realty  
to minors—  
Manner of  
making gift.

(2) Any gift made in a manner prescribed in subsection (1) of this section may be made to only one minor and only one person may be the custodian.

(3) A donor who makes a gift to a minor in the manner prescribed in subsection (1) of this section shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian.

(4) The donor may not under this chapter make gifts of custodial property when, added to gifts permitted under chapter 21.24 RCW as now or hereafter amended, such property (a) exceeds three thousand dollars in aggregate value to any one minor in any one year, or (b) exceeds thirty thousand dollars in aggregate value to any one minor. Value shall be computed on the basis of the actual value of each unit of property on the date the gift became effective.

Effect of gift.

Sec. 10. (1) A gift made in a manner prescribed in this chapter is irrevocable and conveys to the minor indefeasibly vested legal title to the real property interest given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this chapter.

(2) By making a gift in a manner prescribed in this chapter, the donor incorporates in his gift all the provisions of this chapter and grants to the custodian, and to any issuer, transfer agent, bank, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this chapter.

Duties and  
powers of  
custodians.

Sec. 11. (1) The custodian shall collect, hold, manage, invest and reinvest the custodial property and all rents, royalties and income received

therefrom for the best interest of the minor and according to the provisions of this chapter.

(2) The custodian may expend for the benefit of a minor, or pay over to the minor if he is eighteen years old or more for expenditure by him, such monthly amounts as may be reasonably necessary for the minor's actual living expenses including maintenance, schooling and medical or dental expense, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of twenty-one years, or, if the minor dies before attaining the age of twenty-one years, he shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, purchase or retain a real property interest given to the minor in a manner prescribed in this chapter.

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custodian.

(6) The custodian may grant, sell, convey, lease, demise, exchange, convert or otherwise dispose of custodial property as would a prudent man of discretion and intelligence. He may consent, directly or through a committee or other agent, to the sale, lease, pledge or mortgage of any property by or to any broker, agent, or trust company, and to any other action by any broker, agent, or trust company. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(7) The custodian shall record each real property interest which is custodial property in the name of the custodian, followed, in substance, by the words: "As custodian for (name of minor) under the 1967 Washington gifts of realty to minors act". The custodian shall hold all money received in rents, royalties and other income from the custodial property in an account with a bank in the name of the custodian, followed, in substance, by the words: "As custodian for (name of minor) under the 1967 Washington gifts of realty to minors act". The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property; and shall further, except as provided in section 9 of this chapter, maintain all property and funds held pursuant to this chapter segregated from securities and money held under chapter 21.24 RCW.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

(9) A custodian has, with respect to the custodial property, in addition to the rights and powers provided in this chapter, all the rights and



powers which a guardian has with respect to property not held as custodial property.

Sec. 12. (1) A custodian is entitled to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties. Custodian's expenses, compensation, bond and liability.

(2) A custodian may act without compensation for his services.

(3) Unless he is a donor, a custodian may receive from the custodial property reasonable compensation for his services determined by one of the following standards in the order stated:

(a) A direction by the donor when the gift is made;

(b) An order of the court.

(4) Except as otherwise provided in this chapter, a custodian shall not be required to give a bond for the performance of his duties.

(5) A custodian not compensated for his services is not liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this chapter.

Sec. 13. Although this section does not exempt from liability any third persons who would otherwise be liable for honoring a forged signature, no transfer agent, bank, broker or other person acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated by the purported donor or purporting to act as a custodian has been duly designated or whether any purchase, sale, incumbrance, or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this chapter, or is obliged to inquire into the validity Exemptions of third persons from liability.

Gifts of realty to minors.

or propriety under this chapter of any instrument of instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him.

Resignation, death or removal of custodian—Bond—Appointment of successor custodian.

Sec. 14. (1) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become a successor custodian. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this chapter.

(2) A custodian, other than the donor, may resign and designate his successor by:

(a) Executing an instrument of resignation designating the successor custodian; and

(b) Causing each real property interest which is custodial property to be registered and recorded in the name of the successor custodian followed, in substance, by the words: "As custodian for (name of minor) under the 1967 Washington gifts of realty to minors act"; and

(c) Delivering to the successor custodian a duly acknowledged instrument of resignation, each real property interest recorded in the name of the successor custodian and all other custodial property, together with any additional instruments required for the transfer thereof.

(3) A custodian, whether or not a donor, may petition the court for permission to resign and for the designation of a successor custodian.

(4) If the person designated as custodian is not eligible, renounces or dies before the minor attains the age of twenty-one years, the guardian of the estate of the minor shall be successor custodian. If the minor has no guardian of his estate, a donor, his

legal representative, the legal representative of the custodian, an adult member of the minor's family, or the minor, if he has attained the age of fourteen years, may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(6) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Sec. 15. (1) The minor, if he has attained the age of fourteen years, or the legal representative of the minor, an adult member of the minor's family, or a donor or his legal representative may petition the court for an accounting by the custodian or his legal representative.

Accounting by  
custodian.

(2) The court, in a proceeding under this chapter or otherwise, may require or permit the custodian or his legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

Sec. 16. A custodian may, at any time, transfer the proceeds of any rental, royalty or other income, or the corpus or any part thereof, held in money or in liquid form, under the provisions of this chapter,

Exchange of  
realty for  
other prop-  
erty.

**Gifts of realty to minors.** into an account qualifying under chapter 21.24 RCW, to the extent that such transfer constitutes a prudent transaction within the application and rules of chapter 21.24 RCW.

**Construction.** Sec. 17. (1) This chapter shall not be construed as providing an exclusive method for making gifts to minors.

(2) This chapter shall not repeal, amend, or modify the provisions of chapter 21.24 RCW, but shall be held to be an additional, concurrent, or alternative method of providing for gifts to minors.

**Short title.** Sec. 18. This chapter may be cited as the "1967 Washington gifts of realty to minors act".

**Severability.** Sec. 19. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

**Effective date.** Sec. 20. The effective date of this 1967 amendatory act is July 1, 1967.

Passed the Senate April 19, 1967.

Passed the House April 18, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 89.

[Engrossed Senate Bill No. 254.]

### TAXATION—CREDITS—RECORDS.

AN ACT relating to revenue and taxation; amending section 26, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.435; amending section 82.32.070, chapter 15, Laws of 1961 and RCW 82.32.070; amending section 82.32.210, chapter 15, Laws of 1961 and RCW 82.32.210; amending section 82.32.340, chapter 15, Laws of 1961 as amended by section 7, chapter 141, Laws of 1965 extraordinary session

and RCW 82.32.340; amending section 82.36.180, chapter 15, Laws of 1961 as amended by section 6, chapter 79, Laws of 1965 extraordinary session and RCW 82.36.180; amending section 16, chapter 22, Laws of 1963 extraordinary session and RCW 82.37.160; amending section 82.40.250, chapter 15, Laws of 1961 as amended by section 5, chapter 33, Laws of 1965 extraordinary session and RCW 82.40.250; adding a new section to chapter 15, Laws of 1961 and to chapter 82.12 RCW; declaring an emergency; and prescribing an effective date.

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

Section 1. Section 26, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.435 are each amended to read as follows:

RCW 82.04.435 amended.

In computing tax under this chapter there may be credited against the amount of the tax the following items:

As to persons engaging in activities defined in RCW 82.04.120 (the definition of the term "to manufacture"), an amount not to exceed the tax actually paid under chapter 82.08 RCW (Retail Sales Tax) or chapter 82.12 RCW (Use Tax) by such persons or their lessors or their contract vendors, on materials, labor and services in the construction or major improvement of buildings, structures or other improvements to real property that are essential to or an integral part of a factory, mill or manufacturing plant when such factory, mill or manufacturing plant is used or to be used in the business of manufacture for sale or commercial or industrial use of any articles, substances or commodities: *Provided*, That this credit shall be allowable only against tax payable by the manufacturer and measured by the value of products or gross proceeds of sales of articles, substances or commodities manufactured in this state: *Provided further*, That this credit shall be allowable only against any tax payable which is attributable to manufacturing

Taxation—  
Business and  
occupation  
tax. Credits  
for certain  
manufacturers.

Taxation—  
Business and  
occupation  
tax.

which involves the use of such construction or improvements: *Provided further*, That not withstanding the foregoing no tax credit claimed shall be deducted on any return until such claim has been approved by the tax commission or until ninety days after such claim has been submitted to the tax commission for approval: *And provided further*, That this credit shall not be allowable for tax paid on purchases of material, labor or services on which the supplier thereof became entitled to compensation prior to July 1, 1964.

The term "major improvement" means and includes only construction or fixtures which constitute real property which adds substantially and directly to the size or productive capacity of the factory, mill or manufacturing plant.

RCW 82.32.070  
amended.

Sec. 2. Section 82.32.070, chapter 15, Laws of 1961 and RCW 82.32.070 are each amended to read as follows:

Administra-  
tive proce-  
dures, records  
preservation—  
Examination—  
Estoppel.

Every person liable for any fee or tax imposed by chapters 82.04 through 82.28 shall keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of any tax for which he may be liable, which records shall include copies of all federal income tax and state tax returns and reports made by him. All his books, records, and invoices shall be open for examination at any time by the commission. In the case of an out-of-state person or concern which does not keep the necessary books and records within this state, it shall be sufficient if it produces within the state such books and records as shall be required by the commission, or permits the examination by an agent authorized or designated by the commission at the place where such books and records are kept. Any person who fails to comply with the requirements of this section shall be forever barred from

questioning, in any court action or proceedings, the correctness of any assessment of taxes made by the commission based upon any period for which such books, records, and invoices have not been so kept and preserved.

Any person claiming a credit against the tax imposed by chapter 82.04 RCW by reason of the provisions of RCW 82.04.435 shall keep and preserve until the claim has been verified or allowed by the tax commission sufficient books, records and invoices to prove the right to and amount of such claim for credit, and no such claim shall be allowed by the tax commission unless such books, records and invoices have been kept and preserved.

Sec. 3. Section 82.32.210, chapter 15, Laws of 1961 and RCW 82.32.210 are each amended to read as follows:

RCW 82.32.210 amended.

If any tax, increase, or penalty or any portion thereof is not paid within fifteen days after it becomes due, the tax commission may issue a warrant under its official seal directed to the sheriff of any county of the state, commanding him to levy upon and sell the real and/or personal property of the taxpayer found within his county, or so much thereof as may be necessary, for the payment of the amount of such warrant, together with interest thereon at the rate of one percent of the amount of such warrant for each thirty days or portion thereof after the date of such warrant, plus the cost of executing the warrant, and return the warrant to the commission and pay to it the money collected by virtue thereof within sixty days after the receipt of the warrant. If, however, the commission believes that a taxpayer is about to cease business, leave the state, or remove or dissipate the assets out of which taxes or penalties might be satisfied and that any tax or penalty will not be paid when due, it may

Taxation—Administrative procedures.  
Tax warrant—Levy upon property—Revocation of certificate of registration.

Taxation—Ad-  
ministrative  
procedures.  
Tax warrant—  
Levy upon  
property—  
Revocation of  
certificate of  
registration.

declare the tax or penalty to be immediately due and payable and may issue a warrant immediately.

If any warrant issued under this chapter is not paid within thirty days after it has been filed with the clerk of the superior court, or if any taxpayer shall, for three consecutive reporting periods, be delinquent in the transmission to the commission of retail sales tax collected by him, the tax commission may by order issued under its official seal, revoke the certificate of registration of the taxpayer against whom the warrant was issued, and, if such order is entered, a copy thereof shall be posted in a conspicuous place at the main entrance to the taxpayer's place of business and shall remain posted until such time as the warrant has been paid. Any certificate so revoked shall not be reinstated, nor shall a new certificate of registration be issued to the taxpayer, until the amount due on the warrant has been paid, or provisions for payment satisfactory to the commission have been entered, and until the taxpayer has deposited with the commission such security for payment of any taxes, increases, and penalties, due or which may become due in an amount and under such terms and conditions as the commission may require, but the amount of the security shall not be greater than one-half the estimated average annual liability of the taxpayer.

RCW 82.32.340  
amended.

Sec. 4. Section 82.32.340, chapter 15, Laws of 1961 as amended by section 7, chapter 141, Laws of 1965 extraordinary session and RCW 82.32.340 are each amended to read as follows:

Chargeoff of  
uncollected  
taxes—De-  
struction of  
files and rec-  
ords.

Any tax or penalty which the tax commission deems to be uncollectible, may be transferred from accounts receivable, subject to approval by the director of budget, to a suspense account and cease to be accounted an asset: *Provided*, That any item transferred shall continue to be a debt due the state



from the taxpayer and may at any time within twelve years from the filing of a warrant covering such amount with the clerk of the superior court be transferred back to accounts receivable for the purpose of collection: *Provided further*, The commission may charge off as finally uncollectible any tax or penalty which it deems uncollectible at any time after twelve years from the date of the filing of a warrant covering such tax and penalty with the clerk of the superior court after the commission and the attorney general are satisfied that there are no available and lawful means by which such tax or penalty may thereafter be collected.

After any tax or penalty has been charged off as finally uncollectible under the provisions of this section, the commission may destroy any or all files and records pertaining to the liability of any taxpayer for such tax or penalty.

The commission, subject to the approval of the state records committee, may at the expiration of five years after the close of any taxable year, destroy any or all files and records pertaining to the tax liability of any taxpayer for such taxable year, who has fully paid all taxes, penalties and interest for such taxable year, or any preceding taxable year for which such taxes, penalties and interest have been fully paid. In the event that such files and records are reproduced on film pursuant to RCW 40.20.020 for use in accordance with RCW 40.20.030, the original files and records may be destroyed immediately after reproduction and such reproductions may be destroyed at the expiration of the above five year period, subject to the approval of the state records committee.

Sec. 5. There is added to chapter 15, Laws of 1961 and to chapter 82.12 RCW a new section to read as follows: New section.

Taxation—  
Credit on use  
tax for sales  
or use tax  
paid to other  
state.

A credit shall be allowed against the taxes imposed by this chapter upon the use of tangible personal property in this state in the amount that the present user thereof or his bailor or donor has paid a retail sales or use tax with respect to such property to any other state, political subdivision thereof, or the District of Columbia, prior to the use of such property in this state.

RCW 82.36.180  
amended.

Sec. 6. Section 82.36.180, chapter 15, Laws of 1961, as amended by section 6, chapter 79, Laws of 1965 extraordinary session, and RCW 82.36.180, are each amended to read as follows:

Motor vehicle  
fuel taxes—  
Examinations  
and investiga-  
tions.

The director, or his duly authorized agents, may make such examinations of the records, stocks, facilities, and equipment of distributors, producers, brokers, and service stations, and such other investigations as he may deem necessary in carrying out the provisions of this chapter. If such examinations or investigations disclose that any reports of distributors of motor vehicle fuel theretofore filed with the director pursuant to the requirements of this chapter have shown incorrectly the gallonage of motor vehicle fuel distributed or the tax accruing thereon, the director may make such changes in subsequent reports and payments of such distributors as he may deem necessary to correct the errors disclosed.

Every such distributor or such other person not maintaining records in this state so that an audit of such records may be made by the director or his duly authorized representative shall be required to make the necessary records available to the director at his request and at his designated office within this state; or, in lieu thereof, the director or his duly authorized representative shall proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

Sec. 7. Section 16, chapter 22, Laws of 1963 extraordinary session, and RCW 82.37.160 are each amended to read as follows:

RCW 82.37.160 amended.

The director or his duly authorized representative may examine, during the usual business hours of the day, the books, records, papers, and equipment of any motor carrier and investigate the disposition which any such carrier or other person makes of fuel to determine whether the tax imposed by this act has been paid.

Motor vehicle fuel importers tax—Examinations and investigations.

Every such motor vehicle fuel importer for use not maintaining records in this state so that an audit of such records may be made by the director or his duly authorized representative shall be required to make the necessary records available to the director at his request and at his designated office within this state; or, in lieu thereof, the director or his duly authorized representative shall proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

Sec. 8. Section 82.40.250, chapter 15, Laws of 1961, as amended by section 5, chapter 33, Laws of 1965 extraordinary session, and RCW 82.40.250 are each amended to read as follows:

RCW 82.40.250 amended.

Every user and every person selling, distributing, storing, transporting, or otherwise handling fuel shall maintain and keep for a period of not less than three years such records, receipts, invoices, and other pertinent papers as the director may require.

Every person required to remit the tax on fuel delivered into noncommercial passenger vehicles shall be subject to the same penalties imposed upon users. The director shall pursue against such persons the same procedure and remedies for audit, adjustment, collection, and enforcement of this chapter as is provided with respect to users.

Use fuel tax—Records to be kept—Examinations and investigations—Enforcement.

The director may examine during normal business hours the books, papers, records, and equip-

Use fuel tax—  
Records to be  
kept—Exam-  
inations and  
investigations  
—Enforce-  
ment.

ment of any user or of any person selling, distributing, storing, transporting, or otherwise handling fuel and investigate the character of the disposition which any such user or such other person makes of fuel in order to determine whether all taxes due hereunder are being properly reported and paid.

Every such user or such other person not maintaining records in this state so that an audit of such records may be made by the director or his duly authorized representative shall be required to make the necessary records available to the director at his request and at his designated office within this state; or, in lieu thereof, the director or his duly authorized representative shall proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

The director is charged with the enforcement of the provisions of this chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement hereof. State patrolmen shall aid the director in the enforcement of this chapter, and, for this purpose, are declared to be peace officers, and given police power and authority throughout the state to arrest on sight any person known to have committed a violation of the provisions of this chapter.

Emergency.

Sec. 9. 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 1, 1967.

Passed the Senate April 5, 1967.

Passed the House April 20, 1967.

Approved by the Governor April 28, 1967.

## CHAPTER 90.

[Senate Bill No. 5.]

## PARKS AND RECREATION—OPTION AGREEMENTS.

AN ACT relating to parks and recreation; and amending section 43.51.040, chapter 8, Laws of 1965 and RCW 43.51.040.

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

Section 1. Section 43.51.040, chapter 8, Laws of 1965 and RCW 43.51.040 are each amended to read as follows:

RCW 43.51.040 amended.

The commission shall:

Parks and recreations—  
Powers and duties.

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions

Parks and rec-  
reations—  
Powers and  
duties.

as shall be approved by the commission: *Provided*, That the commission may, by unanimous consent of its members grant such concessions for terms not to exceed forty years in state parks and parkways lying within the Columbia basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and make recommendations respecting other regions in the state desirable for state park or parkway purposes.

Passed the Senate April 4, 1967.

Passed the House April 20, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 91.

[Engrossed Senate Bill No. 447.]

### FIREMEN OF CITIES AND TOWNS.

AN ACT relating to firemen of cities and towns; and amending section 4, chapter 91, Laws of 1947 and RCW 41.16.040 and section 3, chapter 82, Laws of 1957 as amended by section 3, chapter 5, Laws of 1959, and RCW 41.16.090.

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

Section 1. Section 4, chapter 91, Laws of 1947 and RCW 41.16.040 are each amended to read as follows:

RCW 41.16.040  
amended.

The board shall have such general powers as are

Firemen of cities and towns—Pension board—Power of board.

vested in it by the provisions of this chapter, and in addition thereto, the power to:

(1) Generally supervise and control the administration of this chapter and the firemen's pension fund created hereby.

(2) Pass upon and allow or disallow all applications for pensions or other benefits provided by this chapter.

(3) Provide for payment from said fund of necessary expenses of maintenance and administration of said pension system and fund.

(4) Invest the moneys of the fund in such securities of the United States, state, municipal corporations and other public bodies as are designated by the laws of the state of Washington as lawful investments for funds of mutual savings banks; and in any bonds or warrants, including local improvement bonds or warrants issued under the state local improvement guaranty fund law, or in utility bonds or warrants issued by the municipality operating the fund. Subject to the limitations hereinafter in this section contained, investment of moneys of the fund may also be made in amounts not to exceed twenty-five percent of the fund's total investments in the shares of certain open-end investment companies: *Provided*, That the total amount invested in any one company shall not exceed five percent of the assets of such company, and shall only be made in the shares of such companies as are registered as open-end companies under the federal investment company act of 1940, as from time to time amended. The company must be at least ten years old and have net assets of at least five million dollars. It must have outstanding no bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid



dividends from investment income in each of the ten years next preceding purchase. The maximum selling commission on its shares, furthermore, may not exceed eight and one-half percent of the sum of the asset value plus such commission.

(5) Employ such agents, employees and other personnel as the board may deem necessary for the proper administration of this chapter.

(6) Compel witnesses to appear and testify before it, in the same manner as is or may be provided by law for the taking of depositions in the superior court. Any member of the board may administer oaths to witnesses who testify before the board of a nature and in a similar manner to oaths administered by superior courts of the state of Washington.

(7) Issue vouchers approved by the chairman and secretary and to cause warrants therefor to be issued and paid from said fund for the payment of claims allowed by it.

(8) Keep a record of all its proceedings, which record shall be public; and prepare and file with the city treasurer and city clerk or comptroller prior to the date when any payments are to be made from the fund, a list of all persons entitled to payment from the fund, stating the amount and purpose of such payment, said list to be certified to and signed by the chairman and secretary of the board and attested under oath.

(9) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same.

(10) Appoint one or more duly licensed and practicing physicians who shall examine and report to the board upon all applications for relief and pension under this chapter. Such physicians shall visit and examine all sick and disabled firemen when, in their judgment, the best interests of the

Firemen of  
cities and  
towns—Pen-  
sion board—  
Power of  
board.

relief and pension fund require it or when ordered by the board. They shall perform all operations on such sick and injured firemen and render all medical aid and care necessary for the recovery of such firemen on account of sickness or disability received while in the performance of duty as defined in this chapter. Such physicians shall be paid from said fund, the amount of said fees or salary to be set and agreed upon by the board and the physicians. No physician not regularly appointed or specially appointed and employed, as hereinafter provided, shall receive or be entitled to any fees or compensation from said fund as attending physician to a sick or injured fireman. If any sick or injured fireman refuses the services of the appointed physicians, or the specially appointed and employed physician, he shall be personally liable for the fees of any other physician employed by him. No person shall have a right of action against the board or the municipality for negligence of any physician employed by it. The board shall have the power and authority to select and employ, besides the regularly appointed physician, such other physician, surgeon or specialist for consultation with, or assistance to the regularly appointed physician, or for the purpose of performing operations or rendering services and treatment in particular cases, as it shall deem advisable, and to pay fees for such services from said fund. Said board shall hear and decide all applications for such relief or pensions under this chapter, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal except by the board.

RCW 41.16.090  
amended.

Sec. 2. Section 3, chapter 82, Laws of 1957 as amended by section 3, chapter 5, Laws of 1959, and RCW 41.16.090 are each amended to read as follows:

Minimum pen-  
sion.

All pensioners receiving a pension under the provisions of this chapter as provided for in section

12, chapter 91, Laws of 1947 and RCW 41.16.230, shall from and after the effective date of this 1967 amendatory act receive a minimum pension of one hundred fifty dollars per month.

Passed the Senate April 22, 1967.

Passed the House April 20, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 92.

[Substitute Senate Bill No. 604.]

### SCHOOLS—SURPLUS FOOD COMMODITIES.

AN ACT relating to education; providing a method for obtaining surplus or donated food commodities for the use by school districts in their hot lunch program; and making an appropriation.

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

Section 1. Notwithstanding any other provision of law or chapter 39.32 RCW, the state superintendent of public instruction is hereby authorized to purchase, or otherwise acquire from the government of the United States or any property or commodity disposal agency thereof, surplus or donated food commodities for the use by any school district for their hot lunch program.

Schools, surplus food commodities. Acquisition.

Sec. 2. There is created in the office of the state superintendent of public instruction a revolving fund to be designated the surplus and donated food commodities revolving fund, and there is hereby appropriated to said revolving fund from the general fund for the fiscal biennium ending June 30, 1969, the sum of twenty-five thousand dollars or so much thereof as shall be necessary to carry out the purposes of this act. The state treasurer shall, with

Schools—Surplus and donated food commodities revolving fund.

Schools—Surplus and donated food commodities revolving fund.

the approval of the governor, transfer so much of this appropriation to the revolving fund from time to time as the superintendent deems necessary to maintain said fund in a condition adequate to carry out the purposes of this act.

Administration of fund—Use—Requisition as prerequisite.

Sec. 3. The surplus and donated food commodities revolving fund shall be administered by the state superintendent of public instruction and be used solely for the purchase or other acquisition, including transportation, storage and other cost, of surplus or donable food commodities from the federal government. The superintendent may purchase or otherwise acquire such commodities only after requisition by a school district requesting such commodities.

Advancements from fund—Reimbursement—Expenses.

Sec. 4. In purchasing or otherwise acquiring surplus or donated commodities on the requisition of a school district the superintendent may advance the purchase price and other cost of acquisition thereof from the surplus and donated food commodities revolving fund and he shall in due course bill the proper school district for the amount paid by him for the commodities plus a reasonable amount to cover the expenses incurred by his office in connection with the transaction. All payments received for surplus or donated commodities from school districts shall be deposited by the superintendent in the surplus and donated food commodities revolving fund.

Depositories—Security.

Sec. 5. The surplus and donated food commodities revolving fund shall be deposited by the superintendent in such banks as he may select, but any such depository shall furnish a surety bond executed by a surety company or companies authorized to do business in the state of Washington, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in

each depository bank. Moneys shall be paid from the surplus and donated food commodities revolving fund by voucher and check in such form and in such manner as shall be prescribed by the superintendent.

Sec. 6. The superintendent of public instruction shall have power to promulgate rules and regulations as may be necessary to effectuate the purposes of this act.

Rules and regulations.

Sec. 7. The state superintendent of public instruction is hereby authorized to enter into any contract with the United States of America, or any agency thereof, for the purchase of any surplus or donated food commodities, without regard to the provisions of any other law requiring the advertising, giving notice, inviting or receiving bids, or which may require the delivery of purchases before payment.

Contracts with federal agencies.

Sec. 8. Any provision of law, or any resolution, rule or regulation which is inconsistent with the provisions of this act is suspended to the extent such provision is inconsistent herewith.

Construction.

Passed the Senate March 29, 1967.

Passed the House April 19, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 93.

[Senate Bill No. 507.]

### COMMUNICATIONS—INTERCEPTING, RECORDING, DIVULGING—PENALTY.

AN ACT relating to communications; prohibiting the interception, recording, or divulging thereof; adding new sections to chapter 249, Laws of 1909 and to chapter 9.73 RCW; and prescribing penalties.

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

New section.

Section 1. There is added to chapter 249, Laws of 1909 and to chapter 9.73 RCW a new section to read as follows:

Crimes and criminal procedure. Private communications—in-tercepting, divulging prohibited—Ex-ceptions.

Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, record or divulge any:

(1) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(2) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

An employee of any regularly published newspaper, magazine, wire service, radio station or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, radio or television station from divulging the communication.

Sec. 2. There is added to chapter 249, Laws of 1909 and to chapter 9.73 RCW a new section to read as follows:

(1) An ex parte order for the interception of any communication or conversation listed in section 1 of this act may be issued by any superior court judge in the state upon verified application of either the state attorney general or any county prosecuting attorney setting forth fully facts and circumstances upon which the application is based and stating that:

(a) There are reasonable grounds to believe that national security is endangered, that a human life is in danger, that arson is about to be committed, or that a riot is about to be committed, and

(b) There are reasonable grounds to believe that evidence will be obtained essential to the protection of national security, the preservation of human life, or the prevention of arson or a riot, and

(c) There are no other means readily available for obtaining such information.

(2) Where statements are solely upon the information and belief of the applicant, the grounds for the belief must be given.

(3) The applicant must state whether any prior application has been made to obtain such communications on the same instrument or for the same person and if such prior application exists the applicant shall disclose the current status thereof.

(4) The application and any order issued under this act shall identify as fully as possible the particular equipment, lines or location from which the information is to be obtained and the purpose thereof.

(5) The court may examine upon oath or affirmation the applicant and any witness the applicant desires to produce or the court requires to be produced.

Crimes—In-  
tercepting pri-  
vate conversa-  
tions.

(6) Orders issued under this section shall be effective for fifteen days, after which period the court which issued the order may upon application of the officer who secured the original order renew or continue the order for an additional period not to exceed fifteen days.

(7) No order issued under this section shall authorize or purport to authorize any activity which would violate any laws of the United States.

New section.

Sec. 3. There is added to chapter 249, Laws of 1909 and to chapter 9.73 RCW a new section to read as follows:

Evidence—  
Admissibility  
—Exception.

Any information obtained in violation of section 1 of this act or pursuant to any order issued under the provisions of section 2 of this act shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except with the permission of the person whose rights have been violated in an action brought for damages under the provisions of this act, or in a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

New section.

Sec. 4. There is added to chapter 249, Laws of 1909 and to chapter 9.73 RCW a new section to read as follows:

Civil action  
for damages.

Any person who, directly or by means of a detective agency or any other agent, violates the provisions of section 1 of this act shall be subject to legal action for damages, to be brought by any other person claiming that a violation of this statute has injured his business, his person, or his reputation. A person so injured shall be entitled, in addition to other injuries, to recover for mental pain and suffering endured by him on account of violation of the provisions of section 1 of this act.



Sec. 5. The provisions of this chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington Utilities and Transportation Commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment. Common carrier as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy. Exemptions.

Sec. 6. There is added to chapter 249, Laws of 1909 and to chapter 9.73 RCW a new section to read as follows: New section.

Any person who shall violate section 1 of this act shall be guilty of a gross misdemeanor. Penalty.

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

Passed the Senate April 4, 1967.

Passed the House April 19, 1967.

Approved by the Governor April 28, 1967.

CHAPTER 94.

[Engrossed Senate Bill No. 294.]

INTERSTATE COMMERCIAL VEHICLES—SINGLE CAB CARDS.

AN ACT relating to interstate commercial vehicle owners and operators; authorizing a single cab card; adding a new chapter to chapter 12, Laws of 1961 and to Title 46 RCW; amending section 46.44.095, chapter 12, Laws of 1961, as last amended by section 38, chapter 170, Laws of 1965 extraordinary session, and RCW 46.44.095; and repealing section 52, chapter 170, Laws of 1965 extraordinary session (uncodified).

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

New chapter.

Section 1. There is added to chapter 12, Laws of 1961 and to Title 46 RCW, a new chapter to consist of sections 2 through 14 of this act.

Interstate commercial vehicles—Single cab cards—Application.

Sec. 2. This act shall apply to all interstate commercial vehicle operators whose vehicles are proportionally registered under chapter 46.85 RCW, and who elect to come within the provisions of this act.

Definitions.

Sec. 3. As used in this act, unless the context requires otherwise, the terms:

(1) "Administrator" shall mean the employee of the department of motor vehicles designated to administer reciprocal or proportional registration agreements.

(2) "Single cab card" shall mean the single document issued pursuant to the provisions of this act to indicate compliance with the various applicable requirements of the department of highways, the department of motor vehicles, the Washington state patrol and the Washington utilities and transportation commission affecting interstate commercial vehicle operators.

(3) "Person" shall include, where applicable, natural persons, corporations, trusts, unincorporated associations and partnerships.

(4) "Participating agencies" shall mean the department of highways, the department of motor vehicles, the Washington state patrol and the Washington utilities and transportation commission.

(5) "Qualified carrier" shall mean a carrier which has qualified and is presently issued one or more single cab cards for some of its vehicles.

(6) "Director" shall mean the director of the department of motor vehicles.

Sec. 4. The department of highways, the department of motor vehicles, the Washington state patrol and the Washington utilities and transportation commission are directed to jointly prepare and adopt rules, regulations and procedures to effectuate the purposes of this act. The provisions of the Administrative Procedure Act, chapter 34.04 RCW, shall apply to the rules and regulations so adopted. The said agencies are hereby authorized to jointly add to, amend or repeal such rules and regulations as they may deem necessary.

Joint cooperation of regulatory agencies.

Sec. 5. The single cab card issued pursuant to this act shall be in lieu of any commercial vehicle use fuel tax identification card issued pursuant to RCW 82.40.040 and 82.40.270, separate evidence of compliance with proportional registration issued pursuant to chapter 46.85 RCW, a utilities and transportation commission identification card issued pursuant to chapter 81.80 RCW and a special weight permit issued pursuant to RCW 46.44.095.

Use in lieu of other cards.

Sec. 6. Upon the compliance of a carrier with the respective agency requirements consistent with the intentions of this act, a certificate of compliance shall be conveyed by the participating agency to the

Certificate of compliance by each agency.

Interstate  
commercial  
vehicles—  
Single cab  
card.

administrator. Upon receipt of the certificates of compliance and upon receipt of all necessary fees, the administrator shall issue a single cab card.

If a certificate of compliance is withdrawn by any one of the participating agencies, the administrator shall cancel the single cab card under the joint administrative rules of section 4 of this act.

Interim com-  
pliance while  
card pending.

Sec. 7. Until such time as a carrier or a vehicle thereof has received a single cab card, the carrier or vehicle thereof shall meet all applicable provisions regulating such carriers and vehicles as though the provisions of this act were not in effect.

Temporary  
permit—Use—  
Fee—Rules  
and regula-  
tions.

Sec. 8. The administrator is hereby authorized to issue a temporary authorization permit to qualified carriers for vehicles not previously issued a permanent single cab card. The department shall collect a fee of one dollar plus a fifty cent filing fee for each temporary single cab card issued. The department shall have the authority to adopt appropriate rules and regulations for issuance of such temporary authorization permits in accordance with the provisions of section 5 of this act.

Disposition of  
fees.

Sec. 9. The one dollar fee collected pursuant to section 8 of this act shall be placed in the motor vehicle fund. The additional fifty cent filing fee shall be distributed pursuant to RCW 46.01.140.

Annual re-  
newal date.

Sec. 10. All single cab cards shall expire on December 31st of each year.

Alternate  
method of  
compliance  
for utilities.

Sec. 11. As an alternative to complying with the identification card and identification plate requirements of chapter 81.80 RCW, a qualified carrier may elect to signify compliance with the requirements of this act by displaying a single cab card on the vehicles involved.

Sec. 12. The administrator shall promote the standardization of vehicle qualification requirements between the state of Washington and the various other states.

Standardization between states.

Sec. 13. Nothing in this act shall be construed to alter the requirements of the use fuel tax act, chapter 82.40 RCW, or the requirements of chapter 81.80 RCW, or the requirements of RCW 46.44.095, or the requirements of chapter 46.85 RCW except as stated in this act.

Construction.

Sec. 14. The first of the single cab cards shall be issued to be effective on January 1, 1968.

First cards.

Sec. 15. Section 46.44.095, chapter 12, Laws of 1961, as last amended by section 38, chapter 170, Laws of 1965 extraordinary session and RCW 46.44.095 are each amended to read as follows:

RCW 46.44.095 amended.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of sixty dollars for each two thousand pounds of excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.

Gross vehicle weights—  
Overload permits.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040 and when operated in combination with another vehicle, a three or more axle truck-tractor, a three or more axle truck and a three or more axle dromedary truck-tractor may be eligible under a special permit to be issued by the highway commission to carry additional gross loads beyond the limit specified for

Gross vehicle  
weights—  
Overload per-  
mits.

such vehicles in RCW 46.44.040 upon the payment of a fee of sixty dollars per two thousand pounds in excess weight but not to exceed one hundred and twenty dollars for the total excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: *And provided further*, That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck-tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway.

The fee for such additional gross weight shall be payable for a twelve month period beginning and ending on January 1st of each calendar year. The additional gross weight provided for herein can be purchased at any time and if purchased on or after April 1st of any year, the fee shall be seventy-five percent of the full annual fee and if purchased on or after July 1st the fee shall be fifty percent of the full annual fee and if purchased on or after October 1st the fee shall be twenty-five percent of the full annual fee.

The state highway commission shall issue such special permits on a temporary basis for periods not

less than five days nor more than ten days at a fee of one dollar per day.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.84 the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.84 to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of licenses. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of licenses, for purposes of prorating license fees.

**Note:** See also section 51, chapter 32, Laws of 1967.

Sec. 16. Section 52, chapter 170, Laws of 1965 <sup>Repeal.</sup> extraordinary session (uncodified) is hereby repealed.

Passed the Senate April 19, 1967.

Passed the House April 18, 1967.

Approved by the Governor April 28, 1967.

CHAPTER 95.

[Substitute House Bill No. 532.]

INSURANCE.

AN ACT relating to insurance; amending section .12.19, chapter 79, Laws of 1947 and RCW 48.12.190; amending section .13.02, chapter 79, Laws of 1947 and RCW 48.13.020; amending section .13.14, chapter 79, Laws of 1947, as amended by section 3, chapter 303, Laws of 1955 and RCW 48.13.140; amending section .13.16, chapter 79, Laws of 1947, as amended by section 17, chapter 190, Laws of 1949 and RCW 48.13.160; amending section .13.17, chapter 79, Laws of 1947 and RCW 48.13.170; adding new sections to chapter 79, Laws of 1947 and to chapter 48.18 RCW; adding new sections to chapter 79, Laws of 1947 and to chapter 48.22 RCW; adding a new section to chapter 79, Laws of 1947 and to chapter 48.24 RCW; adding a new chapter to chapter 79, Laws of 1947 and to Title 48 RCW; and providing an effective date.

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

New section.

Section 1. There is added to chapter 79, Laws of 1947 and to chapter 48.18 RCW a new section to read as follows:

Motor vehicle insurance—Cancellation—Notice—Grounds.

(1) No contract of insurance predicated upon the use of a private passenger automobile, or the renewal thereof, shall be terminated by cancellation or refusal to renew by the insurer until at least fifteen days after mailing written notice of termination by certified mail with return receipt to the named insured at the latest address filed with the insurer by or on behalf of the named insured. Time of the effective date and hour of termination stated in the notice shall become the end of the policy period.

(2) In addition, no such contract of insurance which has been in effect sixty days may be terminated by cancellation by the insurer unless:

(a) The named insured fails to discharge when due any of his obligations in connection with the



payment of premium for the policy or any installment thereof; or

(b) The insurance was obtained through fraudulent misrepresentation; or

(c) The named insured violates any of the terms and conditions of the policy not in conflict with the provisions of this subsection; or

(d) The named insured or any other operator, who customarily operates an automobile insured under the policy;

(i) Has had his driver's license suspended or revoked during the policy period, or

(ii) Has experienced and is likely to experience epilepsy or heart attacks, and such individual cannot produce a certificate from a physician testifying to his unqualified ability to operate a motor vehicle, or

(iii) Is or has been convicted of or forfeits bail, during the thirty-six months immediately preceding the effective date of the policy or during the policy period, for:

(A) Any felony, or

(B) Criminal negligence resulting in death, homicide or assault, arising out of the operation of a motor vehicle, or

(C) Operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, or

(D) Leaving the scene of an accident without stopping to report, or

(E) Theft of a motor vehicle, or

(F) A third violation for any one operator within a period of eighteen months of any moving traffic offense.

After the aforesaid sixty-day period, a notice of cancellation from the insurer to the insured shall give the statutory reason for which such cancellation is made.

Motor vehicle  
insurance—  
Cancellation—  
Notice—  
Grounds.

(3) No contract of insurance subject to the provisions of subsection (1) of this section which has been in effect for sixty days shall be terminated by refusal to renew by the insurer unless:

(a) The insurer gives the named insured notice in writing as provided for in subsection (1) of this section, that:

(i) It proposes to terminate or refuse to renew the insurance contract upon such date; and

(ii) Upon receipt of a written request from the named insured, it will forthwith mail to the named insured a written explanation of its actual reason or reasons for terminating or refusing to renew; and

(iii) The named insured, within five days after receipt of such notice, may at his option, request the insurer to furnish such written explanation; and

(b) If the named insured exercises his option, the insurer shall forthwith, but, in any event, prior to the proposed termination or failure to renew, mail to the named insured by certified mail with return receipt a written explanation giving the actual reason or reasons for its refusal to renew the contract.

(4) Any notice or written explanation given pursuant to the provisions of this section shall be privileged and shall not constitute grounds for any cause of action against the insurer or its representative or any firm, person or corporation who in good faith furnishes to the insurer the information upon which the reasons are based.

(5) The provisions of this section shall not apply to:

(a) Contracts of insurance issued under the assigned risk plan; and

(b) Contracts of insurance providing principally general casualty insurance in addition to vehicle insurance; and

(c) Contracts of insurance insuring more than four motor vehicles; and

(d) Any cancellation or refusal to renew for failure of the named insured to pay a premium when due.

(6) (a) Any contract of insurance which specifies either no definite policy period or a policy period of six months or less shall, for the purposes of this section, be considered to have successive policy periods ending each six months following its original date of issue.

(b) Each contract of insurance subject to this enactment must set forth the substance of subsection (2), which may be in form of an attached endorsement.

(c) The provisions of the above section shall take effect on July 1, 1968.

Sec. 2. There is added to chapter 79, Laws of 1947 and to chapter 48.18 RCW a new section to read as follows: New section.

Nothing in section 1 of this act shall be construed to prevent the cancellation or nonrenewal of any such insurance where: Exceptions.

(1) Such cancellation or nonrenewal is ordered by the commissioner under a statutory delinquency proceeding commenced under the provisions of chapter 48.31 RCW, or

(2) Permission for such cancellation or nonrenewal has been given by the commissioner on a showing that the continuation of such coverage can reasonably be expected to create a condition in the company hazardous to its policyholder, or to its creditors, or to its members, subscribers, or stockholders, or to the public.

Sec. 3. There is added to chapter 79, Laws of 1947 and to chapter 48.22 RCW a new section to read as follows: New section.

Motor vehicle  
insurance—  
Uninsured  
motorists  
coverage.

(1) The term “uninsured motor vehicles” with reference to coverage offered under any insurance policy regulated under this chapter shall, subject to the terms and conditions of such coverage, be deemed to include an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency.

(2) An insurer’s insolvency protection shall be applicable only to accidents occurring during a policy period in which its insured’s uninsured motorist coverage is in effect where the liability insurer of the tort-feasor becomes insolvent within three years after such an accident. Nothing herein contained shall be construed to prevent any insurer from affording insolvency protection under terms and conditions more favorable to its insureds than is provided hereunder.

(3) In the event of payment to an insured under the coverage required by this chapter and subject to the terms and conditions of such coverage, the insurer making such payment shall, to the extent thereof, be entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of such insured against any person or organization legally responsible for the bodily injury for which such payment is made, including the proceeds recoverable from the assets of the insolvent insurer. Whenever an insurer shall make payment under the coverage required by this section and which payment is occasioned by an insolvency, such insurer’s right of recovery or reimbursement shall not include any rights against the insured of said insolvent insurer, but such paying insurer shall have the right to proceed directly against the insolvent insurer or its receiver, and in pursuance of such right such paying insurer

shall possess any rights which the insured of the insolvent company might otherwise have had, if the insured of the insolvent insurer had personally made the payment.

Sec. 4. There is added to chapter 79, Laws of 1947 and to Title 48 RCW a new chapter as set forth in sections 5 through 9 of this amendatory act. New chapter.

Sec. 5. As used in sections 5 through 9 of this amendatory act: Life insurance  
—Profit-sharing,  
charter and founder's  
policies.  
Definitions.

(1) "Profit-sharing policy" means:

(a) A life insurance policy which by its terms expressly provides that the policy-holder will participate in the distribution of earnings or surplus other than earnings or surplus attributable, by reasonable and nondiscriminatory standards, to the participating policies of the company and allocated to the policyholder on reasonable and nondiscriminatory standards; or

(b) A life insurance policy the provisions of which, through sales material or oral presentations, are interpreted by the company to prospective policyholders as entitling the policyholder to the benefits described in subsection (a) of this section.

(2) "Charter policy" or "founders policy" means:

(a) A life insurance policy which by its terms expressly provides that the policyholder will receive some preferential or discriminatory advantage or benefit not available to persons who purchase insurance from the company at future dates or under other circumstances; or

(b) A life insurance policy the provisions of which, through sales material or oral presentations, are interpreted by the company to prospective policyholders as entitling the policyholder to the benefits described in subsection (a) of this section.

Life insurance  
—Profit-sharing,  
charter and founder's  
policies.  
Definitions.

(3) "Coupon policy" means a life insurance policy which provides a series of pure endowments maturing periodically in amounts not exceeding the gross annual policy premiums. The term "pure endowment" or "endowment" is used in its accepted actuarial sense, meaning a benefit becoming payable at a specific future date if the insured person is then living.

Prohibited.

Sec. 6. No profit-sharing, charter, or founders policy shall be issued or delivered in this state after September 1, 1967.

Coupon policy  
—Approval.

Sec. 7. No coupon policy shall be issued or delivered in this state until the form of the same has been filed with and approved by the commissioner.

Coupon poli-  
cies—Provi-  
sions applica-  
ble.

Sec. 8. Coupon policies issued or delivered in this state shall be subject to the following provisions:

(1) No detachable coupons or certificates or passbooks may be used. No other device may be used which tends to emphasize the periodic endowment benefits or which tends to create the impression that the endowments represent interest earnings or anything other than benefits which have been purchased by part of the policyholder's premium payments.

(2) Each endowment benefit must have a fixed maturity date and payment of the endowment benefit shall not be contingent upon the payment of any premium becoming due on or after such maturity date.

(3) The endowment benefits must be expressed in dollar amounts rather than as percentages of other quantities or in other ways, both in the policy itself and in the sale thereof.

(4) A separate premium for the periodic endowment benefits must be shown in the policy adjacent to the rest of the policy premium

information and must be given the same emphasis in the policy and in the sale thereof as that given the rest of the policy premium information. This premium shall be calculated with mortality, interest and expense factors which are consistent with those for the basic policy premium.

Sec. 9. The commissioner may revoke all certificates of authority and licenses granted to any insurance company, its officers or agents violating any provision of sections 5 through 9 of this amendatory act. Penalty.

Sec. 10. Section .12.19, chapter 79, Laws of 1947 and RCW 48.12.190 are each amended to read as follows: RCW 48.12.190 amended.

(1) Real property acquired pursuant to a mortgage loan or a contract for a deed, in the absence of a recent appraisal deemed by the commissioner to be reliable, shall not be valued at an amount greater than the unpaid principal of the defaulted loan or contract at the date of such acquisition, together with any taxes and expenses paid or incurred in connection with such acquisition, and the cost of improvements thereafter made by the insurer and any amounts thereafter paid by the insurer on assessments levied for improvements in connection with the property. Life insurers—  
Assets—  
Valuation of  
property.

(2) Other real property held by an insurer shall not be valued at any amount in excess of fair value, less reasonable depreciation based on the estimated life of the improvements.

(3) Personal property acquired pursuant to chattel mortgages made under RCW 48.13.150 shall not be valued at an amount greater than the unpaid balance of principal on the defaulted loan at date of acquisition together with taxes and expenses incurred in connection with such acquisition, or the

fair value of such property, whichever amount is the lesser.

RCW 48.13.020 amended.

Sec. 11. Section .13.02, chapter 79, Laws of 1947 and RCW 48.13.020 are each amended to read as follows:

Life insurers—  
Investments—  
General qual-  
ifications.

(1) No security or other investment shall be eligible for purchase or acquisition under this chapter unless it is interest bearing or interest accruing or dividend or income paying, is not then in default in any respect, and the insurer is entitled to receive for its exclusive account and benefit, the interest or income accruing thereon; except,

(a) that an insurer may acquire real property as provided in RCW 48.13.160, and

(b) that this section shall not prevent participation by an insurer in a mortgage loan if the insurer holds a senior participation in such mortgage or deed of trust giving it substantially the rights of a first mortgagee as to its interest in that loan.

(2) No security shall be eligible for purchase at a price above its market value.

(3) No provision of this chapter shall prohibit the acquisition by an insurer of other or additional securities or property if received as a dividend or as a lawful distribution of assets, or if acquired pursuant to a lawful and bona fide agreement of bulk reinsurance or consolidation. Any investments so acquired through bulk reinsurance or consolidation, which are not otherwise eligible under this chapter, shall be disposed of pursuant to RCW 48.13.290 if personal property or securities, or pursuant to RCW 48.13.170 if real property.

RCW 48.13.140 amended.

Sec. 12. Section .13.14, chapter 79, Laws of 1947, as amended by section 3, chapter 303, Laws of 1955 and RCW 48.13.140 are each amended to read as follows:



(1) The fair value of property shall be determined by appraisal by a competent appraiser at the time of the acquisition of real property or of the making or acquiring of a mortgage loan or investing in a contract for the deed thereon; except, that as to bonds or notes secured by mortgage or trust deed guaranteed or insured by the Federal Housing Administration, or guaranteed or insured as to principal in full or in part by the Administrator of Veterans' Affairs, or guaranteed or insured by the Farmers Home Administration, the valuation made by such administration or administrator shall be deemed to have been made by a competent appraiser for the purposes of this subsection.

Life insurers—  
Investments—  
Appraisal of  
property—  
Limit of loan.

(2) Buildings and other improvements located on mortgaged premises shall be kept insured for the benefit of the mortgagee against loss or damage from fire in an amount not less than the unpaid balance of the obligation, or the insurable value of the property, whichever is the lesser.

(3) An insurer shall not make or acquire a loan or loans upon the security of any one parcel of real property in aggregate amount in excess of twenty-five thousand dollars or more than the amount permissible under RCW 48.13.030, whichever is the greater.

Sec. 13. Section .13.16, chapter 79, Laws of 1947, as amended by section 17, chapter 190, Laws of 1949 and RCW 48.13.160 are each amended to read as follows:

RCW 48.13.160  
amended.

(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

Life insurers—  
Investments—  
Real property  
owned—Home  
office building.

Life insurers—  
Investments—  
Real property  
owned—Home  
office building.

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, 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 therefore, 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, together with the admitted value of all common stock, then held by it, shall not exceed twenty percent of its admitted assets 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, one 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. 14. Section .13.17, chapter 79, Laws of 1947 and RCW 48.13.170 are each amended to read as follows:

RCW 48.13.170 amended.

(1) Real property acquired by an insurer pursuant to paragraph (a) of subsection (3) of RCW 48.13.160 shall be disposed of within five years after it has ceased being necessary for the use of the insurer in the transaction of its business. Real property acquired by an insurer pursuant to loans, mortgages, liens, judgments, or other debts, or pursuant to paragraphs (b), (c), (d), and (e) of subsection (3) of RCW 48.13.160 shall be disposed of

Life insurers—  
Investments—  
Disposal of  
real property  
—Time limit.

Life insurers—  
Investments—  
Disposal of  
real property  
—Time limit.

within five years after date of acquisition. The time for any such disposal may be extended by the commissioner for a definite additional period or periods upon application and proof that forced sale of the property, otherwise necessary, would be against the best interests of the insurer.

(2) Any such real property held by the insurer without the commissioner's consent beyond the time permitted for its disposal shall not be carried or allowed as an asset.

New section.

Sec. 15. There is added to chapter 79, Laws of 1947 and to chapter 48.24 RCW a new section to read as follows:

Group life  
insurance—  
Creditor  
groups—  
Depositors in  
banks, etc.

The lives of a group of individuals may be insured under a policy issued to a state or federally regulated financial institution, which financial institution shall be deemed the policyholder. The purpose of the policy shall be to insure the depositors or depositor members of the financial institution for the benefit of persons other than the financial institution or its officers. The issuance of the policy shall be subject to the following requirements:

(1) The persons eligible for insurance under the policy shall be the depositors or deposit members of such financial institution, except any as to whom evidence of individual insurability is not satisfactory to the insurer, or any class or classes thereof determined by conditions of age.

(2) The policy must cover at least one hundred persons at the date of issue.

(3) The amount of insurance under the policy shall not exceed the amount of the deposit account of the insured person or five thousand dollars whichever is less.

(4) Financial institutions referred to herein must be authorized to do business in the state of

Washington and have their depositors' or members' deposit accounts insured against loss to the amount of at least fifteen thousand dollars by a corporate agency of the federal government.

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 and circumstances is not affected. Severability.

Passed the House April 18, 1967.

Passed the Senate April 17, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 96.

[Substitute House Bill No. 572.]

### TIDELANDS—TRANSFER TO PARKS AND RECREATION COMMISSION.

AN ACT relating to the management of certain tidelands owned by the state of Washington; transferring certain powers and duties to the parks and recreation commission and prescribing powers and duties in relation thereto.

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

Section 1. The powers, functions, and duties heretofore exercised by the department of fisheries, or its director, respecting the management, control, and operation of the following enumerated tidelands, which are presently suitable for public recreational use, are hereby transferred to the parks and recreation commission which shall also have respecting such tidelands all the powers conferred by chapter 43.51 RCW, as now or hereafter amended, respecting parks and parkways:

Tidelands—  
Transfer of  
management  
etc. to parks  
and recreation.

Parcel No. 1. (Toandos Peninsula) The tidelands of the second class, owned by the state of Washing-

Tidelands—  
Transfer of  
management  
etc. to parks  
and recreation.

ton, situate in front of, adjacent to, or abutting upon lots 1, 2, and 3, section 5, lots 1, 2, and 3, section 4, and lot 1, section 3, all in township 25 north, range 1 west, W.M., with a frontage of 158.41 lineal chains, more or less.

Parcel No. 2. (Shine) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, 3 and that portion of lot 4 lying north of the south 8.35 chains thereof as measured along the government meander line, all in section 35, township 28 north, range 1 east, W.M., with a frontage of 76.70 lineal chains, more or less.

Subject to an easement for right of way for county road granted to Jefferson county December 8, 1941 under application No. 1731, records of department of public lands.

Parcel No. 3. (Mud Bay—Lopez Island) The tidelands of the second class, owned by the state of Washington situate in front of, adjacent to, or abutting upon lots 5, 6 and 7, section 18, lot 5, section 7 and lots 3, 4, and 5, section 8, all in township 34 north, range 1 west, W.M., with a frontage of 172.11 lineal chains, more or less.

Excepting, however, any tideland of the second class in front of said lot 3, section 8 conveyed through deeds issued April 14, 1909 pursuant to the provisions of chapter 24, Laws of 1895 under application No. 4985, records of department of public lands.

Parcel No. 4. (Spencer Spit) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 3, and 4, section 7, and lot 5, section 18 all in township 35 north, range 1 west, W.M., with a frontage of 118.80 lineal chains, more or less.

Parcel No. 5. (Lilliwaup) The tidelands of the second class, owned by the state of Washington,

lying easterly of the east line of vacated state oyster reserve plat No. 133 produced southerly and situate in front of, adjacent to or abutting upon lot 9, section 30, lot 8, section 19 and lot 5 and the south 20 acres of lot 4, section 20, all in township 23 north, range 3 west, W.M., with a frontage of 62.46 lineal chains, more or less.

Sec. 2. The state parks and recreation commission may take appropriate action to provide public and private access, including roads and docks, to and from the tidelands described in section 1 of this act. Access.

Sec. 3. If any provision of this 1967 act, or its application to any person or circumstance is held invalid, the remainder of this 1967 act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the House March 17, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 97.

[House Bill No. 619.]

### ELECTRICAL INSPECTORS.

AN ACT relating to electricians and electrical installations; and amending section 3, chapter 325, Laws of 1959 as amended by section 4, chapter 207, Laws of 1963 and RCW 19.28.360.

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

Section 1. Section 3, chapter 325, Laws of 1959 as amended by section 4, chapter 207, Laws of 1963 and RCW 19.28.360 are each amended to read as follows: RCW 19.28.360 amended.

Electrical  
inspectors—  
Application—  
Exemptions.

The provisions of RCW 19.28.210 shall not apply:

(1) Within the corporate limits of any incorporated city or town which has heretofore adopted and enforced or subsequently adopts and enforces an ordinance requiring an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by this chapter: *Provided*, That such city or town shall require that its electrical inspectors meet qualifications provided for state electrical inspectors in accordance with RCW 19.28.070.

(2) Within the service area of an electricity supply agency owned and operated by a city or town which is supplying electricity and enforcing a standard of construction and materials outside its corporate limits at the time this act takes effect: *Provided*, That such city, town or agency shall henceforth enforce by inspection within its service area outside its corporate limits the same standards of construction and of materials, devices, appliances and equipment as is enforced by the department of labor and industries under the authority of this chapter: *Provided further*, That fees charged henceforth in connection with such enforcement shall not exceed those established in RCW 19.28.210.

Passed the House March 23, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 98.

[House Bill No. 960.]

### BOUNDARY REVIEW BOARDS.

AN ACT relating to state and local government; and amending section 5, chapter [189], Laws of 1967 (SHB 37).

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



Section 1. Section 5, chapter 189, Laws of 1967 (SHB 37) is amended to read as follows:

Amending  
Laws of 1967.

After the effective date of this act, the governor shall within forty-five days appoint a board for each class AA and class A county consisting of eleven members as provided for in this section. After a board has been established in a county other than class AA or class A by resolution or by approval of the electors after an election initiated by petition the governor shall appoint a board within forty-five days for each such county consisting of eleven members as provided for in this section.

Counties and  
cities—Bound-  
ary review  
boards—  
Appointment  
of members.

Of the members of the first board to be appointed in class AA and class A counties after the taking effect of this section, four members, consisting of one member appointed from each of the four classes of nominees, shall have terms expiring January 1, 1970; four members, consisting of one member appointed from each of the four classes of nominees, shall have terms expiring January 1, 1972; and three members, consisting of one member from each of the three classes of nominees furnishing three members to the board, shall have terms expiring January 1, 1974. When any other county establishes such a board of eleven members, the expiration dates of the initial terms of the members of the board shall be adjusted so that the terms of four members, consisting of one member appointed from each of the four classes of nominees, shall be at least two years, but less than four years; the terms of four members, consisting of one member appointed from each of the four classes of nominees, shall be at least four years, but less than six years; and the terms of three members, consisting of one member from each of the three classes of nominees furnishing three members to the board, shall not be less than six years, nor more than eight years, and all terms shall expire on January 1 of an even-numbered year in accordance with

Counties and  
cities—Bound-  
ary review  
boards—  
Appointment  
of members.

the above. When any other county establishes such a board of five members, two members shall have a term of not less than two years, nor more than four years; two members shall have a term of not less than four years, and not more than six years; and one member shall have a term of not less than six years, nor more than eight years. Upon the expiration of the terms of the initial members first to be appointed, each succeeding member shall be appointed and hold office for a term of six years.

Any vacancy on the board shall be filled by appointment by the governor from the same source as the preceding member, which source shall have the opportunity to make new nominations for the vacated position, and such appointee shall serve only for the balance of the full term of his predecessor.

In each boundary review board which consists of eleven members, all members shall be residents of the county in which the review board is established. Three members shall be selected independently by the governor and the remaining eight members shall be selected by the governor from the following sources:

(1) Three members shall be selected from nominees of the individual mayors of the cities and towns within the county;

(2) Three members shall be selected from nominees of the individual members of the board of county commissioners; and

(3) Two members shall be selected from nominees of each special purpose district lying wholly or partly within the county. Selection shall be made so that the terms of not more than one appointee from each source expires in any one year.

Nominations shall be filed with the office of the governor within thirty days after the effective date of this act, within thirty days after the creation of a boundary review board by election or resolution as

provided in section 3, or within thirty days of the creation of a vacancy on the board, as appropriate. Nominations to fill vacancies caused by expiration of terms shall be filed at least thirty days preceding the expiration of the terms. Each source shall nominate at least two persons for every available position. In the event there are less than two nominees for any position, the governor may appoint the member for that position independently.

No nominee for membership and no member shall be a consultant or adviser on a contractual or regular retaining basis of the state of Washington, or of any municipal corporation thereof within the county in which the board is established, or any agency or association thereof.

**Note:** See also section 5, chapter 189, Laws of 1967.

Passed the House March 21, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 99.

[House Bill No. 630.]

### AIR SPACE—FIRST AND SECOND CLASS CITIES—SALE OR LEASE.

AN ACT relating to the sale or lease of air space over real property of cities of the first and second class.

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

Section 1. The legislative authority of every city of the first and second class owning real property, not limited by dedication or trust to a particular public use, may convey or lease for public or private use any estate, right or interest in the areas above the surface of the ground of such real property or structures or improvements thereon: *Provided*, That

Air space—  
First and  
second class  
cities—Sale or  
lease.

Air space—  
First and  
second class  
cities—Sale or  
lease.

the estate, right or interest so created and conveyed and the use authorized in connection therewith will not in the judgment of said legislative authority be needed for or be inconsistent with the public purposes for which such property was acquired, is being used, or to which it is to be devoted: *Provided further*, That the legislative authority may impose conditions and restrictions on the use to be made of the estate, right or interest conveyed or leased, in the same manner and to the same extent as may be done by any vendor or lessor of real estate.

No conveyance or lease authorized by this section shall permit, authorize or suffer the lessee or grantee to encumber that portion of the real estate devoted to or needed for public purposes.

Passed the House April 15, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 100.

[House Bill No. 9.]

### LEGISLATORS—APPOINTEES—EMOLUMENTS.

AN ACT relating to state government; providing for emoluments for appointees to the office of legislator; amending section 1, chapter 48, Laws of 1949, as last amended by section 4, chapter 127, Laws of 1965 extraordinary session and RCW 43.03.010; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.03 RCW.

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

RCW 43.03.010  
amended.

Section 1. Section 1, chapter 48, Laws of 1949, as last amended by section 4, chapter 127, Laws of 1965 extraordinary session, and RCW 43.03.010 are each amended to read as follows:

The annual salaries of the following named state elected officials shall be: Governor, thirty-two thou-

sand five hundred dollars; lieutenant governor, ten thousand dollars; secretary of state, fifteen thousand dollars; state treasurer, fifteen thousand dollars; state auditor, sixteen thousand five hundred dollars; attorney general, twenty-three thousand dollars; superintendent of public instruction, twenty-two thousand five hundred dollars; commissioner of public lands, twenty thousand dollars; state insurance commissioner, sixteen thousand five hundred dollars; members of the legislature shall receive for their service three thousand six hundred dollars per annum, and in addition, ten cents per mile for travel to and from legislative sessions.

Legislators—  
Salaries—  
Appointments  
to fill vacancy.

Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.03 RCW a new section to read as follows:

New section.

Any person appointed to fill a vacancy that may occur in either the senate or house of representatives of the state legislature, prior to his qualification at the next succeeding regular or special session of the legislature shall be entitled to the same emoluments of office as the duly elected member whom he succeeded.

Appointive  
legislators—  
Compensation.

Passed the House April 7, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor April 28, 1967.

CHAPTER 101.

[House Bill No. 404.]

PUBLIC PURCHASES—FIVE PERCENT DIFFERENTIAL.

AN ACT relating to purchases with public funds; and repealing section 1, chapter 34, Laws of 1933 and RCW 39.24.010.

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

Section 1. Section 1, chapter 34, Laws of 1933 and RCW 39.24.010 are each hereby repealed.

Passed the House April 15, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor April 28, 1967.

Public pur-  
chases—Five  
percent differ-  
ential—Repeal.

CHAPTER 102.

[Engrossed House Bill No. 498.]

PUBLIC HEALTH.

AN ACT relating to public health; amending section 43.20.010, chapter 8, Laws of 1965 and RCW 43.20.010; amending section 43.20.040, chapter 8, Laws of 1965 and RCW 43.20.040; amending section 43.20.050, chapter 8, Laws of 1965 and RCW 43.20.050; amending section 43.20.060, chapter 8, Laws of 1965 and RCW 43.20.060; adding new sections to chapter 8, Laws of 1965 and to chapter 43.20 RCW; and prescribing penalties.

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

Section 1. Section 43.20.010, chapter 8, Laws of 1965 and RCW 43.20.010 are each amended to read as follows:

The director of health shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Investigate and study factors relating to the preservation, promotion, and improvement of the

RCW 43.20.010  
amended.

Public health.  
Powers and  
duties of the  
director of  
health.

health of the people, the causes of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report his findings to the state board of health for such action as the board determines is necessary;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

(4) Investigate outbreaks and epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

(5) Exercise general supervision over the work of all local health departments and establish uniform reporting systems by local health officers to the state department of health;

(6) Have the same authority as local health officers, except that he shall not exercise such authority unless the local health officer fails or is unable to do so, or when in an emergency the safety of the public health demands it;

(7) Cause to be made from time to time, inspections of the sanitary and health conditions existing at the state institutions, require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report his findings to the governor;

(8) Take such measures as he deems necessary in order to promote the public health, to establish or participate in the establishment of health educational or training activities, and to provide funds for and to authorize the attendance and participation in such activities of employees of the state or local health departments and other individuals engaged in programs related to or part of the public health programs of the local health departments or the state department of health. The director is also au-

Public health.  
Powers and  
duties of the  
director of  
health.

thorized to accept any funds from the federal government or any public or private agency made available for health education training purposes and to conform with such requirements as are necessary in order to receive such funds; and

(9) Establish and maintain laboratory facilities and services as are necessary to carry out the responsibilities of the department.

New section.

Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows:

Director—  
Subpoenas—  
Oaths.

The director shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. The provisions of section 10, chapter 237, Laws of 1967 shall apply to subpoenas issued hereunder.

New section.

Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows:

Director—In-  
vestigative  
powers—  
Threats to  
public health.

The director on his own motion or upon the complaint of any interested party, may investigate, examine, sample or inspect any article or condition constituting a threat to the public health including, but not limited to, outbreaks of communicable diseases, food poisoning, contaminated water supplies, and all other matters injurious to the public health. When not otherwise available, the department may purchase such samples or specimens as may be necessary to determine whether or not there exists a threat to the public health. In furtherance of any such investigation, examination or inspection, the director or his authorized representative may examine that portion of the ledgers, books, accounts,



memorandums, and other documents and other articles and things used in connection with the business of such person relating to the actions involved.

For purposes of such investigation, the director or his representative shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities or any other place. The director may also, for the purposes of such investigation, issue subpoenas to compel the attendance of witnesses, as provided for in section 2 in this 1967 amendatory act, and/or the production of books and documents anywhere in the state.

Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows: New section.

Pending the results of an investigation provided for under section 3 of this 1967 amendatory act, the director may issue an order prohibiting the disposition or sale of any food or other item involved in the investigation: *Provided*, That the order of the director shall not be effective for more than fifteen days without the commencement of a legal action as provided for under section 5 of this 1967 amendatory act. Threats to health—  
Order of director.

Sec. 5. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows: New section.

The director may bring an action to enjoin a violation or the threatened violation of any of the provisions of the public health laws of this state or any rules or regulation made by the state board of health or the health department pursuant to said laws, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs. Enforcement of orders—  
Injunctions.

Public health. or is about to occur, or in the superior court of Thurston county.

New section. Sec. 6. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows:

State jurisdiction when aid requested by local health officer. Upon the request of a local health officer, the state director of health is hereby authorized and empowered to take legal action to enforce the public health laws and rules and regulations of the state board of health or local rules and regulations within the jurisdiction served by the local health department, and may institute any civil legal proceeding authorized by the laws of the state of Washington.

New section. Sec. 7. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows:

Enforcement. (1) It shall be the duty of each assistant attorney general, prosecuting attorney, or city attorney to whom the director reports any violation of this chapter, or regulations promulgated under it, to cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law.

(2) Before any violation of this chapter is reported by the director to the prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views to the director, either orally or in writing, with regard to such contemplated proceeding.

RCW 43.20.040 amended. Sec. 8. Section 43.20.040, chapter 8, Laws of 1965 and RCW 43.20.040 are each amended to read as follows:

Director—Experts—Assistants. The director may appoint and employ such deputies, scientific experts, physicians, nurses, sanitary engineers, and other personnel including consult-

ants, and such clerical and other assistants as may be necessary to carry on the work of the department of health.

Sec. 9. Section 43.20.050, chapter 8, Laws of 1965 and RCW 43.20.050 are each amended to read as follows:

RCW 43.20.050 amended.

The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the state.

State board of health—Powers and duties.

In order to protect public health, the state board of health shall:

Adopt rules and regulations for the protection of water supplies for domestic use, and such other uses as may affect the public health, and shall adopt standards and procedures governing the design, construction and operation of water supply, treatment, storage, and distribution facilities, as well as the quality of water delivered to the ultimate consumer;

Adopt rules and regulations and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities; and

Adopt rules and regulations controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work.

It shall have supreme authority in matters of quarantine, and shall provide by rule and regulation

State board of health.—Powers and duties.

procedures for the imposition and use of isolation and quarantine.

The board shall promulgate rules and regulations for the prevention and control of infectious and non-infectious diseases, including food and vector borne illness, and rules and regulations governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule.

It may also enforce the public health laws of the state and the rules and regulations promulgated by it through the state director of health in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the state director of health by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county.

All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules and regulations adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

The board shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it.

Sec. 10. Section 43.20.060, chapter 8, Laws of 1965 and RCW 43.20.060 are each amended to read as follows:

RCW 43.20.060 amended.

In order to receive the assistance and advice of local health officers in carrying out his duties and responsibilities, the director of health shall hold annually a conference of local health officers, at such place as he deems convenient, for the discussion of questions pertaining to public health, sanitation, and other matters pertaining to the duties and functions of the local health departments, which shall continue in session for such time not exceeding three days as the director deems necessary.

Conference of local health officers.

The health officer of each county, district, municipality and county-city department shall attend such conference during its entire session, and receive therefor his actual and necessary traveling expenses, to be paid by his county, district, and municipality or county-city department: *Provided*, That no claim for such expenses shall be allowed or paid unless it is accompanied by a certificate from the director of health attesting the attendance of the claimant.

Sec. 11. The state board of health is hereby authorized to provide grant-in-aid payments with state funds to assist in the cost of general operation of local health departments in accordance with standards established by the board.

State aid

Sec. 12. In furtherance of the policy of this state to cooperate with the federal government in the programs included in Title 70 RCW, the state board of health shall adopt such rules and regulations as may become necessary to entitle this state to participate in federal matching funds unless the same be expressly prohibited by such title. Any section or provision of Title 70 RCW which may be susceptible to more than one construction shall be interpreted

Rules and regulations.

in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching funds for the various programs of public health.

Severability.

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.

Construction  
—Religious  
liberty.

Sec. 14. Nothing in this act shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to alleviate human ailments, sickness or disease, in accordance with the tenets and practice of the Church of Christ, Scientist, nor shall anything in this act be deemed to prohibit a person so relying who is inflicted with a contagious or communicable disease from being isolated or quarantined in a private place of his own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with.

Passed the House April 19, 1967.

Passed the Senate April 17, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 103.

[Engrossed House Bill No. 182.]

### COUNTIES—CENTRAL SERVICES DEPARTMENTS.

AN ACT relating to county government; authorizing the creation and organization of a county central service department; defining their powers and duties; and prescribing procedures.

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

Section 1. A new chapter shall be added to chapter 4, Laws of 1963 and to Title 36 RCW which shall consist of sections 2 through 10 of this act. New chapter

Sec. 2. The purpose of this act is to provide county officials of each county with a modern approach to the common problems encountered by said officers in accounting, record keeping, and problem solving, thereby effectuating economies in county government. County central services departments—Purpose.

It is further the intent of this act that the constitutional autonomy of the various county officers be preserved while providing such officials with a centralized department to perform ministerial functions for them on the most modern and efficient machines available.

Sec. 3. As used in this act, the following words shall have the meanings ascribed herein: Definitions

(1) "Services department" shall mean the county central services department, established in accordance with the provisions of this act.

(2) "Board" shall mean the board of county commissioners.

(3) "Automatic data processing" or "ADP" shall mean that method of processing information using mechanical or electronic machines, guided by predetermined instructions to produce information in usable form, and shall include but not be limited to electronic accounting machines, electronic data processing machines, and computers.

(4) "Electronic accounting machines" or "EAM" shall mean that method of ADP utilizing punch cards or unit record equipment.

(5) "Electronic data processing" or "EDP" shall include that system which comprises a combination of equipment or unites to provide input of source data, storage and processing of data and output in

County central services department.

predetermined form, including a central processing unit (CPU) or main frame.

(6) "Computer" shall mean any device that is capable of solving problems and supplying results by accepting data and performing prescribed operations. It shall include analog or digital, general purpose or special purpose computers.

(7) "Copy" or "micro-copy" shall mean photographic, photostatic, photomechanical or other copy process.

It is the intent of this act that the definitions contained in subsections (3) through (7) of this section shall be construed in the broadest possible interpretation in order that new and modern equipment and methods as they become available shall be included therein.

Creation—Supervisor—Salary.

Sec. 4. By resolution, the board of county commissioners may create a county central services department which shall be organized and function as any other department of the county. When a board creates a central services department, it shall also provide for the appointment of a supervisor to be the administrative head of such department, subject to the supervision and control of the board, and to serve at the pleasure of the board. The supervisor shall receive such salary as may be prescribed by the board. In addition, the supervisor shall be reimbursed for traveling and other actual and necessary expenses incurred by him in the performance of his official duties.

Central services fund—Uses—Transfers to.

Sec. 5. When a central services department is created, the board shall establish a central services fund for the payment of all costs of conducting those services for which such department was organized and annually budget therefor. It may make transfers into the central services fund from the current expense fund and receive funds for such



purposes from other departments and recipients of such services.

Sec. 6. Services departments created pursuant to this act shall initially draw a comprehensive data processing use plan. It shall establish levels of service to be performed by the department and shall establish levels of service required by using agencies. Before proceeding with purchase, lease or acquisition of the data processing equipment, the comprehensive data processing use plan shall be adopted by the board.

Duties and functions of department.

When established by the board, the services department may perform the service functions relating to accounting, record keeping, and micro-copy by the utilization of automatic data processing and micro-copy equipment.

In relation to said equipment the services department shall perform any ministerial services authorized by the board and requested by the various officers and departments of the county. In this connection, it is the intent of this act that the services department be authorized to utilize such equipment to the highest degree consistent with the purposes of this act and not inconsistent with constitutional powers and duties of such officers.

The services department is also authorized to utilize such equipment for the purpose of problem solving when such problem solving is of a ministerial rather than a discretionary nature.

Sec. 7. The supervisor shall have the authority to appoint, subject to the approval of the board, such clerical and other assistants as may be required and authorized for the proper discharge of the functions of the services department.

Supervisor—  
Assistants and  
other clerical  
help.

Sec. 8. The board of county commissioners shall fix the terms and charges for services rendered by the central services department pursuant to this act,

Charges for  
services.

which amounts shall be credited as income to the appropriate account within the central services fund and charged on a monthly basis against the account of the recipient for whom such services were performed. Moneys derived from the activities of the central services department shall be disbursed from the central services fund by the county treasurer by warrants on vouchers duly authorized by the board.

Ministerial duties not to be performed after department created.

Sec. 9. When a board of county commissioners creates a central services department pursuant to section 4 of this act, the ministerial services to be performed by such department in connection with automatic data processing shall not thereafter be performed by any other officer or employee of said county.

Severability.

Sec. 10. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 21, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 104.

[Engrossed House Bill No. 517.]

### GENERAL ADMINISTRATION—PURCHASING.

AN ACT relating to state government; relating to the department of general administration, division of purchasing and purchasing committee; adding new sections to chapter 8, Laws of 1965 and to chapter 43.19 RCW; amending section 43.19.190, chapter 8, Laws of 1965 and RCW 43.19.190; amending section 43.19.1902, chapter 8, Laws of 1965 and RCW 43.19.1902; amending section 43.19.1904, chapter 8, Laws of 1965 and RCW 43.19.1904; amending section 43.19-

.1923, chapter 8, Laws of 1965 and RCW 43.19.1923; and repealing section 43.19.210, chapter 8, Laws of 1965 and RCW 43.19.210; and declaring an emergency.

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

Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

The term "purchase" as used in RCW 43.19.190 through 43.19.210, and as they may hereafter be amended, shall include leasing or renting: *Provided*, That the purchasing, leasing or renting of electronic data processing equipment shall not be included in the term "purchasing" if and when such transactions are otherwise expressly provided for by law.

Sec. 2. Section 43.19.190, chapter 8, Laws of 1965 and RCW 43.19.190 are each amended to read as follows:

The director of general administration, through the division of purchasing, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies and equipment needed for the support, maintenance, and use of all state institutions, colleges and universities, the offices of the elective state officers, the supreme court, the administrative and other departments of state government, and the offices of all appointive officers of the state: *Provided*, That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges and universities: *Provided further*, That primary authority for the purchase of materials, supplies and equipment for resale to other than state agencies shall rest with the state agency concerned;

Director of  
general  
administration  
—Powers and  
duties.

(3) Provide the required staff assistance for the state purchasing advisory committee through the division of purchasing;

(4) Have authority to delegate to state agencies a limited authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment and supplies: *Provided*, That acceptance of the limited purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939 or from policies established by the director after consultation with the state purchasing advisory committee;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interest of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendations of the purchasing advisory committee;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors.

**Note:** See also section 51, chapter 8, Laws of 1967 ex. sess.

Sec. 3. Section 43.19.1902, chapter 8, Laws of 1965 and RCW 43.19.1902 are each amended to read as follows:

RCW 43.19.1902 amended.

There is hereby created a state purchasing advisory committee which shall consist of seven members as follows: The director of general administration as chairman, and a representative from each of the following six state agencies, who shall be appointed by the governor based upon recommendations of the head of the agency from which the selection is made; the department of highways, the department of institutions, the department of natural resources, the University of Washington, Washington State University and the central budget agency. Members of the advisory committee shall serve without additional compensation and at the pleasure of the governor. Four members of the advisory committee shall constitute a quorum. The advisory committee shall meet upon call of the chairman and shall adopt rules and regulations for the conduct of its business. The chairman may appoint special committees for the study of specific subjects, which special committees may include representatives of such other state agencies as may be deemed appropriate.

State purchasing advisory committee—  
Creation—  
Members.

Sec. 4. Section 43.19.1904, chapter 8, Laws of 1965 and RCW 43.19.1904 are each amended to read as follows:

RCW 43.19.1904 amended.

The state purchasing advisory committee shall advise and give assistance to the director of general administration in planning and carrying out the most efficient and economical purchasing program.

State purchasing advisory committee—  
Duties.

The state purchasing advisory committee shall review and make recommendations to the director with respect to:

(1) Standards and specifications for all items of material, supplies and equipment of common usage in state agencies;

State purchasing advisory committee—Duties.

(2) Specifications for specific items of material, supplies and equipment referred to it by the division of purchasing;

(3) Standards for the purchase, replacement and repair of automotive equipment consistent with the needs and location of state agencies;

(4) A uniform system of inventory control for material, supplies and equipment;

(5) All other matters referred to it by the director or by a member of the advisory committee.

The state purchasing advisory committee shall act as an appeals board to hear appeals on matters involving a state agency and the division of purchasing, and shall render its decision relating thereto within thirty days after filing of the appeal. The findings and actions of the advisory committee shall be binding upon the respective state agencies including all offices, institutions, and departments.

Public funds shall not be expended by any agency for substitutions for material, supplies and equipment for which standards have been established by the division of purchasing after consulting with and receiving the recommendations of the advisory committee unless prior written approval is obtained from the division of purchasing.

RCW 43.19.1923 amended.

Sec. 5. Section 43.19.1923, chapter 8, Laws of 1965 and RCW 43.19.1923 are each amended to read as follows:

Division of purchasing—Central stores revolving fund—Creation—Purpose.

There is created within the division of purchasing of the department of general administration a revolving fund to be known as the "central stores revolving fund", which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include state telephone, data processing and

utilities services. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. The moneys held in the present central stores revolving fund created by section 4, chapter 160, Laws of 1943 are hereby transferred to the central stores revolving fund created by this section.

Sec. 6. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows: New section.

All of the powers and duties relating to the maintenance of inventory records of supplies, materials, equipment and other property including state equipment as provided in RCW 43.19.1917 shall be performed with the advice, cooperation and assistance of the director of budget. State agencies  
—Inventory  
records—  
Advice.

Sec. 7. Section 43.19.210, chapter 8, Laws of 1965 and RCW 43.19.210 are each hereby repealed. Repeal.

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 immediately. Emergency.

Passed the House April 21, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor April 28, 1967.

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## CHAPTER 105.

[Engrossed Senate Bill No. 638.]

### EAST CAPITOL SITE—WATERWAYS.

**AN ACT** relating to public lands; providing for the vacation of waterways; providing for the acquisition, improvement, development and financing of the east capitol site; providing for the disposition of certain public funds; amending section 118, chapter 255, Laws of 1927 and RCW

79.01.472; amending section 1, chapter 170, Laws of 1913, as last amended by section 1, chapter 115, Laws of 1937, and RCW 79.16.180; amending section 9, chapter 167, Laws of 1961 and RCW 79.24.580; making an appropriation; and declaring an emergency.

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

RCW 79.01.472  
amended.

Section 1. Section 118, chapter 255, Laws of 1927 and RCW 79.01.472 are each amended to read as follows:

Public lands—  
Waterways—  
Vacation—  
Port districts.

Whenever any waterway established under the authority of the laws of this state, or any portion of such waterway, shall not have been excavated, or shall not be in use for the purposes of navigation, or shall no longer be required in the public interest to exist as a waterway, such waterway or portion thereof may be vacated by written order of the commissioner of public lands of the state of Washington whenever he shall be requested so to do by ordinance or resolution of the city council of the city in which such waterway is situate, in whole or in part, or, in case such waterway is situate, in whole or in part, in a port district organized under the laws of the state of Washington, whenever he shall be requested so to do by resolution of the port commission of such port district; and upon the making of such order the waterway or portion thereof shall thereupon be deemed to be and shall be thereby vacated: *Provided, however,* That if the waterway or portion thereof so vacated be navigable water of the United States, or otherwise within the jurisdiction of the United States, a copy of such resolution or ordinance, together with a copy of said order of the commissioner of public lands certified to by him, shall be submitted to the secretary of the army and chief of engineers of the United States for their approval, and if they approve the same such waterway or portion thereof shall thereupon be deemed to be and shall be thereupon vacated.



Upon such vacation occurring, in either of the manners aforesaid, the commissioner of public lands shall notify the city within, or in front of, which, such waterway is located, and the city shall have the right to extend across the portions so vacated any existing streets, or to select therefrom such portions thereof as the city may desire for street purposes, in no case to exceed one hundred fifty feet in width for any one street. Such selection shall be made within sixty days subsequent to the receipt of notice of the vacation of the portion of the waterway so vacated.

Should such city fail to make such selection within such time, or within such time make such selection, the title of the remaining portions of such waterway so vacated shall vest in the state, unless the same be situate within the territorial limits of a port district created under the laws of the state, in which event such title shall vest in said port district. If subsequent to such vacation, the vacated waterway or portion of waterway shall be embraced within the limits of a port district created under the laws of the state, the title to such portions thereof as shall then remain undisposed of by the state shall vest in such port district. Such title so vesting shall be subject to any railroad or street railway crossings existing at the time of such vacation.

Sec. 2. Section 1, chapter 170, Laws of 1913, as last amended by section 1, chapter 115, Laws of 1937, and RCW 79.16.180 are each amended to read as follows:

RCW 79.16.180  
amended.

The rents hereinafter to be paid under existing or future leases of harbor areas and also of tidelands belonging to the state of Washington, the proceeds of which are not otherwise directed to a particular account or which are appropriated by the 1967 legislature to finance the Washington state canal commission shall be hereafter disposed of as follows:

State tidelands  
—Rents—  
Proceeds,  
disposition.

State tidelands  
—Rents—  
Proceeds,  
disposition.

In cases where the leased harbor area or tideland is situated within the territorial limits of a port district already created or to be hereafter created under the laws of the state of Washington, twenty-five percent of the rents received for such cases shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated for the use of such port district and go into a special fund to be expended only for harbor or water front improvement purposes and the remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury and shall only be subject to appropriation for purchasing, improving, and managing the east capitol site; except that in cases where the port district itself shall have presently constructed or shall now own existing structures or improvements situate upon leased harbor areas, or tidelands, the entire rentals of such improved area or tideland shall go to such port district: *Provided*, That whenever the port district shall hereafter construct improvements on such leased harbor areas or tideland the rental attributable to such improvements shall go to the port district. In all other cases twenty-five percent of the rents shall be paid by the state treasurer into the county treasury of the county in which the leased harbor areas or tidelands are situated, the same to go into a special fund known as the "harbor improvement fund", and to be disbursed only for harbor or harbor improvement purposes; and the remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury. In cases where any leased harbor area or tideland is situated within the limits of any incorporated city or town and is not embraced within the area of any port district, the county commissioners of the county shall allo-

cate the funds received from the lease thereof to the municipal authorities of such city or town, to be expended by said authorities for harbor or waterfront purposes. The state treasurer being hereby authorized and directed to make such payments to the respective county treasurers for the use of such port districts or counties, as the case may be, on the first days of July and January of each year, of all moneys in his hands on such dates payable under the terms of this section to such port district and counties respectively: *Provided, That each year, when the current annual debt service requirements for the bonds authorized by section 4 of this act have been provided for, the formula for distribution to port districts shall be re-established as provided in section 1, chapter 170, Laws of 1913, as last amended by section 1, chapter 115, Laws of 1937.*

Sec. 3. Section 9, chapter 167, Laws of 1961 and RCW 79.24.580 are each amended to read as follows:

RCW 79.24.580  
amended.

All moneys received by the state from the sale of tidelands, and shorelands, and from the sale of valuable material from tidelands, shorelands, beds of navigable waters and harbor areas, the proceeds of which are not otherwise directed to a particular fund or account or appropriated by the 1967 legislature to finance the Washington state canal commission, and from the lease of shorelands and beds of navigable waters, the proceeds of which are not otherwise directed to a particular fund or account or appropriated by the 1967 legislature to finance the Washington state canal commission, shall be deposited in the capitol purchase and development account of the general fund, the creation of which is hereby authorized. This account shall only be subject to appropriation for purchasing, improving, and managing the east capitol site.

Public lands—  
Sale and lease  
—Disposition  
of proceeds.

Sec. 4. In addition to any authority previously granted, the state capitol committee is authorized

State capitol  
committee—  
Issuance of  
bonds—East  
capitol site.

and directed to issue coupon or registered bonds of the state in an amount not to exceed four million dollars. The bonds shall bear interest at a rate not to exceed six percent per annum, both principal and interest to be payable only from funds received and deposited in the capitol purchase and development account of the general fund.

East capitol  
site—Bonds—  
Sale.

Sec. 5. Such bonds may be sold in such manner and in such amounts, in such denominations and at such times as the capitol committee shall determine, and at the best price obtainable. They shall be sold at such price and interest rate that the net interest cost shall not exceed six percent.

Bonds—Term  
—Form—  
Provisions.

Sec. 6. Bonds issued under this act shall mature at such time or times, and include such provisions for optional redemption, premiums, coverage, guarantees, and other covenants as in the opinion of the state capitol committee may be necessary. The principal and interest of said bonds shall be payable at the office of the state treasurer, or at the office of the fiscal agent of the state in New York City at the option of the holder of any such bond or bonds.

Bonds—Form.

Sec. 7. The bonds shall be signed by the governor and state auditor under the seal of the state which may be printed or engraved in the border of such bonds. The signature of the governor may be a facsimile printed upon the bonds and any coupons attached thereto shall be signed with the facsimile signature of said officials. Any of such bonds may be registered in the name of the holder upon presentation to the state treasurer, or at the fiscal agency of the state in New York City, as to principal alone, or as to both principal and interest, under such regulations as the treasurer may prescribe.

Sec. 8. For the purpose of paying the principal and interest of said bonds as the same shall become due, or as said bonds become callable at the option

of the capitol committee, there is created a fund to be denominated the "state building bond redemption fund". While any of said bonds remain outstanding and unpaid, it shall be the duty of the capitol committee in December of each year to determine the amount that will be required for the redemption of bonds and the payment of interest during the twelve-month period of the next calendar year, and certify said amount to the state treasurer in writing. The state treasurer shall forthwith and thereafter during said twelve-month period deposit into the state building bond redemption fund that portion of all receipts necessary to pay the principal and interest on the bonds issued that would otherwise be deposited in the general fund—capitol purchase and development account until the amount certified to said treasurer by the said capitol committee has accrued to the state building bond redemption fund.

State building  
bond redemp-  
tion fund—  
Creation—  
Purpose. Bond  
repayment.

In addition to certifying and providing for the annual amounts required to pay the principal and interest of said bonds, the capitol committee may, under such terms and conditions and at such times and in such amounts as may be found necessary to insure the sale of said bonds, provide for additional payments into the state building bond redemption fund to be held as a reserve to secure the payment of the principal and interest of such bonds.

The owner and holder of any of said bonds or the trustee for any of said bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as directed herein.

The proceeds from the sale of the bonds hereby authorized shall be paid into the general fund—capitol purchase and development account.

Sec. 9. Bonds authorized by this act shall be accepted by the state, counties, cities, towns, school districts, and other political subdivisions as security for the deposit of any of their funds in any banking

Bonds.

Bonds—Legal investment for state and governmental funds.

institution. Any officer of this state, or any county, city, town, school district, or other political subdivision may invest surplus funds, which he is authorized to invest in securities, and where such authorization is not limited or restricted as to the class of securities in which he may invest, in bonds issued under this act.

Bond proceeds—Expenditure for east capitol site.

Sec. 10. Proceeds of the bonds issued hereunder shall be expended by the state capitol committee for the purposes enumerated in this section.

The state capitol committee shall provide for the acquisition, development and improvement of lands, improvements and facilities within the east capitol site, as now described or as may be described by the legislature, as may be determined by the state capitol committee to be necessary for the current and prospective requisites of a state capitol in accordance with the provisions of RCW 79.24.500 through 79.24.590 and chapter 43.19 RCW.

Appropriation.

Sec. 11. There is appropriated to the department of general administration from the general fund—capitol purchase and development account the sum of four million dollars or so much thereof as may be necessary to accomplish the purposes set forth in section 10 of this act.

Severability.

Sec. 12. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

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 13, 1967.

Passed the House April 19, 1967.

Approved by the Governor April 28, 1967, with the exception of a certain item in Section 2 which was vetoed.

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

"This bill authorizes the State Capitol Committee to provide for the acquisition, development and improvement of lands, improvements and facilities within the East Capitol Site in the City of Olympia. The bill also provides the means for financing a portion of this project from an increased allocation to the State of rentals from harbor areas and tidelands.

"The rentals allocated to the State are to be added to the capitol purchase and development account of the State general fund. From this account the legislature has appropriated up to four million dollars to accomplish the purposes of the bill. These funds may be used directly to pay the cost of land acquisition and other expenses of the project, or the State Capitol Committee may issue bonds and use the proceeds of harbor area and tideland rentals and other funds in the capitol purchase and development account to pay the principal and interest on the bonds.

"Section 2 of the bill amends existing law relating to the allocation of harbor area and tideland rentals. It increases the allocation to the State and decreases the allocation to port districts. Looking forward to the time when the State would not require this increased allocation of rentals to pay the current installments of principal and interest on bonds, the legislature has added a proviso to section 2 as follows:

'PROVIDED, That each year, when the current annual debt service requirements for the bonds authorized by section 4 of this act have been provided for, the formula for distribution to port districts shall be re-established as provided in section 1, chapter 170, Laws of 1913, as last amended by section 1, chapter 115, Laws of 1937.'

"I do not object to the principle that the increased allocation of rentals to the State should be returned to the port districts when it is no longer required to finance the acquisition and development of property in the East Capitol Site; however, the language of the proviso is too restrictive. The increased revenues from rentals can be used only to pay debt service on bonds, otherwise they revert to the port districts. They are not available to the State to pay costs of the project without issuing bonds. And, if bonds are issued it may not be possible to accumulate funds in addition to current debt service to provide bondholders with customary guarantees that future debt service requirements will be met.

"It is doubtful that the legislature expected the proviso to result in a reduction of the State's share of these rentals during the next two years. Thus, the 1969 legislature will have the opportunity to review this provision prior to the time that any surplus funds would have been available in the capitol purchase and development account.

"For the foregoing reasons, I have vetoed a certain item in section 2. The remainder of Senate Bill No. 638 is approved."

DANIEL J. EVANS,  
Governor.

## CHAPTER 106.

[Reengrossed Senate Bill No. 325]

## PROBATE PROCEDURE.

AN ACT relating to probate law and procedure; prescribing changes in probate procedures; amending section 11.20.050, chapter 145, Laws of 1965 and RCW 11.20.050; amending section 11.56.110, chapter 145, Laws of 1965 and RCW 11.56.110; adding a new section to chapter 145, Laws of 1965 and to chapter 11.40 RCW; repealing section 8, chapter 168, Laws of 1967; and providing an effective date.

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

RCW 11.20.050  
amended.

*Section 1. Section 11.20.050, chapter 145 Laws of 1965 and RCW 11.20.050 are each amended to read as follows:*

Probate—Wills  
—Recording.

*All wills shall be recorded in the book kept for that purpose, within thirty days after probate, and the original wills shall be carefully filed with the clerk, but may be withdrawn on the order of the court.*

**NOTE:** The above section was amended by the Legislature but such action was nullified by the Governor's veto of this section. See page 1880 for Governor's explanation.

**Note:** See also section 17, chapter 168, Laws of 1967.

RCW 11.56.110  
amended.

*Sec. 2. Section 11.56.110, chapter 145, Laws of 1965 and RCW 11.56.110 are each amended to read as follows:*

Probate—Sale  
of estate prop-  
erty—Higher  
offer.

*If, at any time before confirmation of any such sale, any person shall file with the clerk of the court a bid on such property in an amount not less than ten percent higher than the bid the acceptance of which was reported by the return of sale and shall deposit with the clerk not less than twenty percent of his bid in the form of cash, money order, cashier's check or certified check made payable to the clerk, to be forfeited to the estate unless such bidder complies with his bid, the bidder whose bid was accepted shall be informed of such increased bid by registered or certified mail addressed to such bidder*



at any address which may have been given by him at the time of making such bid. Such bidder then shall have a period of five days, not including holidays, in which to make and file a bid better than that of the subsequent bidder. After the expiration of such five-day period the court may refuse to confirm the sale reported in the return of sale and direct a sale to the person making the best bid then on file, indicating which is the best bid, and a sale made pursuant to such direction shall need no further confirmation. Instead of such a direction, the court, upon application of the personal representative, may direct the reception of sealed bids. Thereupon the personal representative shall mail notice by registered or certified mail to all those who have made bids on such property informing them that sealed bids will be received by the clerk of the court within ten days. At the expiration of such period the personal representative, in the presence of the clerk of the court, shall open such bids as shall have been submitted to the clerk within the time stated in the notice (whether by previous bidders or not) and shall file a recommendation of the acceptance of the bid which he deems best in view of the requirements of the particular estate. The court may thereupon direct a sale to the bidder whose bid is deemed best by the court and a sale made pursuant to such direction shall need no confirmation: *Provided, however,* That the court shall consider the net realization to the estate in determining the best bid.

**Note:** See also section 18, chapter 168, Laws of 1967.

Sec. 3. There is added to chapter 145, Laws of 1965 and to chapter 11.40 RCW a new section to be designated as RCW 11.40.011, to read as follows:

New section  
designated  
11.40.011.

The four-month time limitation for serving and filing of claims shall not accrue to the benefit of any liability or casualty insurer as to claims against the deceased and/or the marital community of which the

Probate  
claims.

Probate—  
Claims against  
estate—Claims  
covered by  
insurance—  
Time limita-  
tion for filing.

deceased was a member and such claims may at any time within eighteen months after the date of the first publication of notice to creditors be:

(1) Served on the personal representative, or the attorney for the estate; or

(2) If the personal representative shall have been discharged, then the claimant as a creditor may cause a new personal representative to be appointed and the estate to be reopened in which case service may be had upon the new personal representative or his attorney of record.

Claims may be served and filed as herein provided, notwithstanding the conclusion of any probate proceedings: *Provided*, That the amount of recovery under such claims shall not exceed the amount of applicable insurance coverages and proceeds: *And provided further*, That such claims so served and filed shall not constitute a cloud or lien upon the title to the assets of the estate under probate nor delay or prevent the conclusion of probate proceedings or the transfer or distribution of assets of the estate subject to such probate.

**Note:** See also section 8, chapter 168, Laws of 1967.

Repeal.

Sec. 4. Section 8, chapter 168, Laws of 1967 is hereby repealed.

Effective date.

Sec. 5. The provisions of this act shall take effect on July 1, 1967.

Passed the Senate April 21, 1967.

Passed the House April 20, 1967.

Approved by the Governor April 28, 1967, with the exception of Section 1 which was vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This bill makes various changes in the probate law of the state. I have no objection to these changes; however, I have vetoed section 1 of the bill because the amendment to RCW 11.20.050 set forth in section 1 was contained in House Bill No. 138 passed by the legislature during the regular session.

"The remainder of Senate Bill No. 325 is approved."

**DANIEL J. EVANS,**  
Governor.

## CHAPTER 107.

[Senate Bill No. 386.]

COLLEGES AND UNIVERSITIES—BUILDINGS, FACILITIES,  
LANDS—POWERS AND DUTIES.

AN ACT relating to state institutions of higher learning; amending section 2, chapter 229, Laws of 1961 as amended by section 1, chapter 167, Laws of 1963, and RCW 28.76.180; amending section 3, chapter 229, Laws of 1961 as amended by section 2, chapter 167, Laws of 1963, and RCW 28.76.190; and declaring an emergency.

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

Section 1. Section 2, chapter 229, Laws of 1961 as amended by section 1, chapter 167, Laws of 1963, and RCW 28.76.180 are each amended to read as follows:

RCW 28.76.180 amended.

The boards of regents of the University of Washington and Washington State University and the board of trustees of the state colleges are severally authorized to:

(1) Enter into contracts with persons, firms or corporations for the construction, installation, equipping, repairing, renovating and betterment of buildings and facilities for the following:

State colleges and universities—Boards of regents and boards of trustees—Powers and duties, building facilities.

- (a) dormitories
- (b) hospitals
- (c) infirmaries
- (d) dining halls
- (e) student activities
- (f) services of every kind for students, including, but not limited to, housing, employment, registration, financial aid, counseling, testing and offices of the dean of students
- (g) vehicular parking
- (h) student, faculty and employee housing and boarding.

(2) Purchase or lease lands and other appurtenances necessary for the construction and installa-

State colleges and universities—Boards of regents and boards of trustees—Powers and duties, building facilities.

tion of such buildings and facilities and to purchase or lease lands with buildings and facilities constructed or installed thereon suitable for the purposes aforesaid;

(3) Lease to any persons, firms, or corporations such portions of the campus of their respective institutions as may be necessary for the construction and installation of buildings and facilities for the purposes aforesaid and the reasonable use thereof;

(4) Borrow money to pay the cost of the acquisition of such lands and of the construction, installation, equipping, repairing, renovating, and betterment of such buildings and facilities, including interest during construction and other incidental costs, and to issue revenue bonds or other evidence of indebtedness therefor, and to refinance the same before or at maturity and to provide for the amortization of such indebtedness from special student fees or from the rentals, fees, charges, and other income derived through the ownership, operation and use of such lands, buildings, and facilities and any other dormitory, hospital, infirmary, dining, student activities, student services, vehicular parking, housing or boarding building or facility at the institution;

(5) Contract to pay as rental or otherwise the cost of the acquisition of such lands and of the construction and installation, of such buildings and facilities on the amortization plan; the contract not to run over forty years;

(6) Expend on the amortization plan special student fees and/or any part or all of the fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of their respective institutions, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or

the appurtenances thereon, and to pledge such special student fees and/or the net income derived through the ownership, operation and use of any lands, buildings or facilities of the nature described in subsection (1) hereof for the payment of part or all of the rental, acquisition, construction, and installation, and the betterment, repair, and renovation or other contract charges, bonds or other evidence of indebtedness agreed to be paid on account of the acquisition, construction, installation or rental of, or the betterment, repair or renovation of, lands, buildings, facilities and equipment of the nature authorized by this section.

Sec. 2. Section 3, chapter 229, Laws of 1961 as amended by section 2, chapter 167, Laws of 1963, and RCW 28.76.190 are each amended to read as follows:

RCW 28.76.190  
amended.

The lands, buildings, facilities, and equipment acquired, constructed or installed for those purposes shall be used in the respective institutions primarily for:

Building  
authority.

- (1) dormitories
- (2) hospitals
- (3) infirmaries
- (4) dining halls
- (5) student activities
- (6) services of every kind for students, including, but not limited to housing, employment, registration, financial aid, counseling, testing and offices of the dean of students
- (7) vehicular parking
- (8) student, faculty and employee housing and boarding.

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*

Emergency.

*public institutions, and shall take effect immediately.*

Passed the Senate March 17, 1967.

Passed the House April 12, 1967.

Approved by the Governor April 22, 1967, with the exception of Section 3 which was vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This bill clarifies certain language with regard to the authority of boards of regents and trustees of the universities and colleges of the state. Section 3 of the bill contains a standard emergency clause. I have followed the practice of vetoing emergency clauses on bills submitted to me when no genuine emergency existed.

"An emergency clause defeats the right of the people to reject a bill by referendum, and, therefore, should be sparingly used by the legislature. Representatives of the institutions at whose request the bill was introduced and those who prepared the legislation have been informed and agree that the clarification contained in the law will not be needed prior to the normal effective date of the act.

"Therefore, I have vetoed Section 3. The remainder of Senate Bill 386 is approved."

**DANIEL J. EVANS,**  
Governor.

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## CHAPTER 108.

[Engrossed House Bill No. 483.]

### PUBLIC EMPLOYEES—COLLECTIVE BARGAINING.

AN ACT relating to labor relations; providing a uniform statutory basis for implementing the right of public employees to organize and to be represented for the purpose of collective bargaining by organizations of their own choice; amending section 15, chapter 1, Laws of 1961 and RCW 41.06.150; and providing an effective date.

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

Section 1. The intent and purpose of this act is to promote the continued improvement of the relationship between public employers and their employees by providing a uniform basis for implementing the right of public employees to join labor organizations of their own choosing and to be represented by such

Public  
employees—  
Collective  
bargaining—  
Purpose.

organizations in matters concerning their employment relations with public employers.

Sec. 2. This act shall apply to any county or municipal corporation, or any political subdivision of the state of Washington except as otherwise provided by RCW 47.64.030, 47.64.040, 54.04.170, 54.04.180, 28.72.010 through 28.72.090, Senate Bill No. 34 of the 1967 regular session. Application.

Sec. 3. As used in this act:

Definitions.

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this act as designated by section 2 of this act, or any subdivision of such public body.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective

Public employ-  
ees—Collective  
bargaining—  
Definitions.

negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this act.

(5) "Department" means the department of labor and industries.

Interference  
with right to  
organize pro-  
hibited.

Sec. 4. No public employer, or other person, shall directly or indirectly, interfere with, restrain, coerce, or discriminate against any public employee or group of public employees in the free exercise of their right to organize and designate representatives of their own choosing for the purpose of collective bargaining, or in the free exercise of any other right under this act.

Department of  
labor and  
industry to  
arbitrate.

Sec. 5. In the event that a public employer and public employees are in disagreement as to the selection of a bargaining representative the department shall be invited to intervene as is provided in sections 6, 7, 8 and 9 of this act.

Hearing by  
department—  
Certification  
of bargaining  
unit.

Sec. 6. The department, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. In determining, modifying, or combining the bargaining unit, the department shall consider the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees. The department shall determine the bargaining representative by (1) examination of organization membership rolls, (2) comparison of signatures on organization bargaining authorization



cards, or (3) by conducting an election specifically therefor.

Sec. 7. In the event the department elects to conduct an election to ascertain the exclusive bargaining representative, and upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the public employees within the unit, the department shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of such bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the public employees within the unit, together with a choice for any public employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of the public employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. Any agreement which contains a provision for automatic renewal or extension of the agreement shall not be a valid agreement; nor shall any agreement be valid if it provides for a term of existence for more than three years.

Selection of  
bargaining  
representative  
—Conduct.

Sec. 8. The bargaining representative which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the

Bargaining  
representative  
—Certification  
after election.

Bargaining representative—Certification after election.

department as the exclusive bargaining representative of, and shall be required to represent, all the public employees within the unit without regard to membership in said bargaining representative: *Provided*, That any public employee at any time may present his grievance to the public employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect, and if the exclusive bargaining representative has been given reasonable opportunity to be present at any initial meeting called for the resolution of such grievance.

Rules and regulations.

Sec. 9. The department shall promulgate, revise or rescind such rules and regulations as it may deem necessary or appropriate to administer the provisions of sections 1 through 13 of this act in conformity with the intent and purpose of this act and consistent with the best standards of labor-management relations.

Collective bargaining requirement—Limitation.

Sec. 10. A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative: *Provided*, That nothing contained herein shall require any public employer to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution or charter of said public employer has been delegated to any civil service commission or personnel board similar in scope, structure and authority to the board created by chapter 41.06 RCW. Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by

either party to the state mediation service of the department of labor and industries.

Sec. 11. A collective bargaining agreement may provide that upon the written authorization of any public employee within the bargaining unit, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

Collective bargaining agreement.

Sec. 12. Nothing contained in this act shall permit or grant any public employee the right to strike or refuse to perform his official duties.

Right to strike not granted.

Sec. 13. Section 15, chapter 1, Laws of 1961 and RCW 41.06.150 are each amended to read as follows:

RCW 41.06.150 amended.

The board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; 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; examinations for all positions in the competitive and non-competitive service; appointments; probationary periods of six months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; 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 rep-

State civil service—State personnel board—Powers and duties.

State civil  
service—State  
personnel  
board—Powers  
and duties.

representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; 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; 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; 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; allocation and reallocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the state budget director in accordance with the provisions of chapter 43.88 RCW; training programs, including in-service, promotional and supervisory; regular 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 providing for veteran's preference as required by existing statutes.

Sec. 14. Sections 1 through 14 of this act shall be known as the "Public Employees' Collective Bargaining Act" and shall take effect on July 1, 1967. Short title.

Passed the House April 19, 1967.

Passed the Senate April 17, 1967.

Approved by the Governor April 28, 1967, with the exception of a certain item in Section 9 which is vetoed.

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

"This executive request bill is intended to promote the continued improvement of the relationship between public employers and their employees by providing a uniform basis for implementing the right of public employees to join labor organizations of their own choosing and to be represented by such organizations in matters concerning their employment relations with public employers. Sections 1 through 12 deal with public employees of counties, municipal corporations or political subdivisions of the state. For such employees, the Department of Labor and Industries is responsible for implementation of the law, through the promulgation of necessary rules and regulations.

"Section 13 deals only with State employees and provides clear statutory authority for the Personnel Department to establish collective bargaining procedures by rule and regulation. Section 13 was deleted by the House. By amendment the Senate reattached this section to the bill, but in doing so, placed it in a new position in the bill. As a result, Section 9 which requires the Department of Labor and Industries to promulgate rules effectuating the Act, includes within its scope, the provisions of Section 13, which are intended to deal only with the duties of the Personnel Board. Two years ago, I vetoed a bill dealing with collective bargaining for public employees, primarily because of its total inadequacy in delineating the responsibilities of the Personnel Board and other agencies of State government. I again believe it would be unfortunate to allow the ambiguity created by the Senate amendment to remain. I have therefore vetoed in Section 9 the words, 'of Sections 1 through 13' to maintain the legislative intent that the Personnel Board retain responsibility for collective bargaining by State employees and that the Department of Labor and Industries retain authority for dealing with collective bargaining by other public employees.

"With the exception of the item in Section 9, which I have vetoed for the reasons set forth above, the remainder of the bill is approved."

DANIEL J. EVANS,  
Governor.

## CHAPTER 109.

[Reengrossed House Bill No. 516.]

## ELECTIONS.

AN ACT relating to elections; and amending section 29.04.040, chapter 9, Laws of 1965 and RCW 29.04.040; amending section 12, chapter 101, Laws of 1965 extraordinary session, and RCW 29.54.043; amending section 29.10.080, chapter 9, Laws of 1965 and RCW 29.10.080; amending section 29.39.010, chapter 9, Laws of 1965 and RCW 29.39.010; amending section 29.39.030, chapter 9, Laws of 1965 and RCW 29.39.030; amending section 29.51.060, chapter 9, Laws of 1965 as amended by section 5, chapter 156, Laws of 1965 extraordinary session and RCW 29.51.060; amending section 29.54.070, chapter 9, Laws of 1965 and RCW 29.54.070; and adding new sections to chapter 9, Laws of 1965 and to chapter 29.36 RCW; amending section 29.33.020, chapter 9, Laws of 1965 and RCW 29.33.020; amending section 29.33.040, chapter 9, Laws of 1965 and RCW 29.33.040; amending section 29.33.050, chapter 9, Laws of 1965 and RCW 29.33.050; amending section 29.33.060, chapter 9, Laws of 1965 and RCW 29.33.060; amending section 29.33.070, chapter 9, Laws of 1965 and RCW 29.33.070; amending section 29.33.080, chapter 9, Laws of 1965 and RCW 29.33.080; amending section 29.33.100, chapter 9, Laws of 1965 and RCW 29.33.100; amending section 29.33.110, chapter 9, Laws of 1965 and RCW 29.33.110; amending section 29.33.120, chapter 9, Laws of 1965 and RCW 29.33.120; amending section 29.51.170, chapter 9, Laws of 1965 as amended by section 14, chapter 101, Laws of 1965 extraordinary session and RCW 29.51.170; amending section 29.59.040, chapter 9, Laws of 1965 and RCW 29.59.040; amending section 29.65.030, chapter 9, Laws of 1965 and RCW 29.65.030; amending section 29.85.160, chapter 9, Laws of 1965 and RCW 29.85.160; and providing penalties.

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

RCW 29.04.040  
amended.

Section 1. Section 29.04.040, chapter 9, Laws of 1965 and RCW 29.04.040 are each amended to read as follows:

Elections.

No paper ballot precinct shall contain more than three hundred voters. If at any election three hundred or more votes are cast at any such voting place, the secretary of state as ex officio chief election

officer, shall report that fact to the city council, if it is a precinct lying within a first class city or to the board of county commissioners if it is any other precinct. The city council of the first class city or the board of county commissioners, as the case may be, shall divide, alter, or combine precincts so that, whenever practicable such over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth.

Elections. Pre-  
cincts—Num-  
ber of voters—  
Dividing,  
altering or  
combining—  
Creating new  
precincts.

Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: *Provided, however,* That no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the September primary election and ending with the day of the November general election held in the even-numbered years.

Precincts in which voting machines are used may contain as many as nine hundred registered voters: *Provided,* That there shall be at least one voting machine for each three hundred registered voters or major fraction thereof.

Each county auditor, when reporting the official election returns to the secretary of state as provided by RCW 29.62.090, shall indicate in such report which precincts are voted by paper ballots, or voting machines. In the instance of a voting machine precinct, the county auditor shall also indicate the number of such machines used so that the secretary of state will be able to determine that the requirements of this section are being honored.

On petition of ten or more voters resident more than ten miles from any place of election, the board of county commissioners shall establish a separate voting precinct therefor.

The board of county commissioners of each county in the state hereafter formed shall, at their

Elections—  
Precincts.

first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

RCW 29.54.043  
amended.

Sec. 2. Section 12, chapter 101, Laws of 1965 extraordinary session and RCW 29.54.043 are each amended to read as follows:

Elections—  
Polling places  
—Counting  
ballots—  
Procedure.

The procedure for counting of paper ballots at every September primary or November general election shall be as follows:

(1) The inspector shall carefully examine each ballot and read aloud the name of each person receiving a vote, the office for which every such person is voted for, and the vote for or against each proposition on the ballot.

(2) The judge, representing the opposite political party of the inspector, shall observe such reading.

(3) The second judge shall tally the votes as read in the tally books to be returned to the election officer having jurisdiction of the election.

(4) The clerk representing the opposite political party of the second judge shall, at the same time, tally the votes as read in the tally book to be retained by the inspector.

(5) The inspector and judge observing the reading aloud of the ballots may rotate their duties from time to time, upon agreement.

(6) The same basic rules in the counting of paper ballots at the polling places as enumerated in the above subsections (1), (2), (3), (4), and (5) of this section shall apply to the counting of paper ballots under the jurisdiction of the county auditor at the courthouse, it being the intention of this subsection that after the county canvassing board has approved as valid the absentee ballots and challenged or questioned ballots, the actual count and tallying of such



ballots shall be done by persons selected by the county auditor on a bipartisan basis.

Sec. 3. Section 29.10.080, chapter 9, Laws of 1965 and RCW 29.10.080 are each amended to read as follows:

RCW 29.10.080 amended.

On the first day of April of each odd-numbered year, or as soon thereafter as is practicable, every city clerk, town clerk, and every county auditor shall examine the registration files in his custody, and if, from such examination, he finds that any registered voter has failed, for a period of thirty months preceding April 1st of said odd-numbered year to vote in at least one election, he shall remove the registration cards of such voter from the original and duplicate files, and cancel the same by entering thereon over his signature the words "canceled for failure to vote for thirty months" and the date of such cancellation. He shall also notify the voter whose registration has been canceled, by mail, at his last registration address, of the fact that his registration has been canceled, and that he will not be entitled to vote at any election until he has registered anew. No voter's registration shall be canceled if his original registration was made less than thirty months prior to the cancellation date. The secretary of state shall be notified immediately of all such cancellations.

Registration transfers and cancellation—Cancellation for failure to vote.

Sec. 4. Section 29.39.010, chapter 9, Laws of 1965 and RCW 29.39.010 are each amended to read as follows:

RCW 29.39.010 amended.

"Service voter" means an elector who comes within any of the following categories:

Elections. Absentee service voters. Definitions.

(1) Members of the armed forces while in the active service, and their spouses and dependents, including students and faculty members of the United States military academies.

Elections. Ab-  
sentee service  
voters.  
Definitions.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Civilian employees of the United States in all categories, including members of the Peace Corps, serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the congress.

(4) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents.

(5) Citizens of the United States and of the state of Washington temporarily residing outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

The term "armed forces" means the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804), as amended.

The term "members of the merchant marine of the United States" means persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways.

The term "dependent" means any person who is in fact a dependent.

Sec. 5. Section 29.39.030, chapter 9, Laws of 1965 and RCW 29.39.030 are each amended to read as follows:

RCW 29.39.030 amended.

"Election" used alone means a general election except where the context indicates that a special election is meant or included. "Election" used without qualification never means a primary. "Election" does not include a municipal election.

Elections. Absentee service voters—Definitions.

In addition to the above, for the purpose of this chapter, the term "primary" means the state primary election held on the third Tuesday in September of the even-numbered year. The term "election" means the state general election held on the first Tuesday following the first Monday in November of the even-numbered and the odd-numbered years: *Provided, however,* That the absentee ballots for service voters of such odd-numbered year election shall be restricted to state measures being submitted for approval or rejection.

Sec. 6. There is added to chapter 9, Laws of 1965 and to chapter 29.36 RCW a new section to read as follows:

New section.

The county auditor, as ex officio supervisor of elections, or other officer having jurisdiction of the election, may, with regard to any precinct having less than one hundred registered voters at the time of closing of the registration files as provided in RCW 29.07.160, order the voting in said precinct for the next ensuing election, whether a primary election, general election, special election, or any other election, be by absentee ballot only.

Absentee voting. Precincts with less than 100 voters—Voting by absentee ballot may be ordered—Procedure.

Whenever such officer shall so order, he shall, not less than fifteen days prior to the date of such election, mail or deliver to each registered voter within said precinct his notice that voting within

**Elections.**

said precinct shall be by absentee voting only. Accompanied with such notice shall be an application form together with a postage prepaid envelope preaddressed to the issuing officer. In order to be honored such application form, properly executed, must reach the issuing officer no later than the day of the election concerned.

**New section.**

Sec. 7. There is added to chapter 9, Laws of 1965 and to chapter 29.36 RCW a new section to read as follows:

Absentee voting—Precincts with less than 100 voters—Ballots—Procedure.

All such absentee ballots as authorized by section 6 of this act shall contain the same officers [offices], names of candidates and propositions (if any) to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided in this act, such absentee ballots shall be issued, completed, returned, received, opened, counted, canvassed, recorded and handled as any absentee ballot issued pursuant to the request of the voter: *Provided*, That the county canvassing board, at the request of the county auditor, may direct that such ballots be counted on the day of the election. If such count is made it must be done in secrecy and the results not revealed to any unauthorized person until the polls have closed. Any violation of the secrecy of such count shall be subject to the same penalties as provided for in RCW 29.54.035.

**New section.**

Sec. 8. There is added to chapter 9, Laws of 1965 and to chapter 29.36 RCW a new section to read as follows:

Absentee voting—Precincts with less than 100 voters—Organization or addition of territory elections.

Whenever an election is to be held for the organization of a new district, including but not limited to the organization of a water, fire, or sewer district, or for the purpose of addition of territory to an existing city, town, or district and the total number of registered voters qualified to vote at such election is

less than one hundred, and the names and addresses of all such voters can be determined not less than fifteen days prior to the election concerned, the county auditor, as ex officio supervisor of elections, or other officer having jurisdiction of the election, may order that all voting be done by absentee ballot in the same manner and with like penalties as provided in sections 6 and 7 of this act.

Sec. 9. Section 29.51.060, chapter 9, Laws of 1965 as amended by section 5, chapter 156, Laws of 1965 extraordinary session and RCW 29.51.060 are each amended to read as follows:

RCW 29.51.060  
amended.

If any person appears and offers or demands the right to vote at any primary or election, as a registered voter in the precinct where the primary or election is held, the election officers shall require him to sign his name and current address subject to penalties of perjury in one of the official poll books, which shall be designated the county auditor's copy, and shall compare such signature with the signature upon the registration card of the person registered under the same name. If the election officers, or a majority of them, upon comparing the signatures are satisfied that the person offering to vote is the identical person registered, they shall permit him to vote: *Provided*, That if the person registered signed his registration card with a cross or mark, identified by the signature of some other person, the election officers must require the person offering to vote to be identified by the person who signed the registration card, or by a registered voter of the precinct. Unless the identifying witness is personally known to the election officers, or to some of them, they may require the identifying witness to sign his name in the presence of the election officers for the purpose of identification.

Polling place  
regulations.

As soon as it is determined that the person is qualified to vote, one of the precinct election officers

Elections.

shall copy the voter's name and address on the corresponding line in a second poll book which shall be identified as the inspector's copy. Such second poll book shall contain two extra copies of each page and so designed that two carbon copies can be easily made and readily detached.

RCW 29.54.070 amended.

Sec. 10. Section 29.54.070, chapter 9, Laws of 1965 and RCW 29.54.070 are each amended to read as follows:

Poling place regulations—Sealing and return of counted ballots.

After all the ballots have been counted, strung, and tallied it shall be the duty of the inspector to place them in a sealed envelope and write thereon, "Ballots of ..... precinct ..... county, state of Washington, of election held this ..... day of ....., 19.....," and send said sealed envelope to the auditor of the county or other election official. The county auditor or other officer shall keep the sealed envelope containing said ballots unopened for the period of two months, to be used only as evidence in case or cases of contest when called for. At the end of that time he shall burn or make such disposition of said ballots, as he may deem expedient, in the presence of two other officers.

Elections—Voting devices and vote tallying systems. Definitions.

Sec. 11. As used in this 1967 amendatory act:

(1) "Ballot card" means the tabulating card or cards or paper ballot of any size upon which the voter records his vote and shall also include the envelope issued to each voter at ballot card precincts for the voter to enclose his voted ballot to insure secrecy and to provide a space for the voter to cast write-in votes if he so desires;

(2) "Ballot label" means the cards, papers, booklet or other material containing the names of offices, candidates, and measures to be voted on;

(3) "Election" means all state, county, city, town, and district elections, general or special, including primaries;

(4) "Voting device" means any device into which a ballot card may be inserted and which is so designed and constructed that the vote for any candidate or for and against any measure may be indicated by punching or marking the ballot card;

(5) "Vote tally system" means one or more machines used for the purpose of automatically examining and counting votes as cast by paper ballots or ballot cards. Such apparatus may be operated manually, electrically, or electronically and may include data processing machines;

(6) "Precinct election officers" shall mean the inspectors, judges, and clerks as provided by chapter 29.45 RCW as it now exists or may hereafter be amended.

Sec. 12. Section 29.33.020, chapter 9, Laws of 1965 and RCW 29.33.020 are each amended to read as follows:

RCW 29.33.020 amended.

At all elections, ballots or votes may be cast, registered, recorded and counted by means of voting machines, paper ballots, ballot cards, voting devices and vote tallying systems. The provisions of all statutes, charters and ordinances relating to elections and primaries shall apply to the use of voting machines, paper ballots, ballot cards, voting devices and vote tallying systems insofar as they are consistent with the provisions of this 1967 amendatory act; insofar as they are inconsistent, they shall be of no force and effect in precincts where voting machines, paper ballots, ballot cards, voting devices and vote tallying systems are used.

Voting machines—Authority for use.

Sec. 13. Section 29.33.040, chapter 9, Laws of 1965 and RCW 29.33.040 are each amended to read as follows:

RCW 29.33.040 amended.

The state voting machine committee shall examine all voting machines, voting devices and vote tally systems submitted to it and determine whether

State voting machine committee—General duties.

Elections.

they conform to the statutory requirements and appropriate administrative rules and regulations issued by the secretary of state and can be safely used by voters.

RCW 29.33.050 amended.

Sec. 14. Section 29.33.050, chapter 9, Laws of 1965 and RCW 29.33.050 are each amended to read as follows:

State voting machine committee—Submitting machines, voting devices, or vote tallying systems.

Any owner of a voting machine, voting device or vote tally system or any person or corporation interested therein may submit it to the state voting machine committee for examination and the committee must publicly examine and report upon the voting machine, voting device or vote tally system so submitted.

RCW 29.33.060 amended.

Sec. 15. Section 29.33.060, chapter 9, Laws of 1965 and RCW 29.33.060 are each amended to read as follows:

State voting machine committee—Employees authorized.

The voting machine committee may employ not more than three experts in one or more of the fields of mechanical or electrical engineering, or data processing machinery to assist it in examining the voting machines, voting devices or vote tally systems. Such experts shall receive reasonable compensation in an amount to be established by the committee in its discretion to be paid by the person or corporation who submits the voting machine, voting device or vote tally system for examination.

RCW 29.33.070 amended.

Sec. 16. Section 29.33.070, chapter 9, Laws of 1965 and RCW 29.33.070 are each amended to read as follows:

State voting machine committee—Reports on machines, voting devices or vote tallying systems.

Within thirty days after completing the examination of a voting machine, voting device or vote tally system, the voting machine committee shall make and file with the secretary of state its report thereon together with such description, drawings, and photographs as will clearly identify the voting



machine, voting device or vote tally system examined and the operation thereof.

Sec. 17. Section 29.33.080, chapter 9, Laws of 1965 and RCW 29.33.080 are each amended to read as follows:

RCW 29.33.080 amended.

Within ten days after receiving a report on a voting machine, voting device or vote tally system from the state voting machine committee, the secretary of state shall send a copy thereof to the board of county commissioners and county auditor of each county, and to all other persons upon request.

Reports on machines, etc. — Transmittal to county commissioners and county auditor.

Only voting machines, voting devices and vote tally systems which have the approval of the state voting machine committee may be used for conducting any election, but any change or improvement thereon that does not impair their accuracy, efficiency, or capacity may be made without the necessity of a reexamination or reapproval.

Sec. 18. No voting device shall be approved by the state voting machine committee unless it is constructed so that it:

Voting devices — General requirements.

(1) Secures to the voter secrecy in the act of voting;

(2) Provides facilities for voting for the candidate of as many political parties or organizations as may make nominations, and for or against as many measures as may be submitted;

(3) Permits the voter to vote for any person for any office and upon any measure that he has the right to vote for;

(4) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;

(5) Correctly registers or records all votes cast for any and all persons and for or against any and all measures;

Voting devices  
—General  
requirements.

(6) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice president of the United States;

(7) Voting devices shall be so prepared for use to provide party column voting in separate party columns at partisan general elections.

Vote tallying  
systems—  
General  
requirements.

Sec. 19. No vote tallying system shall be approved by the state voting machine committee unless it is constructed so that it is:

(1) Capable of correctly counting votes on ballots or ballot cards on which the proper number of votes have been marked for any office or question or issue that has been voted;

(2) Capable of ignoring the votes marked for any office or question or issue where more than the allowable number of votes have been marked, but shall correctly count the properly voted portions of the ballot or ballot card;

(3) Capable of accumulating a count of the specific number of ballots or ballot cards tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots or ballot cards tallied for a precinct;

(4) Capable of accommodating rotation of candidates' names on the ballot or ballot card, provided that all ballots or ballot cards from one precinct shall be of the same rotation sequence;

(5) Capable of automatically producing precinct totals in either printed, marked, or punched form, or combinations thereof.

RCW 29.33.100  
amended.

Sec. 20. Section 29.33.100, chapter 9, Laws of 1965 and RCW 29.33.100 are each amended to read as follows:

The governing body of any public corporation may adopt and provide for the use of voting machines, and/or voting devices and vote tallying systems approved by the state voting machine committee in any or all of the election precincts thereof.

Purchase of machines, etc.—Authority.

Sec. 21. Section 29.33.110, chapter 9, Laws of 1965 and RCW 29.33.110 are each amended to read as follows:

RCW 29.33.110 amended.

In purchasing or leasing voting machines, and/or voting devices and vote tallying systems, the board of county commissioners of a county, and the governing body of one or more of the public corporations within or without the state may enter into an agreement to provide for the joint purchase and subsequent ownership thereof and/or for the care, maintenance and use of the same.

Purchasing of machines, etc. Joint use and purchasing.

Sec. 22. Section 29.33.120, chapter 9, Laws of 1965 and RCW 29.33.120 are each amended to read as follows:

RCW 29.33.120 amended.

The governing body of a public corporation for the purpose of paying for or leasing voting machines, and/or voting devices and vote tallying systems may provide for the payment or rental thereof in such manner as it may deem for its best interest, may issue or sell at not less than par negotiable obligations bearing interest at a rate not to exceed six percent per annum and may make their payment a charge upon the corporation or may pay for the same in cash out of its general or current expense fund or otherwise; and may contract for the purchase of such machines with regard to price, manner of purchase and time of payment as to it shall seem proper, and in estimating the amount of taxes for the general or current expense fund, if any, such amount shall be added, extending over such time as may be required to pay for such machines.

Purchase—Manner of payment or rental.

Voting devices  
—Rules and  
regulations.

Sec. 23. (1) Pursuant to RCW 29.04.080, the secretary of state shall by appropriate regulation devise and prescribe the form, size, weight of paper or material, kind of ballot cards, and other materials and supplies and procedures necessary in the use of voting devices or vote tally systems as provided in this 1967 amendatory act and in the process of counting and tabulating the ballots by mechanical, electrical, or electronic devices or equipment.

(2) The secretary of state shall follow the provisions of the Administrative Procedure Act, chapter 34.04 RCW, in adopting the rules and regulations authorized by this 1967 amendatory act.

Precinct elec-  
tion officers.

Sec. 24. The appointment of election officers to serve precincts at which ballot cards and voting devices are used shall be in the same manner as the appointment of precinct election officers to serve paper ballot precincts as provided in chapter 29.45 RCW.

Application.

Sec. 25. Insofar as practicable, the statutes relating to the preparation and use of voting machines, including the schools of instruction for precinct election officers, shall also apply to the preparation and use of voting devices.

Ballot cards—  
Use.

Sec. 26. *Whenever ballot cards are being used as provided by this 1967 amendatory act they shall be voted in duplicate in the following manner:*

(1) *The ballot card shall consist of an original and a duplicate card which can be readily distinguished both visually and mechanically from each other and together shall be identified as a ballot set.*

(2) *The voter shall insert the ballot set in the voting device so that the marking of the ballots shall be done at the same time to assure that the marks on both the original and duplicate ballot cards are identical.*

(3) Upon completing the marking of such ballots, the voter shall place the ballot set in a set of envelopes provided for that purpose.

(4) The voter shall then deliver the ballot envelope to the inspector who shall detach the duplicate ballot therefrom and deposit it in a container identified for such purpose and the ballot envelope containing the original ballot shall be deposited in the ballot box.

(5) At the close of the polling place for voting, the container in which the duplicate ballot cards have been placed shall be sealed in the presence of the precinct election officers and shall be kept in the possession of the inspector until such time as the county auditor shall request delivery of the same to his office.

The purpose of this section is to establish a duplicate set of ballot cards for each such precinct to be used in the event the original ballot cards should fail for some reason to reach the counting center. Thus, it shall be the responsibility of the inspector to see that in no instance shall original and duplicate ballots cards be transmitted together to the counting center.

Sec. 27. The county auditor shall determine the location of each vote tallying system under his jurisdiction and the number of ballot card precincts assigned to each. Such facility shall be known as the "counting center" and may be located wherever within the county in the judgment of the county auditor best serves the voters: *Provided, however,* That such counting center be within twenty-five miles of the county seat of such county.

Elections—  
Location of  
vote tallying  
systems.

The procedure for picking up voted ballot cards at the respective polling places, the delivery of same to the counting centers, and the procedure at the

Elections—  
Location of  
vote tallying  
systems.

counting centers shall include but not be limited to the following provisions:

(1) On the day of the election and at the direction of the county auditor, a representative of each major political party shall together stop at each polling place and pick up one or more metal boxes, previously sealed by the precinct election officers, and containing the voted ballot cards for the delivery of same to the counting center. There may be as many as two such stops at each polling place provided that the first stop is not made prior to 2:00 P.M. and the second stop is made after the polls have been closed to voting.

(2) All proceedings at the counting center shall be under the direction of the county auditor and under the observation of two election officers, who shall not be of the same political party. After the polls have been closed to voting, such proceedings shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot card or ballot container. If upon breaking the seals and opening the containers, it is found that any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All such damaged ballots shall be kept by the county auditor until sixty days after the primary or election concerned.

The ballot cards picked up during the polling hours may subsequently be counted before the polls have closed: *Provided*, That all such election returns must be held in secrecy in the same manner as the count of paper ballots during polling hours as provided by RCW 29.54.030. Any person revealing any election returns to unauthorized persons prior

to the close of the polls shall be subject to the same penalties as provided by RCW 29.54.035;

(3) The secretary of state shall prescribe rules and regulations for the testing of the vote tallying system prior to the day of the election to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. However, such test shall be observed by at least two election officers, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a pre-audited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above.

On the day of the election, two election officers, not of the same political party, shall be stationed at the counting center throughout the official count. Such persons, upon mutual agreement, may request that the tabulating equipment be stopped as many as three times during the official count so that the accuracy of the proceedings can be again verified at such unscheduled stops by the count of the pre-audited group of ballots.

(4) The returns printed by the automatic tabulating equipment, to which has been added the count of write-in and absentee votes, shall constitute

Elections—  
Voting devices.

the official returns of each precinct or election district.

RCW 29.51.170  
amended.

Sec. 28. Section 29.51.170, chapter 9, Laws of 1965, as amended by section 14, chapter 101, Laws of 1965 extraordinary session, and RCW 29.51.170 are each amended to read as follows:

Polling place  
regulations—  
Write in voting  
—Party affilia-  
tions—Nomi-  
nee to execute  
declaration of  
candidacy, pay  
fee.

At any election or primary, any voter may write in on the ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter: *Provided*, That when voting machines or voting devices and ballot cards are used, no write-in vote for any candidate for a partisan office at either a state primary election or state general election shall be valid unless a political party affiliation is also written by the voter after the candidate's name. The same procedure must be followed when paper ballots are used for partisan offices at a state primary election. For such write-in voting, it shall not be necessary for a voter to write the full name of the political party concerned. Any abbreviation including the first letter of the political party name shall be acceptable as long as the precinct election officers can determine to their satisfaction the person voted for and the political party intended.

Any person who is nominated at any primary election as a write-in candidate for any public office but who has not previously paid the regular filing fee shall not have his name printed on the official ballot for the general election unless, within five days after the official canvass of the primary vote, he executes a declaration of candidacy and pays the same fee required by law to be paid by candidates for filing for the office for which he has been nominated.



Sec. 29. Section 29.59.040, chapter 9, Laws of 1965 and RCW 29.59.040 are each amended to read as follows:

RCW 29.59.040 amended.

Whenever the right to vote of any person presenting himself as a voter at any polling place for any primary or election, general or special, has been challenged and the officers conducting the election at such polling place have refused to accept the vote of such person because of such challenge, or otherwise, a ballot shall be voted by such challenged person and placed in a sealed envelope. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular election. The board or such other authority shall upon request of the challenger, at the time the vote is canvassed, consider the case of each challenge and shall decide whether or not the ballot in each case shall be accepted or rejected: *Provided*, That should the challenger fail to make such request, the challenged ballot shall be accepted as valid and counted. The decision of the board or such other authority shall be final.

Voting—  
Challenging—  
Procedure  
upon chal-  
lenge—Can-  
vass of chal-  
lenged vote.

In precincts where voting machines or vote tally systems are used, any person whose right to vote is properly challenged shall be furnished with a paper ballot, and such ballot, after said person has marked it, shall be sealed and disposed of as hereinabove provided.

Sec. 30. Section 29.65.030, chapter 9, Laws of 1965 and RCW 29.65.030 are each amended to read as follows:

RCW 29.65.030 amended.

The time for filing an election contest the result of which is in whole or in part of the canvass of votes registered on a voting machine, voting device or vote tally system shall expire thirty days following any state or county primary or election and

Ballots—Con-  
tests of voting  
device elec-  
tions.

Elections—  
Voting devices.

eight days following any such election held by a city or other governmental unit not larger than a county.

RCW 29.85.160  
amended.

Sec. 31. Section 29.85.160, chapter 9, Laws of 1965 and RCW 29.85.160 are each amended to read as follows:

Elections—  
Crimes and  
penalties—  
Voting device  
precincts.

Every election officer in precincts where voting machines or voting devices and vote tally systems are used shall be guilty of a felony and fined not less than fifty dollars nor more than five hundred dollars, or confined in the state penitentiary not less than six months nor more than one year or punished by both such fine and imprisonment who:

- (1) Deceives any voter in recording his vote; or
- (2) Records the vote of any voter in a manner other than as designated by the voter; or
- (3) Gives information to any person as to what candidates or for or against what measures any voter has voted; or
- (4) Seeks to suggest or persuade any voter to vote for any part or for any candidate or for or against any measure.

Rules and  
regulations—  
Publication of  
manuals.

Sec. 32. The secretary of state, upon promulgating the rules and regulations necessary for carrying out the purpose of this 1967 amendatory act, shall publish manuals containing the applicable rules and regulations and statutes for the guidance of the county auditor relating to the printing of ballot cards and preparation of the vote tallying systems, for the guidance of precinct election officers serving ballot card precincts, and for the guidance of election officers and operators of tabulating equipment at counting centers.

There shall be no charge for such manuals and the number to be printed and the distribution thereof shall be determined by the secretary of state.

*Sec. 33. The provisions of sections 11 through 32 of this 1967 amendatory act shall apply only to counties of the second class as defined by RCW 36.13.010.* Application.

**Note:** See also section 2, chapter 130, Laws of 1967 ex. sess.

Passed the House April 1, 1967.

Passed the Senate April 4, 1967.

Approved by the Governor April 12, 1967, with the exception of Sections 26 and 33 which were vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This bill makes a number of improvements in the statutes relating to elections. Sections 11 through 33 of the bill authorize the State Voting Machine Committee to approve certain types of new voting devices which permit paper ballots and punch cards to be counted automatically. I approve of this legislation, but object to sections 26 and 33 of the bill.

"Section 26 requires the use of duplicate ballots or ballot cards which are to be counted by an automatic vote tallying system. Although several other states utilize these new voting devices, no state requires duplicate ballots or cards.

"The Auditor of Clark County plans to utilize this new voting system in the 1968 elections, if one or more suitable devices are approved by the State Voting Machine Committee. He is concerned that the use of duplicate cards and duplicate envelopes will unnecessarily complicate the voting procedure at a time when voters are becoming accustomed to a new system. The Director of Elections of Oregon has reported favorably to the House Committee on State Government and Legislative Procedures on the punch card voting system now in use in Oregon, which does not involve the use of duplicate ballots; and representatives of the Secretary of State's office have observed this system in operation in Oregon, and feel that duplicate ballots are unnecessary to assure secrecy in voting and protection for the ballots.

"Moreover, requiring duplicate ballots or ballot cards tends to limit competition among the manufacturers of different types of new voting equipment. Although it is inconvenient and somewhat cumbersome to use duplicate punch cards, the equipment presently used in other states will mark duplicate cards in a single operation by the voter. Requiring a voter to mark two ballots separately would be so cumbersome and inefficient as to render these systems non-competitive with punch card systems.

"The Secretary of State anticipates that during the next two years no more than one county will attempt to use these new devices. During this trial period it would seem desirable to have a maximum of competition among all manufacturers of equipment which the Voting Machine Committee approves. This will give the county auditors, the secretary of state and the legislature an opportunity to study various types of new voting devices.

"Section 33 states that the provisions of sections 11 through 32 of the bill will apply only to counties of the second class, which includes Clark County. The purpose of this section is to limit the use of these new voting devices to no more than three counties until such time as the new systems can be observed in operation in this state. I have no

objection to this policy determination by the legislature; however I believe the language of section 33 will have a result not intended by the legislature.

"Included among the sections of this bill which apply only to counties of the second class are several sections of existing law relating to the conduct of elections and regulating the use of voting machines. As amended by this bill these statutes also would be applicable to the new voting systems. However, if these amended laws apply only to counties of the second class, it is doubtful that any amended section of the law would apply to the other counties of the state. This inadvertently could leave most of the counties of the state without necessary laws regulating the conduct of elections and particularly the procedure by which voting machines are approved by the State Voting Machine Committee.

"This problem has been called to the attention of several members of the legislature who wished to limit the number of counties which could utilize new voting devices. It is my understanding that another bill will be proposed to the legislature to give effect to the original intent of the legislature without creating the problem caused by section 33 of this bill.

"For the foregoing reasons I have vetoed sections 26 and 33. The remainder of House Bill No. 516 is approved."

DANIEL J. EVANS,  
Governor.

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## CHAPTER 110.

[Substitute House Bill No. 304.]

### MENTAL RETARDATION AND MENTAL HEALTH.

AN ACT relating to mental retardation and mental health; authorizing state agencies to accept and disburse federal funds for mental retardation programs; providing for the establishment, development, and coordination of state and local services for mentally retarded persons; authorizing county commissioners to levy taxes to provide funds for community mental retardation or mental health services, and to utilize certain available funds for these purposes; amending section 1, chapter 162, Laws of 1943, as last amended by section 1, chapter 117, Laws of 1959 and RCW 70.32.010; amending section 2, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.015; amending section 1, chapter 4, Laws of 1953 extraordinary session, as amended by section 2, chapter 117, Laws of 1959, and RCW 70.32.021; amending section 3, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.080; and amending section 3, chapter 117, Laws of 1959, as amended by section 1, chapter 101, Laws of 1961, and RCW 70.32.090.

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

Section 1. It is declared to be the policy of the legislature of the state of Washington to authorize the state, as part of its program to promote mental health, to develop and coordinate state services for mentally retarded persons; to encourage research and staff training for state and local personnel working with mentally retarded persons; and to cooperate with communities to encourage the establishment and development of services to the mentally retarded through locally administered and locally controlled programs. The complexities of mental retardation require the services of many state departments as well as those of the community. Services should be planned and provided as a part of a continuum. A pattern of facilities, services and eligibility should be established which is sufficiently complete to meet the needs of each retarded person regardless of age or degree of handicap, and at each state of his life's development.

Mental health and mental retardation—Purpose.

It is the intention of the legislature herein that there be established a central point of referral in the community for the mentally retarded and their families and the establishment of ongoing points of contact with the mentally retarded and their families so that they may have a place of entry for services and return as the need may appear. Further, it is necessary to provide a link between the mentally retarded and sources in the community, including state departments, to the end that the mentally retarded and their families may have access to each of the facilities best suited to them throughout the life of the retarded person.

Sec. 2. The governor is authorized and empowered to take whatever action is necessary to enable the state to participate in the manner set forth in this act in any programs provided by any federal law and to designate the state agencies authorized to

Mental health and mental retardation—Governor's duties.

Mental health  
and mental  
retardation—  
Governor's  
duties.

administer within this state the several federal acts providing federal moneys to assist in providing services and training in the state or local level for mentally retarded persons, and personnel working with such persons. Such state agencies are authorized and empowered to apply for and accept and disburse federal grants, matching funds, or other funds or gifts or donations from any source available for use by the state or by communities to provide more adequate services, training and rehabilitation of the mentally retarded.

Duties of state  
agencies  
administering  
programs.

Sec. 3. Each state department or agency administering federal or state funds which provide services to the mentally retarded, or research or staff training in the field of mental retardation, shall consult with the mental retardation and mental health advisory council established pursuant to RCW 71.16.020 and shall:

(1) Investigate and determine the nature and extent of services within its legal authority which are presently available to mentally retarded persons in this state;

(2) Develop and prepare any state plan or application which may be necessary to establish the eligibility of the state or any community to participate in any program established by the federal government relating to mentally retarded persons;

(3) Cooperate with other state agencies providing services to the mentally retarded to determine the availability of services and facilities within the state, and to coordinate state and local services in order to maximize services to mentally retarded persons and their families;

(4) Review and approve proposed plans required to be submitted for the expenditure of funds in community mental retardation services submitted by any community under the provisions of this act;

(5) Provide consultant and staff training for state and local personnel working in the field of mental retardation.

Sec. 4. The county commissioners of any county or the boards of county commissioners of more than one county by joint action, are authorized to appoint a community board to coordinate all of the local mental retardation services within the county or counties to provide a continuum of care and services to mentally retarded persons and their families. Members to be appointed to the board shall include but not be limited to representatives of public, private or voluntary agencies, and local governmental units which participate in a program for mentally retarded persons, and private citizens knowledgeable or interested in services to the mentally retarded in the community.

County community board to coordinate local services within county.

The board shall consist of not less than nine nor more than fifteen members who shall be appointed by the board or boards of county commissioners for three year terms, and until their successors are appointed and qualified. The members of the community board shall not be compensated for the performance of their duties as members of the community board, but may be paid subsistence rates and mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended.

Sec. 5. The governor is authorized to designate a state department as the agency to work with county commissioners and the community boards appointed by the commissioners to coordinate local services for the mentally retarded and their families. The department is authorized to promulgate rules and regulations establishing the eligibility of each community board for state funds to be used for the work of the board in coordinating services to the mentally retarded and their families. The application for state

Governor to designate state agency to meet federal requirements.

Mental health and mental retardation programs.

funds shall be made by the community board with the approval of the county commissioners or by the county commissioners on behalf of the community board.

State agency— Rules and regulations— Authority.

Sec. 6. The state agency designated by the governor pursuant to section 5 may require by rule and regulation that in order to be eligible for state funds, community boards shall provide the following indirect services to the community:

- (1) Serve as an information and referral agency within the community for mentally retarded persons and their families;
- (2) Coordinate all local services for the mentally retarded and their families to insure the maximum utilization of all services available;
- (3) Make comprehensive plans for present and future development and reasonable progress toward development of comprehensive plans for the coordination of all local services to the mentally retarded.

No community board shall provide services or operate any other programs for the benefit of the mentally retarded except as provided in this section.

Community mental retardation programs authorized.

Sec. 7. Community mental retardation programs may consist of any or all of the following services:

- (1) Diagnostic and evaluation services of mentally retarded persons;
- (2) Medical and dental services for those mentally retarded individuals unable to obtain private care;
- (3) Psychiatric services of those mentally retarded unable to obtain private care in cooperation with any existing community mental health program;
- (4) Group homes providing full or part time care, support and maintenance for mentally retarded persons;



(5) Facilities for vocational training and education of mentally retarded persons;

(6) Day care centers for mentally retarded persons;

(7) Informational service to the general public and educational services furnished by qualified personnel to schools, courts, health and welfare agencies and other appropriate public or private agencies or groups;

(8) Consultant services to public or private agencies for the promotion and coordination of services to the mentally retarded.

Sec. 8. The state agency responsible for the administration of a state grant to a community board shall review the application from the community board or the board of county commissioners. The agency may approve such application if it meets the requirements of this act and the rules and regulations promulgated by the agency which establish the eligibility requirements to be met by the applicant in addition to the submission of a plan for coordination of services and for providing a continuum of such services as provided in section 6 of this act. The agency shall develop rules and regulations to assist in determining the amount of the grant to be made to a community board. These rules and regulations shall take into consideration the population of the area served, the need of the area, and the ability of the community to provide funds for the continuum of care.

State agency—  
Review of  
applications  
for state  
grants.

Sec. 9. A community board provided for in section 4 is authorized to receive and spend funds received from the state under this act, or any federal funds received through any state agency, or any gifts or donations received by it for the benefit of the mentally retarded.

Community  
boards'  
authority.

Public health  
—County  
budget law.

Sec. 10. Expenditures of county funds under this act shall be subject to the provisions of chapter 36.40 RCW and other statutes relating to expenditures by counties.

RCW 70.32.010  
amended.

Sec. 11. Section 1, chapter 162, Laws of 1943, as last amended by section 1, chapter 117, Laws of 1959, and RCW 70.32.010 are each amended to read as follows:

Tuberculosis  
control.

Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis represents the basic step in the conquest of this major health problem. In order to carry on such work effectively, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to one-half of a mill on the assessed valuation of the taxable property in the county, to be used for the control of tuberculosis, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis: *Provided*, That upon certification of the state director of health that any county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis within the county, the board of county commissioners may budget and reappropriate the same for such tuberculosis control for the ensuing year, or it may allocate from time to time such unexpended balance, or any portion thereof, to the county health department for use in furtherance of other communicable disease prevention or control, or as provided in RCW 70.32.090. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of the county, shall be placed in the county treasury in a special fund to be

known as the tuberculosis fund, and obligations incurred for the tuberculosis control program shall be paid from said fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the board of commissioners and the state department of health a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand.

Sec. 12. Section 2, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.015 are each amended to read as follows:

RCW 70.32.015 amended.

The county auditor shall report monthly all moneys collected for tuberculosis hospitalization from all sources, including the revenue from the one-half mill tax levy as received, to the state director of health and deposit the same in the county tuberculosis hospitalization fund.

County monthly reports of expenditures for tuberculosis control.

Sec. 13. Section 1, chapter 4, Laws of 1953 extraordinary session, as amended by section 2, chapter 117, Laws of 1959, and RCW 70.32.021 are each amended to read as follows:

RCW 70.32.021 amended.

To provide for tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis the state shall provide moneys which shall be apportioned and expended under the direction of the state director of health to give state aid to counties in which the proceeds of the one-half mill tax levy required by RCW 70.32.010 are not sufficient for an adequate tuberculosis control program in the counties.

Tuberculosis control—State grants and loans.

Payments from the state moneys appropriated for tuberculosis control in the counties shall be made by warrant of the state auditor to individual counties upon vouchers of the state department of health. Upon receipt of such warrant the amount thereof shall be paid into the county tuberculosis

Tuberculosis control—State grants and loans.

fund and disbursed in the same manner as county moneys are disbursed therefrom.

Payments to counties from state appropriations for tuberculosis control shall be made on the following basis: Payments shall commence at such time as the county has expended all budgeted county moneys in the county tuberculosis fund, excepting a sum estimated to be required for two months' operation of the tuberculosis program within the county, which sum shall be used as a revolving fund and be expended for the tuberculosis control program within the county during the final two months of the state biennium: *Provided*, That where proceeds of the one-half mill tax levy are not sufficient for the estimated two months' operation of the county tuberculosis control program the state shall advance such funds as are estimated to be required from the state moneys appropriated for tuberculosis control to provide the moneys for the two months' revolving fund at the beginning of each biennium.

RCW 70.32.080 amended.

*Sec. 14. Section 3, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.080 are each amended to read as follows:*

Tuberculosis control—State director annual review of hospitalization program.

*The state director of health shall annually review the tuberculosis hospitalization program in the state to determine if, through the consolidation of tuberculosis patients from smaller hospitals into larger tuberculosis hospitals which maintain good standards of medical care as determined by the state department of health, a financial saving will result to the state tuberculosis equalization fund. Before giving the notice of consolidation hereinafter provided the director of health shall conduct a public hearing at the county seat of the county wherein the smaller affected hospital is located; thirty days' notice of such hearing shall be given by the director of health in a manner so as to notify the affected*

*hospital and the general public. If he so determines he shall notify the county or counties, as the case may be, of the facts, requesting that such consolidation be effectuated within a reasonable time but not to exceed one year from the date of such notification. If the county or counties refuse to make such consolidation, the director of health shall then allow from the state tuberculosis equalization fund only the amount of money that he estimates would have been the cost against the tuberculosis equalization fund if consolidation had been effected. Funds needed by said county or counties to operate their tuberculosis hospital over and above the six-tenths mill tax levy and above allotted state equalization fund amounts shall then be the financial responsibility of said county or counties.*

**NOTE:** The above section was amended by the Legislature but such action was nullified by the Governor's veto of this section. See page 1924 for Governor's explanation.

**Note:** See also section 18, chapter 54, Laws of 1967.

Sec. 15. Section 3, chapter 117, Laws of 1959, as amended by section 1, chapter 101, Laws of 1961, and RCW 70.32.090 are each amended to read as follows:

RCW 70.32.090  
amended.

In any county where the state director of health has certified that the proceeds of the one-half mill tax levy is more than adequate to provide for tuberculosis control, including hospitalization, case finding, prevention, and follow-up of known cases of tuberculosis in the county, the board of county commissioners, after a special public hearing conducted in accordance with the procedures established for hearings on budgetary matters as delineated in RCW 36.40.060 and 36.40.070 and upon making a finding that an adequate general public health program is being carried out in the county, may budget and reappropriate such surplus funds from the one-half mill tax levy for the ensuing year to the county treasury for general purposes of the county, as au-

Reappropriation of tuberculosis control tax proceeds excess.

Public health  
—Tuberculosis  
control.

thorized by law, or the board in its discretion may budget, reappropriate and transfer such surplus fund to any public hospital district within the county.

Tax levy for  
mental retar-  
dation services  
authorized.

Sec. 16. In order to provide additional funds for the coordination of community mental retardation services and to provide community mental retardation or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to one-tenth of a mill on the assessed valuation of the taxable property in the county to be used for such purposes.

Passed the House April 10, 1967.

Passed the Senate March 22, 1967.

Approved by the Governor April 19, 1967, with the exception of Section 14 which was vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This bill is the final part of a package which I introduced to create a basis for development of a progressive community mental health and retardation program in the state. Substitute House Bill 304 contains provisions making available to local government a source of funds with which to develop these programs.

"Section 14 amends RCW 70.32.080. The same statute was substantially changed in House Bill 476. The only amendment to that statute in Substitute House Bill 304 is in a portion of the statute which was deleted by the earlier bill. Therefore, if the language as contained in House Bill 476 is allowed to remain, the amendment contained in Substitute House Bill 304 is not necessary. Because I believe it was the intention of the legislature that the substantive changes in House Bill 476 not be altered by Substitute House Bill 304, I have vetoed Section 14. The remainder of the bill is approved."

**DANIEL J. EVANS,**  
Governor.

## CHAPTER 111.

[Engrossed Substitute House Bill No. 303.]

## COMMUNITY MENTAL HEALTH PROGRAMS.

AN ACT relating to the establishment and development of community mental health programs; authorizing the director of institutions to make payment of grants in aid to assist counties in establishing and operating such programs; providing for procedures, standards, appointments and the promulgation of rules and regulations; specifying powers and duties; designating the department of institutions as the "state mental health authority"; repealing section 72.06.080, chapter 28, Laws of 1959 and RCW 72.06.080; and repealing section 72.06.090, chapter 28, Laws of 1959 and RCW 72.06.090; and providing an effective date.

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

Section 1. This act shall be known as the community mental health services act. It is intended to encourage and to give financial assistance to local governments in the development of community mental health programs adequate in scope and quality to their needs.

Short title—  
Purpose.

Sec. 2. As used in this act:

Definitions.

(1) "Director" shall mean the director of the department of institutions or such officer of the department as he may designate to carry out in whole or in part the administration of the provisions of this act.

(2) "Department" shall mean the department of institutions.

(3) "*Community Mental Health Program*" means any consciously adopted program designed to help people learn to avoid mental crisis. "*Crisis*" is any personal distress, acute or chronic.

Sec. 3. The director is authorized, pursuant to the provisions of this act and the rules and regulations promulgated to effectuate its purposes, to make

State grants  
to counties.

Community  
mental health  
program.

grants to assist counties or combinations of counties in the establishment and operation of community mental health programs to provide one or more of the following services:

(1) Outpatient diagnostic and treatment services.

(2) Inpatient psychiatric services.

(3) Rehabilitation services for patients with psychiatric illnesses.

(4) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health agencies, welfare agencies, probation departments and other appropriate public or private agencies or groups.

(5) Consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

Such inservice training as may be necessary in providing any of the foregoing services shall be proper items of expenditure in connection therewith.

Creation.

Sec. 4. The board of county commissioners of any county, or the boards of county commissioners of two or more counties jointly by agreement, may by ordinance or resolution establish a community mental health program which shall be organized, operated, and financed according to the provisions of this act.

Counties—  
Authority to  
provide mental  
health services  
directly—  
Requirements.

Sec. 5. The board or boards of county commissioners, after receipt of recommendations from the community mental health program administrative board, may provide mental health services directly which shall be administered by a supervisor of community mental health services, or may contract for such services from a nonprofit corporation or corpo-



rations or secure such services through a local health department. Services obtained on contract from a nonprofit corporation or corporations or through a local health department shall be subject to the provisions of this act, except that those provisions requiring the appointment of a supervisor of community mental health services shall be inapplicable. Such nonprofit corporation or corporations or local health departments shall be responsible for carrying out the duties of a supervisor of mental health services as set forth in section 9 and as otherwise provided in this act, or such part or parts of that responsibility which may be deemed appropriate in accordance with the services called for in the contract.

Sec. 6. Every county or combination of counties desirous of establishing a community mental health program shall, before it may come within the provisions of this act, establish a community mental health program administrative board which shall be composed of not less than nine nor more than fifteen members. The members of such administrative board shall be appointed by the board or boards of county commissioners of the county or counties establishing the community mental health program for three year terms and until their successors are appointed and qualified. Membership of the community mental health program administrative board shall be representative of boards of county commissioners, medical societies, local health departments, superior court judges (who may, in such county or counties, select an attorney to serve in their place), local offices of the department of public assistance, hospital boards, lay associations or groups concerned with mental health, labor, business and civic groups, and the general public. The members of the community mental health program administrative board

County Administrative Board—Creation—Members.

Community  
mental health  
program.

shall not be compensated for the performance of their duties as members of the administrative board but may be paid subsistence rates and mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended.

Administra-  
tive Board—  
Powers and  
duties.

Sec. 7. The community mental health program administrative board shall:

(1) Review and evaluate the mental health needs, services, facilities and special problems of the area to be served by the community mental health program.

(2) Advise the county commissioners as to a program of community mental health services, which program shall reflect the fullest feasible utilization of already existing services, and, when appropriate, advise the county commissioners concerning the appointment of a supervisor of community mental health services.

(3) Receive and review all applications for financial support under the provisions of this act submitted by a nonprofit corporation, local health department, or supervisor of community mental health services and submit recommendations concerning these applications to the board or boards of county commissioners.

(4) After adoption of a program, supervise the financial and service components of the mental health program through the supervisor of community mental health services, or through a nonprofit corporation or corporations or a local health department or any combination thereof in order to be assured that actual expenditures and programs remain consistent with the agreements contained in the application as provided.

(5) Submit annually to the county commissioners a report of the activities of the community mental health program, including a financial accounting of expenditures.

(6) Submit annually to the county commissioners for approval, a plan of proposed expenditures.

Sec. 8. The supervisor of community mental health services shall be appointed by the county commissioners of the county or combination of counties involved, subject to the approval of the community mental health program administrative board. Applicants for such position need not be residents of the county, city, or state, and may be employed on a full or part time basis.

Supervisor—  
Appointment.

Sec. 9. The supervisor of community mental health services shall have the following powers and duties:

Supervisor—  
Powers and  
duties.

(1) He shall serve as chief executive officer of the community mental health program.

(2) He shall exercise general supervision over mental health services furnished, operated, or supported.

(3) He shall recommend to the community mental health program administrative board the provision of services, establishment of facilities, contracts for services or facilities, and other matters necessary or desirable to accomplish the purposes of this act.

(4) He shall submit an annual report to the community mental health program administrative board reporting all activities of the community mental health program, including a financial accounting of expenditures and a proposed budget of anticipated expenditures for the ensuing year.

(5) He may carry on such studies as are appropriate for the discharge of his duties, including the treatment and prevention of psychiatric or emotional disorders.

Sec. 10. Any agreement between the board of commissioners of two or more counties, for the establishment of a community mental health program shall provide:

Agreements  
between  
counties—  
Mandatory  
provisions.

Community mental health program.

(1) That each county shall bear a share of the cost of mental health services.

(2) That the treasurer of one participating county shall be the custodian of funds made available for the purposes of such mental health services, and that the treasurer may make payments from such funds upon audit by the appropriate auditing officer of the county for which he is treasurer.

Agreements between counties—Permissive provisions.

Sec. 11. Such agreement may also provide:

(1) For the joint supervision or operation of services and facilities or for the supervision or operation of service and facilities by one participating county under contract for the other participating counties.

(2) For the appointments of members of the community mental health program administrative board between or among participating counties.

(3) That for specified purposes, officers and employees of a community mental health program shall be considered to be officers and employees of one participating county only.

(4) For such other matters as are necessary or proper to effectuate the purposes of this act.

Contracts for services.

Sec. 12. The board or boards of county commissioners may contract for services and facilities with any hospital, clinic, laboratory or other similar institution, or with a nonprofit corporation or corporations. Any such contract, when it has received prior approval from the director, may be entered into notwithstanding that the supervisor of community mental health services is a member of the medical or consultant staff of such hospital, clinic, laboratory, institution, or nonprofit corporation.

State reimbursement—Procedures.

Sec. 13. To establish eligibility for reimbursement by the department, a board or boards of county commissioners operating or administering a

community mental health program shall submit annually to the director a plan for proposed expenditures. The director shall review such plan to determine compliance with the requirements established in this act, and, pursuant to the rules and regulations promulgated by the department, shall fix the amount subject to reimbursement.

Sec. 14. Expenditures incurred by the community mental health program for the items and services specified in section 3 shall, in accordance with the regulations of the director, be subject to reimbursement whether incurred by direct or joint operation of such services or whether such community mental health services are administered and operated contractually or through a local health department as provided by section 5.

Reimbursement—Certain items—When direct or joint operation.

Sec. 15. Except as hereinafter provided, there shall be paid to each county on account of expenditures made for a community mental health program subject to reimbursement by the department pursuant to the provisions of this act, not more than fifty percent of the amount expended for such program, exclusive of the expenditure of funds secured by a community mental health program from federal sources. Where it is determined by the director to be necessary for the expansion of existing mental health services or for the development of new mental health services, as described in section 3, and after consultation with the Washington state tax commission regarding the extent to which local funds for the support of mental health services have been exhausted, the state share in any community mental health program may exceed fifty percent of the total expenditures: *Provided*, That the state share shall be reduced to not more than fifty percent of the total expenditures within two years from the starting date of such new services. Reimbursement

Reimbursement—Limitations.

Community mental health program.

shall be made on a monthly basis, upon submission to the director such information as he may require.

State funds—Limitation on use.

Sec. 16. The board or boards of county commissioners shall make satisfactory showing to the director that all increases in state matching funds distributed under the provisions of this act shall be used for expansion of existing services or for developing new services, and that such state matching funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to the effective date of this act.

Support of local outpatient services.

Sec. 17. Existing local outpatient mental health services now receiving more than fifty percent support from the department shall continue to receive such support until local funds are secured to provide fifty percent of such support, but in no event beyond two years from the effective date of this act.

Reimbursable expenditures.

Sec. 18. In determining the expenditures to be reimbursed by the department to a community mental health service, reimbursements shall not be made from state funds as provided in this act to a community mental health program for expenditures for capital improvements or the purchase or construction of buildings, except for such equipment items and remodeling expense as may be provided for in the regulations of the department.

Reimbursement—Rules and regulations.

Sec. 19. The department shall promulgate rules and regulations to effectuate the purposes of this act, the form, manner and time for the submission of proposed plans for approval as submitted by the county commissioners, and the form, manner and time for the submission of claims for state reimbursement. Reimbursement may be made for the expenses of per diem and travel to meetings by members of the community mental health program administrative board, and for per diem and travel

expenses of supervisors of community mental health services to conferences which may from time to time be called by the director. Such per diem and travel expenses may be paid in amounts prescribed by RCW 36.17.030.

Sec. 20. Expenditures of county funds under this act shall be subject to the provisions of chapter 36.40 RCW and other statutes relating to expenditures by counties.

Expenditures  
—County  
budget law.

Sec. 21. Community mental health programs shall require that patients make payment for community mental health services in accordance with their ability to pay, rendered pursuant to a plan submitted to the director, but not in excess of actual cost.

Patients  
required to  
pay as able.

Sec. 22. The director may withhold state reimbursement in whole or in part for any community mental health program in the event of a failure to comply with the provisions of this act or regulations made by the department pursuant thereto relating to the community mental health program or the administration thereof.

Failure to  
comply—  
Effect.

Sec. 23. The department is designated as the “state mental health authority” and shall be authorized to enter into agreements with any agency of the United States government concerning the mental health program of the state.

“State mental  
health  
authority”.

Sec. 24. In order to establish eligibility for funding under this act, any county or counties seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this act shall submit program plans to the director for prior review and approval before such plans are submitted to any federal agency.

Submission of  
local programs  
required.

**Gifts and grants.**

Sec. 25. The board or boards of county commissioners are authorized to accept and expend gifts and grants received from private, county, state, and federal sources.

**Effective date.**

Sec. 26. This act shall take effect on July 1, 1967.

**Repeal.**

Sec. 27. Section 72.06.080, chapter 28, Laws of 1959 and RCW 72.06.080; and section 72.06.090, chapter 28, Laws of 1959 and RCW 72.06.090 are each repealed.

Passed the House March 29, 1967.

Passed the Senate March 22, 1967.

Approved by the Governor April 7, 1967, with the exception of a certain item in Section 2 which was vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"In my State of the State Message, I stated that 'of all human needs, none can be more compelling—and none more important than to meet the urgent needs of our unfortunate and unrepresented citizens afflicted with mental illness and retardation. The degree of the problem requires an equal degree of response. To do less is neither fiscally responsible nor humanely defensible.

" 'Over and above state action, this administration will support the expansion of comprehensive community services in creating a network of community mental health and retardation clinics which can deal with these problems at the level of local concern.'

"Substitute House Bill 303, the Community Mental Health Services Act, is one of three parts of a package to accomplish these goals. I believe it represents a major stride forward in recognizing that many facets of mental illness can be handled with greater success for the individual and the community without requiring transportation of individuals to large institutions far from their homes.

"Substitute House Bill 303 was amended to add to Section 2 a subsection (3) defining 'Community Mental Health Program' as 'any consciously adopted program designed to help people learn to avoid mental crisis.' This language is contained as a suggested definition in the state's mental health grant-in-aid plan submitted to the federal government. The attempt to define the programs covered by this bill was meritorious, and would have improved the legislation. Unfortunately, the amendment inadvertently left out two words, 'or overcome', from the definition contained in the grant-in-aid plan, thus suggesting that community mental health programs are designed only to prevent and not to treat mental crisis.

"Not only do the goals and requirements of the remainder of the act conflict with this concept of community mental health programs, but such a concept would not meet federal matching fund requirements and would result in loss of federal revenue of approximately \$2.7 million to assist in establishment of community mental health programs anticipated in the budget passed by both houses of this legislature.



"I am sure it was not the intention of the legislature or the sponsor of the amendment to cast any doubt on the ability of the community programs to aid individuals in overcoming mental crises, nor the ability of the state to participate in federal matching programs for community mental health. For this reason, I have vetoed subsection (3) of Section 2 and have approved the remainder of the bill."

DANIEL J. EVANS,  
Governor.

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## CHAPTER 112.

[House Bill No. 982.]

### APPROPRIATION—EXPENSES OF THE LEGISLATURE.

AN ACT relating to the expenses and costs of the legislature including subsistence payments and expenses of members; amending section 1, chapter 10, Laws of 1959 extraordinary session as amended by section 1, chapter 7, Laws of 1963 extraordinary session and RCW 44.04.120; making appropriations; and declaring an emergency.

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

Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of eighty-six thousand four hundred twenty dollars (\$86,420), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated:

Appropriation  
—Legislative  
expenses.

(1) The Senate shall not expend more than thirty-eight thousand and eighty dollars (\$38,080); and

(2) The House of Representatives shall not expend more than forty-eight thousand three hundred forty dollars (\$48,340): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.

Appropriation  
--Legislators'  
per diem.

Sec. 2. There is hereby appropriated to the legislature out of the state general fund the sum of twenty-nine thousand eight hundred dollars (\$29,800) for payment to members of the legislature and the president of the Senate at the rate of twenty-five dollars per day in lieu of subsistence and lodging while in attendance at the first extraordinary session of the fortieth legislature.

Appropriation  
--Bill drafting.

Sec. 3. There is hereby appropriated out of the general fund, for the statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953, salaries, wages and operations, the sum of three thousand and forty-five dollars (\$3,045) or so much thereof as is necessary, to pay the additional cost of preparing and drafting bills for the legislature.

RCW 44.04.120  
amended.

Sec. 4. Section 1, chapter 10, Laws of 1959 extraordinary session as amended by section 1, chapter 7, Laws of 1963 extraordinary session and RCW 44.04.120 are each amended to read as follows:

Legislature--  
Members--In-  
terim expen-  
ses.

Each member of the senate or house of representatives when serving on official legislative business during the interim between legislative sessions, or while serving on the legislative council, the legislative budget committee, or any other permanent or interim committee, commission, or council of the legislature shall be entitled to receive, in lieu of per diem or any other payment, for each day or major portion thereof in which he is actually engaged in legislative business or business of the committee, commission, or council, notwithstanding any laws to the contrary, twenty-five dollars per day, plus mileage allowance at the rate of ten cents per mile when authorized by the house, committee, commission, or council of which he is a member and on the business of which he is engaged.

Sec. 5. This act is necessary for the immediate support of the state government and shall take effect immediately. Emergency.

Passed the House April 28, 1967.

Passed the Senate April 28, 1967.

Approved by the Governor April 29, 1967.

## CHAPTER 113.

[Reengrossed Senate Bill No. 453.]

### NUCLEAR ENERGY COMMITTEE.

AN ACT relating to the legislature; creating a joint committee on nuclear energy; providing for the selection, term, and reimbursement of certain expenditures of the members of the committee, and conferring rights, powers, duties; and prescribing the functions of the committee; and establishing an expiration date.

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

Section 1. There is hereby created the joint committee on nuclear energy of the legislature of the state of Washington.

Joint legislative committee on nuclear energy—Creation.

Sec. 2. The committee shall consist of four senators and four representatives who shall be selected biennially as follows:

Members—Appointments.

(1) The president of the senate shall nominate four members, two from each major political party, to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate four members, two from each major political party, to serve on the committee, and shall submit the list of nominees to the house of representatives for con-

Joint legisla-  
tive committee  
on nuclear  
energy.

firmation. Upon confirmation, the representatives shall be deemed installed as members.

Members—  
Terms.

Sec. 3. Members shall serve until their successors are installed as provided in section 2 of this act, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner.

Members—  
Vacancies.

Sec. 4. The committee shall fill any vacancies occurring on the committee by appointment from the same political party and legislative chamber as the departing member. Members filling vacancies shall serve until they or their successors are installed as provided in section 2 of this act or until they are no longer members of the legislature, whichever is sooner.

Meetings.

Sec. 5. The committee shall meet at each regular session of the legislature and at such other times and places as is necessary in carrying out its delegated duties.

Duties.

Sec. 6. The committee shall make continuing studies of the problems relating to the development, use, and control of nuclear energy for peaceful purposes. In conducting its studies the committee shall work closely with the state office of nuclear energy development and may work with any other public or private organizations or individuals interested in the development of nuclear energy.

Effective liaison shall be maintained with the governor's advisory council on nuclear energy and radiation. The committee shall prepare an annual report to the legislature, and, from time to time report to the legislature any information deemed worthy of special attention, and any legislative action deemed necessary to enhance the broad purposes of RCW 43.31.280 and to maintain the state's position of leadership in the field of nuclear energy.

Sec. 7. The committee may employ a staff director and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation.

Staff—Liaison  
—Services—  
Staff director.

The office of nuclear energy development shall, upon request, furnish such technical and policy information and assistance as is necessary to carry out the purposes of this act.

The committee may utilize the services of the executive director of the office of nuclear energy development in the capacity of staff director.

Sec. 8. The members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred while attending sessions of the committee or any subcommittee of the committee, or while engaged in other committee business authorized by the committee, as provided for in RCW 44.04.120.

Members—  
Expenses.

Sec. 9. All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the budget director and signed by the chairman of the committee. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee.

Expenses—  
Vouchers—  
Procedure.

Sec. 10. This act shall expire January 30, 1969.

Passed the Senate April 27, 1967.

Passed the House April 27, 1967.

Approved by the Governor May 3, 1967.

## CHAPTER 114.

[Engrossed Senate Bill No. 619.]

## LEGISLATIVE BUDGET COMMITTEE.

AN ACT relating to state fiscal matters; increasing the membership of the legislative budget committee; amending section 1, chapter 43, Laws of 1951 as last amended by section 1, chapter 20, Laws of 1963 extraordinary session and RCW 44.28.010; and declaring an emergency.

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

RCW 44.28.010  
amended.

Section 1. Section 1, chapter 43, Laws of 1951 as last amended by section 1, chapter 20, Laws of 1963 extraordinary session and RCW 44.28.010 are each amended to read as follows:

Legislative  
budget com-  
mittee—Crea-  
tion—  
Membership.

There is hereby created a legislative budget committee which shall consist of eight senators and eight representatives from the 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 four members from each house shall be from the same political party. All members shall be appointed before the close of the 1967 session of the legislature and before the close of each regular session thereafter. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint committee members, either on the part of the president of the senate or on the part of the speaker of the house, or in the event of a refusal by either the senate or the house to confirm appointments on the committee, then the members of the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Sec. 2. This 1967 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. Emergency.

Passed the Senate April 27, 1967.

Passed the House April 27, 1967.

Approved by the Governor May 3, 1967.

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## CHAPTER 115.

[Engrossed Senate Bill No. 645.]

### DATA PROCESSING AND COMMUNICATIONS.

AN ACT relating to communications and data processing; providing for the acquisition, maintenance, coordination and utilization of data processing and communications equipment, services and systems by state and local governments; prohibiting abuses concerning communications; adding new sections to chapter 8, Laws of 1965 and to Title 43 RCW; making an appropriation; and declaring an emergency.

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

Section 1. It is the purpose of this act to provide, through the central budget agency, for the efficient and coordinated utilization of data processing equipment, techniques and personnel to achieve optimum effectiveness and economy in collection, storage, interchange, retrieval, processing and transmission of information; to authorize development, implementation and maintenance of a coordinated state-wide plan for data processing and data communications systems; and to ensure that such systems shall serve the management and other needs of the legislative, executive and judicial branches of state and local government.

State data processing and communications. Purpose.

New section.

Sec. 2. There is added to chapter 8, Laws of 1965 and to Title 43 RCW a new section to read as follows:

State data processing and communications—Definitions.

“Automatic data processing” means that method of processing information using punch card (EAM) and/or electronic (EDP) equipment and includes data communication devices used in connection with automatic data processing equipment for the transmission of data.

“Committee”, unless otherwise indicated in the context, means the data processing advisory committee created by this act.

“Local government agencies” includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

“State agency” means all offices, departments, agencies, institutions and commissions of state government.

New section.

Sec. 3. There is added to chapter 8, Laws of 1965 and to Title 43 RCW a new section to read as follows:

Data processing advisory committee—Created—Membership—Expenses.

There is hereby created a thirteen member advisory committee composed of the following: The state treasurer, the superintendent of public instruction, the state auditor, the commissioner of public lands, the lieutenant governor who shall serve as chairman of the committee, and the budget director who shall serve as executive secretary of the committee; and the following members who shall be appointed by the governor: One member who shall be a member of the legislature; one member representing the judicial branch of state government; three members representing the departments, agencies and commissions of state government; one member representing higher education; and one member representing local government agencies.



Members of the committee created pursuant to this act shall serve without compensation: *Provided*, That the committee by majority vote of its membership may authorize the reimbursement of necessary travel expenses of its members in attending meetings or other business of the committee, at rates not exceeding rates allowed by law for members of legislative interim committees as provided by RCW 44.04.120.

Sec. 4. There is added to chapter 8, Laws of 1965 and to Title 43 RCW a new section to read as follows: New section.

For the purposes of this act the governor, and the budget director as representative of the governor, shall have the following powers to be exercised after consultation with the data processing advisory committee: *Provided*, That with respect to such powers as they directly affect the administration of the duties of an agency headed by an elective official such powers shall be exercised only after approval by a two-thirds vote of the membership of the advisory committee: State data processing and communications—  
Governor and budget director—Powers and duties.

(1) To study, organize and/or develop automatic data processing systems to serve state-wide needs of state and local government agencies, to provide services of said nature, and encourage the development of functional and regional centralized systems;

(2) To delegate to any state agency, under appropriate standards, authority to purchase or otherwise acquire and maintain automatic data processing equipment: *Provided*, That in exercising such authority due consideration and effect shall be given to the overall purposes of this act and the statutory obligations, total management and other needs of each agency;

(3) To make contracts, and to hire employees and consultants necessary or convenient for the purposes of this act, and fix their compensation; to

State data processing and communications—Governor and budget director—Powers and duties.

enter into appropriate agreements for the utilization of state agencies and local government agencies, their facilities, services and personnel in developing and coordinating plans and systems, or other purposes of this act; to contract with any and all other governmental agencies for any purpose of this act including but not limited to mutual furnishing or utilization of facilities and services or for inter-agency or interstate cooperation in the field of data processing and communications; and

(4) To develop and publish standards to implement the purposes of this act including but not limited to standards for the coordinated acquisition and maintenance of data processing equipment and services; requirements for the furnishing of information and data concerning existing data processing systems by state offices, departments and agencies and local government agencies and standards and regulations to establish and maintain the confidential nature of information insofar as such confidentiality may be necessary for individual privacy and the protection of private rights in connection with data processing and communications.

New section.

Sec. 5. There is added to chapter 8, Laws of 1965 and to Title 43 RCW a new section to read as follows:

State purchasing—Participating in purchasing and leasing.

In order to facilitate proper distribution of the costs of automatic data processing equipment and services, the services of the department of general administration, and its division of purchasing, central stores and central stores revolving fund may be utilized to facilitate such purchasing or contracting and apportioning of costs.

New section.

Sec. 6. There is added to chapter 8, Laws of 1965 and to Title 43 RCW a new section to read as follows:

State and local government agencies are authorized to enter into any contracts with the budget director, as representative of the governor, which may be necessary or desirable to effectuate the purposes and policies of this act or for maximum utilization of facilities and services which are the subject of this act.

Contracts for purchase and lease of equipment.

Sec. 7. For the biennium ending June 30, 1969, there is hereby appropriated from the state general fund to the governor the sum of two million five hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act including but not limited to the acquisition of automatic data processing equipment.

Appropriation.

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 July 1, 1967.

Emergency.

Passed the Senate April 30, 1967.

Passed the House April 30, 1967.

Approved by the Governor May 3, 1967.

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## CHAPTER 116.

[Senate Bill No. 654.]

### JOINT COMMITTEE ON GOVERNMENTAL COOPERATION.

AN ACT relating to the naming of the Joint Committee on Governmental Cooperation; and declaring an emergency.

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

Section 1. The special interim committee for oversight provided for in Senate Concurrent Resolution No. 6 of the fortieth session of the legislature is

Legislature—Joint committee on governmental cooperation.

Legislature—  
Joint  
committee on  
governmental  
cooperation.

hereby named and shall be known as the Joint Committee on Governmental Cooperation.

Emergency.

Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate April 30, 1967.

Passed the House April 30, 1967.

Approved by the Governor May 3, 1967.

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CHAPTER 117.

[Reengrossed Senate Bill No. 503.]

STADIUMS—DEDICATION OF AIR SPACE USE—  
PROPERTY TAX EXEMPTION.

AN ACT relating to revenue and taxation; and granting real property tax exemptions under specified circumstances.

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

Stadiums—  
Dedication of  
air space use—  
Property tax  
exemption.

Section 1. Subject to the terms and conditions set forth in section 2 of this act, whenever the owner of any real property dedicates the perpetual right to use the air space over his property to any county, city or other political subdivision of this state for the construction, operation and maintenance of stadium facilities, or for any parking facilities to be used in connection therewith, pursuant to the provisions of chapter 67.28 RCW, such property shall be exempt from general property taxation to such extent and as to such millage as shall be determined by the county, city or other political subdivision, and subject to being used by a public body for a public purpose and only so long as the owner allows the use by the public body of the dedicated air rights free of rents or other charges.

Sec. 2. Any exemption authorized under section 1 of this act shall take effect only after the completion of construction of a stadium, or parking facilities to be used in connection therewith, in the air space dedicated, and shall be effective only with respect to property directly beneath such stadium or parking facilities: *Provided*, That no exemption from general property taxation be allowed for parking facilities unless adjacent and contiguous to the principal stadium installation or no more than 2,000 feet from such stadium. For purposes of this section, construction shall be deemed completed on the date of the issuance of a certificate of completion by the architect or engineer designated for this purpose by the public body owning the stadium.

Tax exemption—When effective.

Sec. 3. This act shall not be construed as exempting any property from any taxes for school purposes.

Application

Passed the Senate April 30, 1967.

Passed the House April 30, 1967.

Approved by the Governor May 3, 1967.

CHAPTER 118.

[Senate Bill No. 651.]

VEHICLES—GROSS WEIGHT FEES.

AN ACT relating to vehicle licensing fees; amending section 46.16.070, chapter 12, Laws of 1961 as last amended by section 56, chapter 83, Laws of 1967 extraordinary session and RCW 46.16.070; declaring an emergency; and providing an effective date.

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

RCW 46.16.070 amended.

Section 1. Section 46.16.070, chapter 12, Laws of 1961 as last amended by section 56, chapter 83, Laws of 1967 extraordinary session and RCW 46.16.070 are each amended to read as follows:

Motor vehicles—Gross vehicle weight fees.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck, truck tractor, and auto stage or for hire vehicle with seating capacity of six or more, based upon the maximum gross weight thereof, the following gross weight fees as indicated in column A: *Provided, however,* That in the case of each motor truck or truck tractor which is propelled by steam, electricity, natural gas or diesel oil the fee shall be as provided in column B:

	A	B
Up to 4,000 lbs. . . . .	\$ 5.00	\$ 5.60
4,000 or more and less than 6,000 lbs.	\$ 10.00	\$ 11.25
6,000 or more and less than 8,000 lbs.	\$ 17.50	\$ 19.70
8,000 or more and less than 10,000 lbs.	\$ 22.50	\$ 25.30
10,000 or more and less than 12,000 lbs.	\$ 29.50	\$ 33.20
12,000 or more and less than 14,000 lbs.	\$ 36.50	\$ 41.10
14,000 or more and less than 16,000 lbs.	\$ 43.50	\$ 49.00
16,000 or more and less than 18,000 lbs.	\$ 73.00	\$ 82.10
18,000 or more and less than 20,000 lbs.	\$ 80.00	\$ 90.00
20,000 or more and less than 22,000 lbs.	\$ 88.00	\$ 99.00
22,000 or more and less than 24,000 lbs.	\$ 95.00	\$107.00
24,000 or more and less than 26,000 lbs.	\$102.00	\$114.75
26,000 or more and less than 28,000 lbs.	\$122.00	\$137.25
28,000 or more and less than 30,000 lbs.	\$140.00	\$157.50
30,000 or more and less than 32,000 lbs.	\$170.50	\$191.80
32,000 or more and less than 34,000 lbs.	\$181.50	\$204.20

34,000 or more and less than 36,000 lbs.	\$198.00	\$222.75
36,000 or more and less than 38,000 lbs.	\$218.50	\$245.80
38,000 or more and less than 40,000 lbs.	\$242.50	\$272.80
40,000 or more and less than 42,000 lbs.	\$252.00	\$283.50
42,000 or more and less than 44,000 lbs.	\$261.50	\$294.20
44,000 or more and less than 46,000 lbs.	\$280.50	\$315.55
46,000 or more and less than 48,000 lbs.	\$291.00	\$327.40
48,000 or more and less than 50,000 lbs.	\$312.50	\$351.55
50,000 or more and less than 52,000 lbs.	\$329.50	\$370.70
52,000 or more and less than 54,000 lbs.	\$353.50	\$397.70
54,000 or more and less than 56,000 lbs.	\$378.00	\$425.25
56,000 or more and less than 58,000 lbs.	\$397.00	\$446.65
58,000 or more and less than 60,000 lbs.	\$417.50	\$469.70
60,000 or more and less than 62,000 lbs.	\$445.00	\$500.65
62,000 or more and less than 64,000 lbs.	\$455.50	\$512.45
64,000 or more and less than 66,000 lbs.	\$505.50	\$568.70
66,000 or more and less than 68,000 lbs.	\$527.50	\$593.45
68,000 or more and less than 70,000 lbs.	\$574.00	\$645.75
70,000 or more and less than 72,000 lbs.	\$615.50	\$692.45

*Provided, however,* That every motor truck shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle.

**Note:** See also section 56, chapter 83, Laws of 1967 ex. sess.

Sec. 2. This 1967 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 on July 1, 1967 with respect to fees paid on or after July 1, 1967. Fees paid pursuant to RCW 46.16.070, 46.16.072, 46.16.075 or 46.16.120 prior to July 1, 1967 shall not be affected by this 1967 amendatory act.

Effective date  
—Application.

Passed the Senate April 27, 1967.

Passed the House April 28, 1967.

Approved by the Governor May 3, 1967.

CHAPTER 119.

[Engrossed House Bill No. 496.]

OPTIONAL MUNICIPAL CODE.

AN ACT relating to state and local government; enacting and adding a new title to the Revised Code of Washington to be known as Title 35A — Optional Municipal Code; providing for the establishment, organization, and government of code cities; and prescribing penalties; and providing an effective date.

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

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.01

INTERPRETATION OF TERMS

Optional Municipal Code.

Interpretation of terms.

Section 35A.01.010 *Purpose and Policy of This Title—Interpretation.* The purpose and policy of this title is to confer upon two optional classes of cities created hereby the broadest powers of local self-government consistent with the Constitution of this state. Any specific enumeration of municipal powers contained in this title or in any other general law shall not be construed in any way to limit the general description of power contained in this title, and any such specifically enumerated powers shall be construed as in addition and supplementary to the powers conferred in general terms by this title. All grants of municipal power to municipalities electing to be governed under the provisions of this title, whether the grant is in specific terms or in general terms, shall be liberally construed in favor of the municipality.

Sec. 35A.01.020 *Noncharter Code City.* A non-charter code city is one, regardless of population, which has initially incorporated as a noncharter code city, subject to the provisions of this title, or is an incorporated municipality which has elected,



under the procedure prescribed in this title, to be classified as a noncharter code city and to be governed according to the provisions of this title under one of the optional forms of government provided for noncharter code cities.

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Sec. 35A.01.030 *Charter Code City*. A charter code city is one having at least ten thousand inhabitants at the time of its organization or reorganization which has either initially incorporated as a charter code city and has adopted a charter under the procedure prescribed in this title; or which, as an incorporated municipality, has elected to be classified as a charter code city and to be governed according to the provisions of this title and of its adopted charter.

Sec. 35A.01.035 *Code City*. The term "code city" means any noncharter code city or charter code city.

Sec. 35A.01.040 *Sufficiency of Petition*. Whenever in this title petitions are required to be signed and filed, the following rules shall govern the sufficiency thereof:

(1) A petition may include any page or group of pages containing an identical text or prayer intended by the circulators, signers or sponsors to be presented and considered as one petition and containing the following essential elements when applicable, except that the elements referred to in subdivisions (d) and (e) hereof are essential for petitions referring or initiating legislative matters to the voters, but are directory as to other petitions:

(a) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners.

(b) If the petition initiates or refers an ordinance, a true copy thereof.

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(c) If the petition seeks the annexation, consolidation, incorporation, withdrawal, or reduction of an area for any purpose, an accurate legal description of the area proposed for such action.

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(d) Numbered lines for signatures with space provided beside each signature for the date of signing and the address of the signer.

(e) The warning statement prescribed in subsection (2) of this section.

(2) Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

**WARNING**

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he is not a legal voter, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Each signature shall be executed in ink or indelible pencil and shall be followed by the date of signing and the address of the signer.

(3) The term "signer" means any person who signs his own name to the petition.

(4) To be sufficient a petition must contain valid signatures of qualified electors or property owners, as the case may be, in the number required by the applicable statute or ordinance. Within three working days after the filing of a petition, the officer or officers whose duty it is to determine the sufficiency of the petition shall proceed to make such a determination with reasonable promptness and shall file with the officer receiving the petition for filing a certificate stating the date upon which such deter-

mination was begun, which date shall be referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the appropriate filing officer prior to such terminal date. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the receiving officer prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

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(5) Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

(6) A variation on petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.

(7) Signatures, including the original, of any person who has signed a petition two or more times shall be stricken.

(8) Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition shall be stricken.

(9) When petitions are required to be signed by the owners of property, the following shall apply:

(a) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse.

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(b) In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse.

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(c) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse.

(d) Any officer of a corporation owning land within the area involved who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority.

(e) When property stands in the name of a deceased person or any person for whom a guardian has been appointed, 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.

Sec. 35A.01.050 *The General Law*. For the purposes of this optional municipal code, "the general law" means any provision of state law, not inconsistent with this title, enacted before or after the enactment of this title, which is by its terms applicable or available to all cities or towns. Except when expressly provided to the contrary, whenever in this optional municipal code reference is made to "the general law", or to specific provisions of the Revised Code of Washington, it shall mean "the general law, or such specific provisions of the Revised Code of Washington as now enacted or as the same may hereafter be amended".

Sec. 35A.01.060 *Optional Municipal Code—This Title*. References contained in this title to "Optional Municipal Code", "this title", "this code" or to any

specific chapter, section, or provision thereof shall refer to the whole or appropriate part of Title 35A RCW, as now or hereafter amended.

### Chapter 35A.02

## PROCEDURE FOR INCORPORATED MUNICIPALITY

### TO BECOME A NONCHARTER CODE CITY— SELECTION OF PLAN OF GOVERNMENT

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Sec. 35A.02.010 *Adoption of Noncharter Code City Classification Authorized.* Any incorporated city or town may become a noncharter code city in accordance with, and be governed by, the provisions of this title relating to noncharter code cities and may select one of the plans of government authorized by this title.

Sec. 35A.02.020 *Petition Method—Direct.* When a petition is filed, signed by qualified electors of an incorporated city or town, in number equal to not less than fifty percent of the votes cast at the last general municipal election, seeking the adoption by the city or town of the classification of noncharter code city, either under its existing authorized plan of government or naming one of the plans of government authorized for noncharter code cities, the legislative body of the city or town to which the petition is presented shall direct the city or town clerk to determine the sufficiency of the petition under the rules set forth in section 35A.01.040. If the petition is found to be sufficient, the clerk shall file with the legislative body a certificate of sufficiency of the petition. Thereupon the legislative body of such city or town shall, by resolution, declare that the inhabitants of the city or town have decided to adopt the classification of noncharter code city and to be governed under the provisions of this title. If a prayer for reorganization is included in the petition

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such resolution shall also declare that the inhabitants of the city or town have decided to reorganize under the plan of government specified in the petition. The legislative body shall cause such resolution to be published at least once in a newspaper of general circulation within the city or town not later than ten days after the passage of the resolution. Upon the expiration of the ninetieth day from, but excluding the date of, first publication of the resolution, if no timely and sufficient referendum petition has been filed, as determined by section 35A.29.170, the legislative body shall effect the decision of the inhabitants, as expressed in the petition, by passage of an ordinance adopting for the city the classification of noncharter code city, and if the petition sought adoption of one of the plans of government authorized for noncharter code cities, the legislative body shall provide for such reorganization by ordinance.

Sec. 35A.02.025 *Referendum*. Upon the filing of a referendum petition in the manner provided in section 35A.29.170 signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general municipal election, such resolution as authorized by section 35A.02.020 shall be referred to the voters for confirmation or rejection in the next general municipal election if one is to be held within one hundred and eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose not less than ninety days nor more than one hundred and eighty days from the date of filing such referendum petition.

Sec. 35A.02.030 *Resolution Method*. When a majority of the legislative body of an incorporated city or town determines that it would serve the best interests and general welfare of such municipality

to change the classification of such city or town to that of noncharter code city, such legislative body may, by resolution, declare its intention to adopt for the city or town the classification of noncharter code city. If the legislative body so determines, such resolution may also contain a declaration of intention to reorganize the municipal government under one of the plans of government authorized in this title, naming such plan; but it shall also be lawful for the legislative body of any incorporated city or town which is governed under a plan of government authorized prior to the time this title takes effect to adopt for the city or town the classification of noncharter code city while retaining the plan of government under which such city or town is then operating. Within ten days after the passage of the resolution, the legislative body shall cause it to be published at least once in a newspaper of general circulation within the city or town. Upon the expiration of the ninetieth day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed, as determined by section 35A.29.170, the intent expressed in such resolution shall be effected by an ordinance adopting for the city or town the classification of noncharter code city; and, if the resolution includes a declaration of intention to reorganize, the legislative body shall provide for such reorganization by ordinance.

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Sec. 35A.02.035 *Referendum*. Upon the filing of a referendum petition in the manner provided in section 35A.29.170 signed by qualified electors of an incorporated city or town in number equal to not less than ten percent of the votes cast in the last general municipal election, such resolution shall be referred for approval or rejection by the voters at an election as specified in section 35A.02.025.

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Sec. 35A.02.040 *Certification of Resolution— Transcript of Record to Secretary of State.* When one or more ordinances are passed under section 35A.02.020 or section 35A.02.030, the clerk of the city or town shall forward to the secretary of state a certified copy of any such ordinance. Upon the filing in the office of the secretary of state of a certified copy of an ordinance adopting the classification of noncharter code city, such city or town shall thereafter be classified as a noncharter code city; except that if there is also filed with the secretary of state a certified copy of an ordinance providing for reorganization of the municipal government of such city or town, such reclassification and reorganization shall not be effective until the election of the new officers under the plan of government so adopted.

Sec. 35A.02.050 *Election of New Officers.* The first election of officers under a plan of government adopted in the manner provided in sections 35A.02.020 or 35A.02.030 shall be at the next general municipal election if one is to be held within one hundred and eighty days after certification of a reorganization ordinance or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days from the certification of such ordinance. The terms of the persons holding office at the time of such proceedings shall continue until the new officers are elected and qualified; and the ordinances, bylaws and resolutions adopted under the former plan of government, where not in conflict with state law, shall continue in force until repealed or amended by the legislative body of the reorganized noncharter code city. The former officers shall, upon the election and qualification of new officers, deliver to the proper officers of the reorganized noncharter code city all books of record, documents and papers in their pos-



session belonging to such municipal corporation before the reorganization thereof.

Sec. 35A.02.060 *Petition for Election.* When a petition which is sufficient under the rules set forth in section 35A.01.040 is filed with the legislative body of an incorporated city or town, signed by qualified electors of such municipality in number equal to not less than ten percent of the votes cast at the last general municipal election, seeking adoption by the city or town of the classification of non-charter code city and the reorganization of the city or town under one of the plans of government authorized in this title, the clerk of the city or town shall file with the legislative body thereof a certificate of sufficiency of such petition. Thereupon, the legislative body shall cause such proposal to be submitted to the voters at the next general municipal election if one is to be held within one hundred eighty days after certification of the sufficiency of the petition, or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days from such certification of sufficiency. Ballot titles for elections under this chapter shall be prepared by the city attorney as provided in section 35A.29.120.

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Sec. 35A.02.070 *Resolution for Election.* The legislative body of an incorporated city or town may, by resolution, submit to the voters in the next general municipal election if one is to be held within one hundred and eighty days after passage of the resolution, or in a special election to be called for that purpose not less than ninety days nor more than one hundred and eighty days after passage of the resolution, a proposal that the city or town adopt the classification of noncharter code city and organize under one of the plans of government authorized in this title, naming such plan.

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Sec. 35A.02.080 *Election of Officers upon Approval of Plan of Government by Voters.* When a proposal to reorganize a city or town as a noncharter code city under a plan of government provided in this title is placed on the ballot for such election by any of the procedures or methods provided in this chapter, candidates for the offices which would be created if the proposed plan of government were approved by the voters may file a declaration of candidacy with the city clerk as provided in section 35A.29.110, and their names shall be placed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. If a majority of those voting on the measures approve adoption by the municipality of the classification of noncharter code city and the reorganization of the municipality, the persons elected to offices under the plan of government approved by the voters shall, upon their qualification as provided by law, become the new officers of the noncharter code city. The former officers of the municipality shall, upon the election and qualification of the new officers, deliver to the proper officers of the new noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before reorganization.

Sec. 35A.02.090 *Alternative Plan of Government—Candidates.* Proposals for each of the plans of government authorized by this title may be placed on the ballots in the same election by timely petition as provided in this chapter, and candidates for offices under one of the plans of government shall not be disqualified from filing as candidates for offices under the other plan. When the ballot contains alternative proposals for each of the plans of government and slates of candidates for each of the plans, the ballot shall clearly state that voters may vote for only one of the plans of government but

may cast their votes for officers under each of the plans of government to indicate their choice of officers in the event such plan receives a majority of the votes cast. The officers elected by the voters to fill the offices under the plan of government receiving a majority of the votes cast on the measure shall, upon their qualification, become the new officers of the noncharter code city.

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Sec. 35A.02.100 *Notice of Election.* Notice of elections under this chapter shall be given by publication at least once each week for two weeks prior to the date of election in one or more newspapers of general circulation within the city or town of a notice containing a statement of the plan or plans of government to be voted upon, the proposal to adopt the classification of noncharter code city, the title of each office, the names and addresses of all candidates for such office, in alphabetical order and without party designation, the day and hours during which the polls will be open and the addresses of each polling place in each precinct. Such notice shall be in lieu of the notice provided by section 35A.29.140.

Sec. 35A.02.110 *Canvass of Returns—Certificates of Election—Transcript of Record to Secretary of State.* The election officials, after counting the ballots, shall make their returns to the county auditor upon forms furnished by him within six hours after the closing of the polls; and on the Monday next succeeding the election or as soon as the county auditor has received the returns from all the precincts included therein, the county canvassing board shall canvass the returns in such election and shall forthwith certify in duplicate to the city or town clerk the whole number of votes given at the election, the number of votes in favor of reclassification and the number against it, the number of votes

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in favor of each plan of government voted upon and the number against it and the number of votes received by each candidate. The clerk shall lay the certificate of election before the legislative body of the city or town at its next regular meeting after the receipt of such certificate by the clerk, and if it appears that the votes cast for adoption of the classification of noncharter code city and in favor of a plan of government named on the ballot were a majority of the votes cast in such election, the council shall thereupon, by resolution, declare that the inhabitants of the city or town have decided on such reclassification and reorganization under the plan of government approved and direct the clerk to forward to the secretary of state a certified copy of the resolution.

Sec. 35A.02.120 *Effective Date of Reclassification and Reorganization.* Upon the filing of the certified copy of the resolution with the secretary of state, the county auditor shall issue certificates of election to the successful candidates for the offices under the plan of government for which a majority of the votes were cast, and upon the issuance of such certificates, such city or town shall become a noncharter code city governed under the plan of government chosen by the voters, under the provisions of this title and with the powers conferred by this title.

Sec. 35A.02.130 *Adoption of Classification of Noncharter Code City without Change of Governmental Plan.* Any incorporated city or town governed under a plan of government authorized prior to the time this title takes effect may become a noncharter code city without changing such plan of government by the use of the petition-for-election or resolution-for-election procedures provided in sections 35A.02.060 and 35A.02.070 to submit to the

voters a proposal that such municipality adopt the classification of noncharter code city while retaining its existing plan of government, and upon a favorable vote on the proposal, such municipality shall be classified as a noncharter code city, such reclassification to be effective upon the filing of the record of such election with the office of the secretary of state. Insofar as the provisions of sections 35A.02.100 and 35A.02.110 are applicable to an election on such a reclassification proposal they shall apply to such election.

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Sec. 35A.02.140 *Petition or Resolution Pending—Restriction—Exception.* While proceedings are pending under any petition or resolution relating to reclassification of a municipality or reorganization of the government thereof pursuant to this chapter, no resolution shall be passed for the purpose of initiating other such proceedings or submitting other such proposals to the voters at an election thereunder; and no petition for reclassification or reorganization of such municipality shall be accepted for filing pending such proceedings, except that a timely and sufficient petition seeking to place on the ballot for such election a proposal for an alternative plan of government authorized by this title, as provided in section 35A.02.090, may be filed and acted upon.

#### Chapter 35A.03

### INCORPORATION AS NONCHARTER CODE CITY

Sec. 35A.03.010 *Incorporation As Noncharter Code City Authorized—Number of Inhabitants Required—Proviso.* Any area of a county containing not less than three hundred inhabitants, lying outside the limits of an incorporated city or town, may become incorporated as a noncharter code city under the provisions of this title: *Provided*, That no area which lies within five miles of any city having a

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population of fifteen thousand or more shall be incorporated under the provision of this title unless the limits of the proposed noncharter code city contain five thousand or more inhabitants.

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Sec. 35A.03.020 *Petition for Incorporation—Signatures.* A petition for incorporation must be signed by qualified voters resident within the limits of the proposed noncharter code city equal in number to ten percent of the votes cast in the proposed area at the last general state election and must be presented to the auditor of the county.

Sec. 35A.03.030 *Petition for Incorporation—Contents.* The petition for incorporation shall contain the plan of government under which the non-charter code city is to operate in the event it is incorporated, which plan shall be one of the plans of government authorized by this title; shall set forth and particularly describe the proposed boundaries of the proposed corporation; state the name of the proposed corporation and the number of inhabitants therein, as nearly as may be, and pray that it may be incorporated.

Sec. 35A.03.035 *Petition—Auditor’s Duties.* The county auditor within thirty days from the time of receiving said petition shall determine whether the legal description of the area proposed to be incorporated is correct, whether the petition violates the prohibitions contained in section 35A.03.010 with regard to number of inhabitants, and whether there is a sufficient number of valid signatures. The county auditor shall within five days after making such determination transmit the petition, accompanied by a certificate of his determination as to sufficiency, to the board of county commissioners.

Sec. 35A.03.040 *Publication of Petition and Notice.* Upon receipt of a petition for incorporation

together with a certificate of sufficiency by the county auditor, the board of county commissioners shall set a date for the hearing thereon and shall give notice of the hearing upon said petition for incorporation by one publication not more than ten nor less than three days prior to the date set for the hearing, in one or more newspapers of general circulation within the area proposed to be incorporated. The notice shall contain the time and place of hearing.

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Sec. 35A.03.050 *Presentation of Petition.* If the petition for incorporation sets forth an estimate of inhabitants of fifteen hundred or more, the chairman of the board of county commissioners, if the board is not in regular session at the time, shall call a special meeting of the board within ten days after receipt of the petition by the board; otherwise the petition may be presented at the next regular meeting of the board if one is to be held within thirty days or at a special meeting of the board to be called within thirty days after receipt of the petition by the board.

Sec. 35A.03.060 *Hearing on Petition.* Upon the day set for hearing the petition for incorporation the board of county commissioners shall begin to hear it and shall consider: (1) what the initial population of the proposed noncharter code city would be under the boundaries set by the petition; (2) whether there is such a diversity of interests and needs among the inhabitants of the proposed area that the proposed noncharter code city would be unable to provide services for the entire area proposed; and (3) whether the objectors, if any, have a strong and justifiable reason for being excluded from the area proposed to be incorporated.

The hearing may be adjourned from time to time, not exceeding two months in all from the date

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of commencement of the hearing. The board shall set a date for an election on the question of incorporation to be held not more than sixty days after the conclusion of the final hearing.

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Sec. 35A.03.070 *Findings by Board of County Commissioners—Factors Considered—Establishment of Boundaries—Limitation.* Within five days after the final hearing on a petition for incorporation the board shall establish and define the boundaries of the proposed noncharter code city, being authorized to decrease, but not increase, the area proposed in the petition when it appears to the board that a change in the boundaries set by the petition would be in the best interests of all the inhabitants of the proposed area, based on the considerations set forth in section 35A.03.060. Any such decrease shall not exceed twenty percent of the area proposed. The board must also determine the number of inhabitants within the boundaries so established: *Provided,* That the area shall not be so decreased that the number of inhabitants therein shall be less than required by section 35A.03.010 as now or hereafter amended.

Sec. 35A.03.075 *Population Determination.* The determination of population made by the board of county commissioners shall be the official population of the code city, if incorporated, until an actual enumeration is thereafter made.

Sec. 35A.03.080 *Election on Question and of Officers Required.* Upon the date set by the board of county commissioners as provided in section 35A.03.060, an election shall be conducted within the area to determine whether it shall be incorporated as a noncharter code city, and to elect officers under the plan of government proposed in the petition.

Sec. 35A.03.085 *Candidates for Elective Positions—Filing—Withdrawal—Ballot Position.* Candi-



dates for the elective positions under the plan proposed shall file a declaration of candidacy with the county auditor as provided in section 35A.29.110. Any candidate may withdraw his declaration of candidacy as provided in section 35A.29.110. There shall be no fee charged for filing a declaration of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates.

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Sec. 35A.03.090 *Election—Conduct—Voters' Qualifications.* The election shall be conducted in accordance with the provisions of chapter 35A.29. No person shall be entitled to vote thereat unless he is a qualified elector of the county and has resided within the limits of the proposed noncharter code city for at least thirty days next preceding the date of election.

Sec. 35A.03.100 *Notice of Election—Contents.* The notice of election shall be given by the county auditor as provided in section 35A.29.140, and shall also describe the boundaries of the proposed non-charter code city, state the proposed name of the city, the plan of government proposed, and the number of inhabitants ascertained by the board of county commissioners to reside therein.

Sec. 35A.03.110 *Ballots.* The ballots shall contain the words "For Incorporation as a Noncharter Code City" and "Against Incorporation as a Noncharter Code City"; and the names of the persons to be voted for to fill the elective offices under the plan proposed. Ballot titles shall be prepared by the county prosecuting attorney as provided in section 35A.29.120.

Sec. 35A.03.120 *Certification of Election Results—Order of Board Declaring Incorporation.* The

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county canvassing board shall certify the results of the election to the board of county commissioners. If the results reveal that a majority of the votes cast are for incorporation, the board by an order entered upon its minutes shall declare the noncharter code city duly incorporated, with the plan of government approved, naming it by the name proposed in the petition. The board shall cause a certified copy of the order to be filed in the office of the secretary of state.

Sec. 35A.03.130 *Effective Date of Incorporation—Terms of Elected Officers—First Municipal Election.* The incorporation of the noncharter code city shall be complete upon the filing in the office of the secretary of state of the order of the board of county commissioners declaring it so incorporated. On or before the twentieth day following an election the county auditor shall issue certificates of election to the successful candidates for the offices under the plan of government approved and said newly-elected officers shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the incorporation election, the officers elected at the incorporation election shall hold office until their successors are elected and qualified at the second general municipal election following such incorporation election.

Sec. 35A.03.140 *Pending Final Disposition of Petition No Other Incorporation or Annexation To Be Acted Upon—Withdrawal or Substitution.* After the filing of any petition for incorporation with the county auditor, and pending final disposition as provided for in this chapter, no other petition for incor-

poration or annexation which embraces any of the territory included therein shall be acted upon by the county auditor or the board of county commissioners, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: *Provided*, That any petition for incorporation may be withdrawn or a new petition embracing other or different boundaries or another plan of government may be substituted therefor, by a majority of the signers thereof, at any time before such petition has been certified by the county auditor to the board of county commissioners, in which case the same proceedings shall be taken as in the case of an original petition.

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Sec. 35A.03.150 *Disposition of Uncollected Road District Taxes*. Whenever any territory which is part of a road district of the county becomes part of an incorporated noncharter code city, and any road district taxes have been levied on any property within such territory, the county treasurer, upon collection of such taxes, shall pay to the code city treasurer a pro rata share of such taxes in the proportion which the remaining period of the assessment year after the effective date of the incorporation bears to the total assessment year. Such moneys shall be placed by the city treasurer in the city street fund: *Provided*, That this section shall not apply to any special assessments due in behalf of such property.

Sec. 35A.03.160 *Fire Protection District and Library Districts—Continuation of Services at Option of City*. At the option of the council of a newly-incorporated noncharter code city any fire protection district or library district serving any part of the area so incorporated shall continue to provide services to such area for the period during which such

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area is included within such special service district for taxing purposes under the provisions of RCW 84.09.030, without compensation from the noncharter code city.

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Sec. 35A.03.170 *Franchises within Territory Incorporated.* In regard to franchises previously granted for operation of any public service business or facility within the territory included within the city limits of the newly-incorporated code city, the rights, obligations, and duties of the legislative body of the code city and of the franchise holder shall be as provided in RCW 35.02.160, and such a franchise shall be canceled and a new franchise issued as therein provided.

#### Chapter 35A.04

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area as non-  
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#### INCORPORATION OF INTERCOUNTY AREA AS A NONCHARTER CODE CITY

Sec. 35A.04.010 *Definitions.* As used in this chapter, unless the context indicates otherwise, "principal county auditor", "principal board of county commissioners", "principal county canvassing board", "principal county prosecuting attorney", and "principal county officer" mean respectively those officials in the county of that part of the proposed corporation in which the largest number of inhabitants reside as of the date of the incorporation thereof.

Sec. 35A.04.020 *Incorporation as Noncharter Code City Authorized—Number of Inhabitants Required—Exception.* Any area lying in two or more counties which is not incorporated as a municipal corporation, may become incorporated as a noncharter code city under the provisions of this chapter: *Provided,* That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more no petition under RCW 35.04.030 shall be valid unless the

limits of the proposed city contain five thousand or more inhabitants.

Incorporation of intercounty area as non-charter code city.

Sec. 35A.04.030 *Petition for Incorporation.* A petition shall first be presented to the principal county auditor signed by qualified voters resident within each area of each county of the proposed noncharter code city equal in number to ten percent of the votes cast in the proposed area at the last general state election. The petition shall name one of the plans of government authorized by this title as the form of government under which the proposed corporation is to operate in the event it is incorporated, the proposed boundaries of the proposed corporation, the number of inhabitants, as nearly as may be, within each area of each county within the proposed corporation, the name of the proposed corporation, and shall pray that the area may be incorporated as a noncharter code city.

Sec. 35A.04.040 *Duties of County Auditors—Certificates of Sufficiency.* The principal county auditor, within thirty days after the date of receiving the petition, shall determine whether the legal description of the area to be incorporated in his county is correct, whether the petition violates the prohibition contained in section 35A.04.020 with regard to number of inhabitants, and whether there is a sufficient number of valid signatures in his county. Upon such determination, if the petition does not on its face violate the prohibition of section 35A.04.020, the principal county auditor shall transmit the petition to the other county auditor, or if more than one is involved, successively to each, and such other auditors shall determine whether the legal description is correct and whether there is a sufficient number of valid signatures from the area within their respective counties. No one county auditor shall be allowed more than thirty days within which to check

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the petition. Each auditor shall attach a certificate of his determination as to sufficiency and return the petition to the principal county auditor who, in turn, shall, not later than five days after receiving it from the other county auditors, attach thereto a certificate of his determination as to sufficiency for his own county and transmit the petition and certificates to the principal board of county commissioners.

Sec. 35A.04.050 *Publication of Petition and Notice.* Within ten days of receipt of a petition for incorporation which has been certified as sufficient by the auditors of the respective counties within the proposed area, the principal board of county commissioners shall meet and fix a date for a hearing on the petition, which shall be not more than thirty-five days after receipt of the petition by the board, and shall give notice of the hearing upon the petition and the time and place thereof by at least one publication not more than ten nor less than three days prior to the date set for the hearing in one or more newspapers of general circulation within the respective counties in which the proposed corporation is located. Before selecting the date for the hearing, the principal board of county commissioners shall first obtain approval of such date from each board of county commissioners of the other counties involved.

Sec. 35A.04.060 *Hearing—Factors Considered.* The hearing provided for in section 35A.04.050 shall be held jointly by all the respective boards of county commissioners under the direction of the principal board of county commissioners. The hearing may be adjourned from time to time not to exceed two months in all from the date of commencement of the hearing. The respective boards shall jointly consider: (1) What the initial popula-

tion of the proposed noncharter code city would be under the boundaries set by the petition; (2) whether there is such a diversity of interests and needs among the inhabitants of the proposed area that the proposed noncharter code city would be unable to provide services for the entire area proposed; and (3) whether those persons, if any, objecting to being included within the proposed corporation have a strong and justifiable reason for being excluded from the area proposed to be incorporated.

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Sec. 35A.04.070 *Establishment of Boundaries—Limitation—Order.* If upon final hearing the respective boards find that any land within their respective counties has been unjustly or improperly included within or excluded from the proposed corporation, based on the considerations stated in section 35A.04.060, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience: *Provided,* That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more, the area shall not be so decreased that the number of inhabitants therein shall be less than five thousand. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in which the area sought to be included is located first obtains the written assent of a number of qualified voters resident within each area to be included in the proposed corporation equal in number to not less than twenty percent of the votes cast in that area at the last state election. Within five days after the final hearing each board of county commissioners shall, for the area within its respective county, by order establish and define the boundaries of the proposed corpora-

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tion, determine the number of inhabitants residing therein and affirm the name of the proposed corporation: *Provided*, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Sec. 35A.04.080 *Determining Population*. In determining the number of inhabitants within the boundaries established for the proposed noncharter code city, the population shall be determined as follows:

An actual enumeration shall be made by, or under the direction of, the board of county commissioners of each county in which a portion of the proposed corporation is located, in accordance with practices and policies, and subject to the approval, of the state census board; and the population so determined shall constitute the official population of the proposed corporation.

Sec. 35A.04.090 *Election for Incorporation and Election of Officers*. Within sixty days after the passage of the order required by section 35A.04.070, the principal county auditor shall cause an election to be held within the boundaries so established for the purpose of determining whether the area described shall be incorporated as a noncharter code city and to fill the elective offices under the plan of government proposed in the petition. The election shall be conducted by the principal county auditor in accordance with the provisions of chapter 35A.29. The principal county officers and principal county canvassing board shall exercise all powers and perform all duties in connection therewith with the assistance of the officers and canvassing board of the other county or counties. If the election is successful, all costs incurred shall be borne by the corpora-



tion, but if unsuccessful, all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed corporation bears to the total number of inhabitants residing within the boundaries of the whole of the proposed corporation.

Incorporation of intercounty area as non-charter code city.

Sec. 35A.04.100 *Candidates—Filing—Withdrawal—Ballot Position—Qualification of Voters.* Candidates for elective positions under the plan of government proposed shall file a declaration of candidacy with the principal county auditor in the manner provided in section 35A.29.110. Any candidate may withdraw his declaration as provided in section 35A.29.110. There shall be no fee charged for filing a declaration of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. No person shall be entitled to vote at such election unless he is a qualified elector of his respective county within the proposed corporation and has resided within the limits of such proposed corporation for at least thirty days next preceding such election.

Sec. 35A.04.110 *Notice of Election—Contents.* The notice of election shall be given by the principal county auditor as provided in section 35A.29.140, and shall also describe the boundaries of the proposed noncharter code city, state the proposed name of the city, the plan of government proposed, and the number of inhabitants, ascertained by the boards of county commissioners to reside therein.

Sec. 35A.04.120 *Ballots.* The ballots shall contain the words "For Incorporation as a Noncharter Code City" and "Against Incorporation as a Noncharter Code City"; and the names of the persons to be

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voted for to fill the elective offices under the plan proposed. Ballot titles shall be prepared by the principal county prosecuting attorney as provided in section 35A.29.120.

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Sec. 35A.04.130 *Certification of Election Results—Order Declaring Incorporation.* The principal county canvassing board shall certify the results of the election to the respective boards of county commissioners. If the results reveal that a majority of the votes cast in each county area are for incorporation, the respective boards of county commissioners acting jointly shall, by order, declare such territory to be incorporated as a noncharter code city, with the plan of government approved, naming it by the name proposed in the petition. Such order shall be entered in the minutes of each board and the principal county auditor shall cause a certified copy of the order to be filed in the office of the secretary of state.

Sec. 35A.04.140 *Effective Date of Incorporation—Terms of Elected Officers—First Municipal Election.* The incorporation of the noncharter code city shall be complete upon the filing in the office of the secretary of state of the order of the boards of county commissioners declaring it so incorporated. On or before the twentieth day following an election the principal county auditor shall issue certificates of election to the successful candidates for the offices under the plan of government approved and said newly elected officers shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the incorporation election, the officers elected at the incorporation election

shall hold office until their successors are elected and qualified at the second general municipal election following such incorporation election.

Incorporation of intercounty area as non-charter code city.

Sec. 35A.04.150 *Municipal Election Procedure.* After such a noncharter code city has been incorporated, the elections shall be conducted as provided in chapter 35A.29. Each county auditor in each county in which a part of such noncharter code city is located shall be responsible for closing registration files prior to an election, as provided by law, and performing any duties required by law which relate to registration records, or to election equipment, within his custody or control.

Sec. 35A.04.160 *Powers and Duties of County Officers After Incorporation—Costs.* After incorporation all purposes essential to the maintenance, operation, and administration of the corporation whenever any action is required or may be performed by any county officer or board, such action shall be performed by the respective officer or board of the county of that part of the noncharter code city in which the largest number of inhabitants reside as of the date of the incorporation thereof, except as provided in section 35A.04.150 and section 35A.04.170; and all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the noncharter code city bears to the total number of inhabitants residing within the whole of the noncharter code city. For the purposes of this section the number of inhabitants residing in a portion of a county involved in this incorporation proceeding shall be determined by the figures released at the most recent state or federal census or by a determination of the state census board.

Sec. 35A.04.170 *Finances—Costs.* In the case of evaluation, assessment, collection, apportionment,

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and any other allied power or duty relating to taxes in connection with such noncharter code city the action shall be performed by the officer or board of the county for that area of the noncharter code city which is located within his respective county, and all materials, information, and other data and all moneys collected shall be submitted to the proper officer of the county of that part of the noncharter code city in which the largest number of inhabitants reside. Any power which may be, or duty which shall be, performed in connection therewith shall be performed by the officer or board receiving such as though a noncharter code city in only one county were concerned. All moneys collected from such area constituting a part of such noncharter code city that should be paid to such noncharter code city shall be delivered to the corporate treasurer thereof, and all other materials, information, or data relating to the noncharter code city shall be submitted to the appropriate corporate officials.

Any costs or expenses incurred under this section shall be borne proportionately by each county involved.

Sec. 35A.04.180 *Consolidation and Annexation.* Any noncharter code city incorporated as provided in this chapter may consolidate or annex other incorporated or unincorporated territory outside the existing boundaries of such noncharter code city but contiguous thereto, whether or not the territory lies in one or more counties, by following the procedure provided in this title for such cases when only a single county is involved.

Sec. 35A.04.190 *Franchises within Territory Incorporated.* The provisions of section 35A.03.170 shall apply with regard to franchises within territory included in an intercounty incorporation under this chapter.

## Chapter 35A.05

CONSOLIDATION OF TWO OR MORE  
CONTIGUOUS MUNICIPAL  
CORPORATIONS AS A NONCHARTER CODE  
CITY

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Sec. 35A.05.010 *Consolidation Authorized—Contiguous Defined.* Two or more contiguous municipal corporations located in the same or different counties may consolidate into one corporation to form a noncharter code city by proceedings in conformity with the provisions of this chapter. When municipal corporations are separated by water and/or tide or shore lands they shall be deemed contiguous for all the purposes of this chapter and, upon a consolidation of such corporations under the provisions of this chapter, any such intervening water and/or tide or shore lands shall become a part of the consolidated corporation.

Sec. 35A.05.020 *Resolution for Election on Consolidation.* The legislative bodies of two or more contiguous municipal corporations may, by a joint resolution requiring a majority vote of each legislative body, provide for submission to the voters of each of such corporations of a proposal for consolidation of such contiguous municipal corporations as a noncharter code city, setting forth in the resolution the name proposed for the consolidated city and the proposed plan of government, which shall be one of the plans of government authorized by this title. The resolution shall provide for submission of the question to the voters at the next general municipal election, if one is to be held within one hundred and eighty days, or shall call for a special election to be held for that purpose not less than ninety days nor more than one hundred eighty days after the passage of such joint resolution.

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Sec. 35A.05.030 *Proposal for Assumption of Indebtedness.* A resolution under section 35A.05.020 or a petition under section 35A.05.040 may contain a proposal that a general obligation indebtedness of one or more of the corporations proposed to be consolidated shall be assumed by the proposed consolidated noncharter code city, in which event, the resolution or petition shall specify the improvement or service for which such general obligation indebtedness was incurred, state the amount of any such indebtedness then outstanding, and the rate of interest payable thereon. The proposal may contain the limitation that upon consolidation only such properties as were within the city previously obligated and such additional properties within the proposed non-charter code city as will be generally benefited by such improvement or service shall thereafter be taxed to pay such assumed indebtedness.

Sec. 35A.05.040 *Petition for Consolidation—Election.* When a sufficient petition, as determined by the rules set forth in section 35A.01.040, is filed with the legislative body of each of such contiguous municipal corporations, signed by electors of each such corporation in number equal to not less than ten percent of the votes cast at the last general municipal election therein, seeking consolidation of such contiguous municipal corporations as a noncharter code city under one of the plans of government authorized by this title, naming such plan and setting forth a name for the proposed consolidated city, the legislative body of the municipal corporation in which the largest number of inhabitants reside (hereinafter called principal legislative body) shall cause to be submitted to the electors of each of such corporations, at the next general municipal election, if one is to be held within one hundred and eighty days, or at a special election to be called for that purpose not less than ninety nor more than one

hundred and eighty days after the filing of the petition, the question whether such corporation shall become consolidated as a noncharter code city under the plan of government proposed in the petition.

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Sec. 35A.05.050 *Notice to Other Municipal Corporations Affected—Designation of Election Date.* The principal legislative body receiving a petition for consolidation shall send a written notice thereof to the legislative body of each of the municipal corporations affected, naming the plan of government proposed in the petition, stating the elective offices provided under such plan and the name proposed in the petition for the proposed consolidated city, and designating the day upon which the question of consolidation shall be submitted to the voters in each of the corporations proposed to be consolidated as a noncharter code city. If a proposal for assumption of indebtedness is included in the petition, the notice shall state such proposition.

Sec. 35A.05.060 *Election of Officers upon Approval of Consolidation and Plan of Government by the Voters.* When a proposal to consolidate one or more contiguous municipal corporations as a non-charter code city is to be submitted to the electors as provided in this chapter, candidates for the offices which would be created if the plan of government proposed in the petition or resolution were approved by the voters shall file a declaration of candidacy with the county auditor not more than forty-five nor less than thirty days prior to such election and their names shall be placed upon the ballot under the designation of the respective titles of offices for which they are candidates. If a majority of those voting on the measures approve the proposed consolidation as a noncharter code city under the plan of government proposed and the name proposed, the persons elected to offices under such plan shall,

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upon their qualification as provided by law, become the first officers of the new noncharter code city.

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Sec. 35A.05.070 *Notice of Election.* Upon the giving and receiving of the notice required by section 35A.05.050 or upon the passage of a joint resolution as provided in section 35A.05.020, the legislative body of each of the municipal corporations proposed to be consolidated shall cause an election to be held in such corporation upon the date designated in the resolution or in the notice, and shall publish notice thereof at least once each week for two weeks prior to the date of election in one or more newspapers of general circulation within such corporation. Such notice of election shall state the names of the municipal corporations proposed to be consolidated as a noncharter code city, the name of the proposed noncharter code city, the plan of government proposed in the petition or resolution, the title of each office under such plan, the names and addresses of all candidates for each office, in alphabetical order under the title of the office for which they are candidates and without party designation, the days and hours during which the polls will be open and the address of each polling place in each precinct. If the resolution or petition includes a proposal for assumption of indebtedness, the notice of election shall distinctly state such proposal and shall specify the improvement or service for which the general obligation indebtedness proposed to be assumed was incurred, state the amount of any such indebtedness outstanding or pending at the date of the first publication of the notice and the rate of interest thereon.

Sec. 35A.05.080 *Ballots.* Ballot titles shall be prepared as provided in section 35A.29.120. If a proposal for assumption of indebtedness is to be submitted to the voters, the proposal shall be separately stated and the ballots shall contain, as a separate



proposition to be voted on, the words "For Assumption of Indebtedness" and "Against Assumption of Indebtedness" or words equivalent thereto. The names of all candidates for offices under the plan of government proposed shall be arranged on the ballot in groups under the designation of the title of the office for which they are candidates, in alphabetical order and without party designation. The ballot shall clearly direct the voter to cast his votes for officers under the plan of government proposed, regardless of how he may vote on the proposition, to indicate his choice among the candidates in the event the proposition is approved by a majority of those voting thereon.

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Sec. 35A.05.090 *Canvass of Returns—Joint Convention—Abstract of Votes, Contents, Filing.* The election officials in each county involved, after counting the ballots, shall make their returns to their county auditor upon forms furnished by him within six hours after the closing of the polls; and on the Monday next succeeding the election or as soon as the county auditor has received the returns from all the precincts included therein, the county canvassing board in each county involved shall canvass the returns in such election. The votes cast in each of such corporations shall be canvassed separately, and the statement shall show the whole number of votes cast, the number of votes cast in each corporation for consolidation as a noncharter code city under the proposed plan of government, and the number in each corporation cast against such consolidation, and the number of votes received by each candidate. If a proposal for assumption of indebtedness was voted upon, the statement shall show the number of votes cast in each corporation for assumption of indebtedness and the number against assumption of indebtedness. A certified copy of such statement shall be filed with the legislative

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body of each of the corporations affected. If it shall appear from such statement of canvass that a majority of the votes cast in each of the corporations were in favor of consolidation, the legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population as shown by the most recent state or federal census, on the second Monday next succeeding the receipt of the statement of canvass to prepare an abstract of votes cast, incorporating therein the information contained in the statement of canvass and declaring the consolidation as a non-charter code city to be adopted, stating the plan of government and the name of the new city approved at such election. A duly certified copy of such abstract shall be filed with the legislative body of each of the corporations affected and recorded upon its minutes, and the clerk of each such legislative body shall transmit to the secretary of state a duly certified copy of the record of such abstract.

Sec. 35A.05.100 *Effective Date of Consolidation and Incorporation of Noncharter Code City.* Upon the filing of the record of the abstract of election with the office of the secretary of state by the clerk of each such legislative body, such corporations shall be consolidated into one corporation which shall be classified as a noncharter code city under the name and with the plan of government approved by the voters at such election, and shall be governed under the provisions of this title, with the powers conferred hereby.

Sec. 35A.05.110 *Terms of Elected Officers—First Municipal Election.* Upon the filing of the record of the abstract of election with the secretary of state, the county auditor shall issue certificates of election to the persons receiving a majority of the votes cast

for each office at such election. The newly elected officers, upon their qualification as provided by law, shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the consolidation election, the officers elected at the consolidation election shall hold office until their successors are elected and qualified at the second general municipal election following such incorporation election.

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as non-charter  
code city.

Sec. 35A.05.120 *Cost of Election*. If the majority vote at an election under this chapter is in favor of consolidation, the costs of such election shall be borne by the new noncharter code city formed by such consolidation. If the majority vote at such election was against consolidation, the costs of election shall be borne proportionately by each corporation affected, in that ratio which the number of inhabitants residing in such corporation bear to the total number of inhabitants residing in the total area in which the election was held, as shown by the figures released at the most recent state or federal census or by a determination of the state census board.

Sec. 35A.05.130 *Disposition of Property*. Upon the consolidation of two or more municipal corporations as provided in this chapter, the title to all property owned by, or held in trust for, such former corporations shall vest in the consolidation corporation: *Provided*, That if any such former corporation shall be indebted, the proceeds of the sale of any such property not required for the use of such consolidated corporation shall be applied to the payment of such indebtedness, if any exists at the time of such sale.

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Municipal  
Code.

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code city.

Sec. 35A.05.140 *Assets and Liabilities of Component Corporations—Taxation to Pay Claims.* Such consolidation shall in no wise affect or impair the validity of any claim or chose in action existing in favor of, or against, any such former corporation so consolidated, or the area theretofore comprising such former corporation, or any proceeding pending in relation thereto, but such consolidated noncharter code city shall collect such claim in favor of such former corporation and shall apply the proceeds to the payment of any just claims against them respectively, and shall, when necessary, levy and collect taxes against the taxable property within any such former corporation sufficient to pay all just claims against it.

Sec. 35A.05.150 *Continuation of Ordinances.* All ordinances in force within each former corporation at the time of consolidation not in conflict with the laws governing the consolidated noncharter code city, shall remain in full force and effect within the area of the consolidated city to which such ordinances formerly applied until superseded or repealed by the legislative body of the consolidated noncharter code city, and shall be enforced by the new city, but all ordinances of such former corporations in conflict with ordinances of the consolidated noncharter code city shall be deemed repealed upon the effective date of a conflicting or repealing ordinance of the noncharter code city. Nothing in this section shall be construed to discharge any person from any liability, civil or criminal, for any violation of any ordinance of such former corporation incurred prior to such consolidation.

Sec. 35A.05.160 *Taxation of Component Cities.* No property within any former corporation so consolidated under the provisions of this chapter shall be taxed to pay any portion of any general obliga-

tion indebtedness of any other of such former corporations contracted or incurred prior to the date of such consolidation; except that, when the petition or resolution initiating such consolidation proceedings proposes that a general obligation indebtedness of one or more of the corporations proposed to be consolidated shall be assumed by the proposed consolidated noncharter code city and such proposal is approved by sixty percent of the voters voting thereon in each former corporation, then the legislative body of the new noncharter code city shall be authorized to apportion the burden of taxation to pay such indebtedness or to meet such obligation.

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#### Chapter 35A.06

### PROVISIONS APPLICABLE TO ADOPTION AND ABANDONMENT OF NONCHARTER CODE CITY CLASSIFICATION OR PLAN OF GOVERNMENT

General  
provisions—  
Adoption or  
abandonment  
of non-charter  
code city  
status or plan  
of government.

Sec. 35A.06.010 *Each Optional Plan of Government Declared Complete Form of Government.* Each of the optional plans of government authorized by chapter 35A.12 and chapter 35A.13, with any amendments thereto, is declared to be a complete and separate plan of government authorized by the legislature for submission to the voters of a municipality or for adoption by resolution of the legislative body thereof in the manner provided herein, and is additional to the plans of government existing prior to the time this title takes effect.

Sec. 35A.06.020 *Laws Applicable to Noncharter Code Cities.* The classifications of municipalities which existed prior to the time this title goes into effect — first class, second class, third class and fourth class — and the restrictions, limitations, duties, and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to noncharter code cities, but every non-

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charter code city, by adopting such classification, has elected to be governed by the provisions of this title, with the powers granted hereby.

General  
provisions—  
Adoption or  
abandonment  
of non-charter  
code city  
status or plan  
of government.

Sec. 35A.06.030 *Abandonment of Plan of Government of a Noncharter Code City.* By use of the resolution for election or petition for election methods described in section 35A.06.040, any noncharter code city which has operated for more than six years under one of the optional plans of government authorized by this title, or which retained its existing plan of government upon becoming a noncharter code city and has operated thereunder for more than six years, may abandon such organization and may either adopt another plan of government authorized for noncharter code cities, or may adopt a plan of government authorized by the general law for municipalities of the highest class for which the population of such city qualifies it, or authorized for the class to which such city belonged immediately prior to becoming a noncharter code city, if any. When a noncharter code city adopts a plan of government other than those authorized for noncharter code cities, such city ceases to be governed under this optional municipal code and shall be classified as a city or town of the class selected in the proceeding for adoption of such new plan, with the powers granted to such class under the general law.

Sec. 35A.06.040 *Abandonment—Resolution or Petition for Election.* Upon the passage of a resolution of the legislative body of a noncharter code city, or upon the filing of a sufficient petition with the city clerk signed by qualified electors in number equal to not less than ten percent of the votes cast at the last general municipal election therein, proposing abandonment by the city of the plan of government under which it is then operating and adoption of another plan, naming such plan, the suffi-

ciency of the petition for abandonment shall be determined, an election ordered and conducted, and the results declared generally as provided in chapter 35A.02 insofar as such provisions are applicable. If the resolution or petition proposes a plan of government other than those authorized in chapters 35A.12 and 35A.13 of this title, the resolution or petition shall specify the class under which such city will be classified upon adoption of such plan.

General provisions—Adoption or abandonment of non-charter code city status or plan of government.

Sec. 35A.06.050 *Abandonment—Election.* The proposal for abandonment of the plan of government under which a noncharter code city has operated for more than six years and for adoption of the plan named in the resolution or petition shall be voted upon at the next general municipal election if one is to be held within one hundred and eighty days or at a special election called for that purpose not less than ninety days, nor more than one hundred and eighty days after the passage of the resolution or the certification of sufficiency of the petition. The ballot title and statement of the proposition shall be prepared by the city attorney as provided in section 35A.29.120. If the plan proposed in the petition is not a plan authorized for noncharter code cities by this title, the ballot statement shall clearly set forth that adoption of such plan by the voters would require abandonment of the classification of noncharter code city and government under the general law relating to cities of the class specified in the resolution or petition. If the plan proposed in the petition is a plan authorized for noncharter code cities the ballot statement shall clearly set forth that adoption of such plan by the voters would not affect the eligibility of the noncharter code city to be governed under this optional municipal code.

Sec. 35A.06.060 *Abandonment—Reorganization under Plan Adopted—Effective Date.* If a majority

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of votes cast at the election favor abandonment of the plan of government under which the noncharter code city is then organized and reorganization under the plan proposed in the resolution or petition, the officers elected at the next succeeding general municipal election shall be those prescribed by the plan of government so adopted. Upon the election and qualification of such officers the reorganization of the government of such municipality shall be complete and such municipality shall thereafter be governed under such plan. If the plan so adopted is not a plan authorized for noncharter code cities, upon the election and qualification of such officers the municipality shall cease to be a noncharter code city governed under the provisions of this optional municipal code and shall revert to the classification selected at such election and shall be governed by the general laws relating to municipalities of such class with the powers conferred by law upon municipalities of such class. Such change of classification shall not affect the then existing property rights or liabilities of the municipal corporation.

Sec. 35A.06.070 *Abandonment of Noncharter Code City Classification without Reorganization.* By means of the procedures set forth in this chapter, insofar as they apply, any noncharter code city which has been governed under the provisions of this title for more than six years may abandon the classification of noncharter code city and elect to be governed under the general law relating to cities or towns of the classification held by such city immediately prior to becoming a noncharter code city, if any, or relating to cities or towns of the highest class for which it is qualified by population, with the powers conferred by law upon such class, while retaining the plan of government under which it is then organized. A change of classification approved by a majority of the voters voting on such proposi-



tion shall become effective upon the filing of the record of such election with the office of the secretary of state.

General provisions—  
Adoption or abandonment of non-charter code city status or plan of government.

Sec. 35A.06.080 *After Reclassification or Adoption of Plan of Government No Subsequent Vote on Change for Six Years.* The voters of any municipality which has adopted a plan of government or changed the classification of the municipality under the provisions of this title may not vote on the question of adopting another plan of government or again changing classification for six years thereafter; except that this limitation shall not apply to a noncharter code city seeking to adopt a charter and become a charter code city, governed under the plan of government specified in its charter.

#### Chapter 35A.07

### PROCEDURE FOR CITY OPERATING UNDER CHARTER TO BECOME A CHARTER CODE CITY

Sec. 35A.07.010 *Adoption of Charter Code City Classification Authorized.* Any city having ten thousand inhabitants which is governed under a charter may become a charter code city by a procedure prescribed in this chapter and be governed under this title, with the powers conferred hereby.

Charter city organizing as charter code city.

Sec. 35A.07.020 *Petition Method—Direct.* When a petition is filed, signed by qualified electors of a charter city in number equal to not less than fifty percent of the votes cast at the last general municipal election, seeking the adoption by the charter city of the classification of charter code city the legislative body of such city shall direct the city clerk to determine the sufficiency of the petition under the rules set forth in section 35A.01.040. If the petition is found to be sufficient, the clerk shall file with the legislative body a certificate of sufficiency of the petition. Thereupon the legislative body of the charter city shall, by resolution, declare that the inhabit-

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ants of such city have decided to adopt the classification of charter code city and to be governed under this title. The legislative body shall cause such resolution to be published at least once in a newspaper of general circulation within the city not later than ten days after the passage of the resolution. Upon the expiration of the ninetieth day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed, as determined by section 35A.29.170, the legislative body shall effect the decision of the inhabitants, as expressed in the petition, by passage of an ordinance adopting for the city the classification of charter code city.

Sec. 35A.07.025 *Referendum*. Upon the filing of a referendum petition in the manner provided in section 35A.29.170 signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general municipal election, the resolution authorized by section 35A.07.020 shall be referred to the voters for confirmation or rejection in the next general municipal election, if one is to be held within one hundred and eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose not less than ninety days nor more than one hundred and eighty days from the filing of such referendum petition.

Sec. 35A.07.030 *Resolution Method*. When a majority of the legislative body of a charter city determines that it would serve the best interests and general welfare of such city to become a charter code city, such legislative body may, by resolution, declare its intention to adopt for the city the classification of charter code city and to be governed under the provisions of this title, with the powers conferred hereby. Within ten days after the passage

of the resolution, the legislative body shall cause it to be published at least once in a newspaper of general circulation within the city. Upon the expiration of the ninetieth day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed, as determined by section 35A.29.170, the intent expressed in such resolution shall be effected by passage of an ordinance adopting for the city the classification of charter code city.

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Sec. 35A.07.035 *Referendum*. Upon the filing of a referendum petition in the manner provided in section 35A.29.170 signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general municipal election, the resolution authorized by section 35A.07.030 shall be referred to the voters for approval or rejection at an election as specified in section 35A.07.025.

Sec. 35A.07.040 *Certification of Ordinance—Transcript of Record to Secretary of State*. When an ordinance is passed as provided in section 35A.07.020 or section 35A.07.030, the clerk of the charter city shall forward to the secretary of state a certified copy thereof. Upon the filing of the certified copy of the ordinance in the office of the secretary of state, such city shall be classified as a charter code city and shall thereafter be governed under the provisions of this optional municipal code and have the powers conferred hereby.

Sec. 35A.07.050 *Petition for Election*. When a petition which is sufficient under the rules set forth in section 35A.01.040 is filed with the legislative body of a charter city, signed by qualified electors of such city in number equal to not less than ten percent of the votes cast at the last general municipal election, seeking adoption by the city of the classification of charter code city, the city clerk shall file

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with the legislative body thereof a certificate of sufficiency of such petition. Thereupon the legislative body shall cause such proposal to be submitted to the voters at the next general municipal election if one is to be held within one hundred eighty days, or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days after the filing of such petition. Ballot titles for such election shall be prepared by the city attorney as provided in section 35A.29.120.

Sec. 35A.07.060 *Resolution for Election.* The legislative body of a charter city may, by resolution, submit to the voters at an election held within the time period specified in section 35A.07.050 a proposal that the city adopt the classification of charter code city and be governed under the provisions of this title with the powers conferred hereby.

Sec. 35A.07.070 *Election on Reclassification—Effective Date of Reclassification upon Favorable Vote.* Notice of elections under this chapter shall be given, the election conducted, and the result declared generally as provided in chapter 35A.02, insofar as such provisions are applicable. If a majority of votes cast on the proposition are in favor of adoption of the classification of charter code city, upon the certification of the record of election to the office of the secretary of state, such city shall become a charter code city and shall be governed under the provisions of this title and have the powers conferred on charter code cities.

Chapter 35A.08  
PROCEDURE FOR ADOPTION OF CHARTER AS  
CHARTER CODE CITY

Adoption of  
charter as  
charter code  
city.

Sec. 35A.08.010 *Adoption of Charter Authorized.* Any city having a population of ten thousand or more inhabitants may become a charter code city and be governed under the provisions of this title by

adopting a charter for its own government in the manner prescribed in this chapter. Once any city, having ten thousand population, has adopted such a charter, any subsequent decrease in population below ten thousand shall not affect its status as a charter code city.

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Sec. 35A.08.020 *Determining Population.* For the purposes of this chapter, the population of a city shall be the number of residents shown by the figures released for the most recent official state or federal census, by a population determination made under the direction of the state census board, or by a city census conducted in the following manner:

(1) The legislative authority of any such city may provide by ordinance for the appointment by the mayor thereof, of such number of persons as may be designated in the ordinance to make an enumeration of all persons residing within the corporate limits of the city. The enumerators so appointed, before entering upon their duties, shall take an oath for the faithful performance thereof and within five days after their appointment proceed, within their respective districts, to make an enumeration of all persons residing therein, with their names and places of residence.

(2) Immediately upon the completion of the enumeration, the enumerators shall make return thereof upon oath to the legislative authority of the city, who at its next meeting or as soon thereafter as practicable, shall canvass and certify the returns.

(3) If it appears therefrom that the whole number of persons residing within the corporate limits of the city is ten thousand or more, the mayor and clerk under the corporate seal of the city shall certify the number so ascertained to the secretary of state, who shall file it in his office. This certificate when so filed shall be conclusive evidence of the population of the city.

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Sec. 35A.08.030 *Resolution or Petition for Election.* The legislative body of any city having ten thousand or more inhabitants may, by resolution, provide for submission to the voters of the question whether the city shall become a charter code city and be governed in accordance with a charter to be adopted by the voters under the provisions of this title. The legislative body must provide for such an election upon receipt of a sufficient petition therefor signed by qualified electors in number equal to not less than ten percent of the votes cast at the last general municipal election therein. The question may be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days or at a special election held for that purpose not less than ninety nor more than one hundred and eighty days after the passage of the resolution or the filing of the certificate of sufficiency of the petition. At such election provision shall also be made for the election of fifteen freeholders who, upon a favorable vote on the question, shall constitute the charter commission charged with the duty of framing a charter for submission to the voters.

Sec. 35A.08.040 *Election on Question—Election of Freeholders.* The election on the question whether to adopt a charter and become a charter code city and the nomination and election of the members of the charter commission shall be conducted, and the result declared, according to the laws regulating and controlling elections in the city. Candidates for election to the charter commission must be nominated by petition signed by ten qualified electors of the city and residents therein for a period of at least two years preceding the election. A nominating petition shall be filed within the time allowed for filing declarations of candidacy and shall be verified by an affidavit of one or more of the

signers to the effect that the affiant believes that the candidate and all of the signers are qualified electors of the city and he signed the petition in good faith for the purpose of endorsing the person named therein for election to the charter commission. A written acceptance of the nomination by the nominee shall be affixed to the petition when filed with the city clerk. Nominating petitions need not be in the form prescribed in section 35A.01.040. Any nominee may withdraw his nomination by a written statement of withdrawal filed at any time not later than five days before the last day allowed for filing nominations. The positions on the charter commission shall be designated by consecutive numbers one through fifteen, and the positions so designated shall be considered as separate offices for all election purposes. A nomination shall be made for a specific numbered position.

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Sec. 35A.08.050 *Organization of Charter Commission—Vacancies—Duties.* Within ten days after its election the charter commission shall hold its first meeting, elect one of the members as chairman, and adopt such rules for the conduct of its business as it may deem advisable. In the event of a vacancy in the charter commission, the remaining members shall fill it by appointment thereto of some properly qualified person. A majority shall constitute a quorum for transaction of business but final charter recommendations shall require a majority vote of the whole membership of the commission. The commission shall study the plan of government of the city, compare it with other available plans of government, and determine whether, in its judgment, the government of the city could be strengthened, made more responsive or accountable to the people, or whether its operation could be made more economical or more efficient by amendment of the existing plan or adoption of another plan of govern-

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ment. The commission shall consider the plans of government described in this title but shall not be limited to such plans in its recommendations for the government of the city and may frame a charter for any plan it deems suitable for the good government of the city; except that the provisions of such charter shall not be valid if inconsistent with the Constitution of this state, the provisions of this title, or the general laws of the state, insofar as they are applicable to cities governed under this title.

Sec. 35A.08.060 *Expenses of Commission Members—Consultants and Assistants.* Members of the charter commission shall serve without compensation but shall be reimbursed by the city from any funds for their necessary expenses incurred in the performance of their duties. The legislative body may, in its discretion, make a reasonable appropriation of the city funds to provide for public information and discussion concerning the purposes and progress of the commission's work and/or to provide technical or clerical assistance to the commission in its work. Within the limits of any such appropriation and privately contributed funds and services as may be available to it, the charter commission may appoint one or more consultants and clerical or other assistants to serve at the pleasure of the commission and may fix a reasonable compensation to be paid such consultants and assistants.

Sec. 35A.08.070 *Public Hearing.* The charter commission shall hold at least one public hearing in the course of its deliberations, may hold committee meetings and may sponsor public forums and promote public education and discussion respecting its work.

Sec. 35A.08.080 *Submission of Charter—Election of Officers—Publication.* Within one hundred and eighty days from the date of its first meeting,



the charter commission, or a majority thereof, shall frame a charter for the city and submit the charter to the legislative body of the city, which, within five days thereafter shall initiate proceedings for the submission of the proposed charter to the qualified electors of the city at the next general election if one is to be held within one hundred and eighty days or at a special election to be held for that purpose not less than ninety nor more than one hundred and eighty days after submission of the charter to the legislative body. The legislative body shall cause the proposed charter to be published in a newspaper of general circulation in the city at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval. At this election the first officers to serve under the provisions of the proposed charter shall also be elected. If the election is from wards, the division into wards as specified in the proposed charter shall govern; in all other respects the then existing laws relating to such elections shall govern. The notice of election shall specify the objects for which the election is held and shall be given as required by law.

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Sec. 35A.08.090 *Conduct of Elections.* The election upon the question of becoming a charter code city and framing a charter and the election of the charter commission, and the election upon the adoption or rejection of the proposed charter and the officers to be elected thereunder, the returns of both elections, the canvassing thereof, and the declaration of the result shall be governed by the laws regulating and controlling elections in the city.

Sec. 35A.08.100 *Ballot Titles.* Ballot titles for elections under this chapter shall be prepared by the city attorney as provided in section 35A.29.120. The ballot statement in the election for adopting or

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rejecting the proposed charter shall clearly state that, upon adoption of the proposed charter, the city would be governed by its charter and by this title.

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Sec. 35A.08.110 *Certificates of Election to Officers—Effective Date of Becoming Charter Code City.* If a majority of the votes cast at the election upon the adoption of the proposed charter favor it, certificates of election shall be issued to each officer elected at that election. Within ten days after the issuance of the certificates of election, the newly elected officers shall qualify as provided in the charter, and on the tenth day thereafter at twelve o'clock noon of that day or on the next business day if the tenth day is a Saturday, Sunday or holiday, the officers so elected and qualified shall enter upon the duties of the offices to which they were elected and at such time the charter shall be authenticated, recorded, attested and go into effect, and the city shall thereafter be classified as a charter code city. When so authenticated, recorded and attested, the charter shall become the organic law of the city and supersede any existing charter and amendments thereto and all special laws inconsistent therewith.

Sec. 35A.08.120 *Authentication of Charter.* The authentication of the charter shall be by certificate of the mayor in substance as follows:

“I ....., mayor of the city of....., do hereby certify that in accordance with the provisions of the Constitution and statutes of the state of Washington, the city of ..... caused fifteen freeholders to be elected on the ..... day of ....., 19..... as a charter commission to prepare a charter for the city; that due notice of that election was given in the manner provided by law and that the following persons were declared elected to prepare and propose a charter for the city, to wit: .....

That thereafter on the ..... day of ..... 19..... the charter commission returned a proposed charter for the city of ..... signed by the following members thereof: .....

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That thereafter the proposed charter was published in ..... (indicate name of newspaper in which published), for at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval. (Indicate dates of publication.)

That thereafter on the ..... day of ..... 19....., at an election duly called and held, the proposed charter was submitted to the qualified electors thereof, and the returns canvassed resulting as follows: For the proposed charter ..... votes; against the proposed charter, ..... votes; majority for the proposed charter, ..... votes; whereupon the charter was declared adopted by a majority of the qualified electors voting at the election.

I further certify that the foregoing is a full, true and complete copy of the proposed charter so voted upon and adopted as aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the corporate seal of the said city at my office this ..... day of ....., 19.....

.....  
Mayor of the city of.....

Attest:

.....  
Clerk of the city of ..... (corporate seal)."

Immediately after authentication, the authenticated charter shall be recorded by the city clerk in a book provided for that purpose known as the charter book of the city of ..... and when so recorded shall be attested by the clerk and mayor under the corporate seal of the city. All amendments shall be in like manner recorded and attested.

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All courts shall take judicial notice of a charter and all amendments thereto when recorded and attested as required in this section.

#### Chapter 35A.09

Amendment or  
revision of  
charter.

### AMENDMENT OR REVISION OF CHARTERS OF CHARTER CODE CITIES

Sec. 35A.09.010 *Amendment of Charter—Initiated by Legislative Body.* The charter of a charter code city may be amended by proposals therefor submitted by resolution of the legislative authority of such city to the electors thereof at any general election, after publication of such proposed charter amendment in the manner provided in chapter 35A.08 for publication of a proposed charter, and upon notice of election as provided by law. If such proposed charter amendment is ratified by a majority of the qualified electors voting thereon it shall become a part of the charter organic law governing such charter code city.

Sec. 35A.09.020 *Petition for Submission of Charter Amendment.* Upon the filing with the city clerk of a sufficient petition signed by qualified electors of a charter code city, in number equal to at least ten percent of the votes cast at the last general municipal election, seeking the adoption of a specified charter amendment set forth in the petition, providing for any matter within the realm of local affairs, or municipal business, or structure of municipal government, offices, and departments, said amendment shall be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days, or at a special election to be held for that purpose not less than ninety days, nor more than one hundred and eighty days after the filing of the certificate of sufficiency of the petition. The proposed charter amendment shall be published as provided in section 35A.09.050.

Upon approval by a majority of the qualified electors voting thereon, such amendment shall become a part of the charter organic law governing such charter code city.

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charter.

Sec. 35A.09.030 *New or Revised Charter—Petition—Charter Commission.* On the petition of a number of qualified electors of a charter code city equal to ten percent of the total votes cast at the last preceding municipal general election, the legislative body of such charter code city shall, or without such petition, may, by resolution, cause an election to be held for the election of a charter commission of fifteen freeholders for the purpose of preparing a new or revised charter for the city by altering, revising, adding to, or repealing the existing charter including all amendments thereto. The members of the charter commission shall be qualified and nominated as provided by chapter 35A.08. At such election the proposition of whether or not a charter commission shall be created at all shall be separately stated on the ballots and unless a majority of the votes cast upon that proposition favor it, no further steps shall be taken in the proceedings.

Sec. 35A.09.040 *Submission of New or Revised Charter—Election.* Within ten days after the results of the election authorized by section 35A.09.030 have been determined, if a majority of the votes cast favor the proposition, the members of the charter commission elected thereat shall convene and prepare a new or revised charter by altering, revising, adding to, or repealing the existing charter including all amendments thereto and within one hundred and eighty days thereafter file it with the city clerk. The charter commission shall be organized, vacancies filled, alternative plans of government considered, and a public hearing held all in the manner provided in sections of chapter 35A.08 relating to charter commissions, and the commission members

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shall be reimbursed for their expenses and may obtain technical and clerical assistance in the manner provided in chapter 35A.08. Upon the filing of the proposed new, altered, changed, or revised charter with the city clerk, it shall be submitted to the qualified electors of the charter code city at an election conducted as provided in section 35A.09.060.

Sec. 35A.09.050 *Publication of Proposed Charter.* The proposed new, altered, or revised charter shall be published in the daily newspaper of largest general circulation published in the city, or if no daily newspaper is published therein, then it shall be published in the newspaper having the largest general circulation within the city at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval.

Sec. 35A.09.060 *Conduct of Elections.* The election of the charter commission and the election upon the proposition of adopting the proposed new, altered, or revised charter, may be general or special elections held within the corresponding time period specified in chapter 35A.08, and except as herein provided, said elections, the notice specifying the objects thereof, the returns, the canvassing, and the declaration of the result shall be governed by the laws regulating and controlling elections in the charter code city.

Sec. 35A.09.070 *Effect of Favorable Vote.* If a majority of the voters voting upon the adoption of the proposed new, altered, or revised charter favor it, it shall become the charter of the charter code city and the organic law thereof, superseding any existing charter; but if any offices are abolished or dispensed with by the new, altered, or revised charter, and any new offices created thereby, such charter shall not go into effect until the election and qualification of such new officers at the next general

municipal election if one is to be held within one hundred and eighty days, or at a special election to be held for that purpose not less than ninety days, nor more than one hundred and eighty days after approval of such charter by the voters.

#### Chapter 35A.10

### PROVISIONS APPLICABLE TO ADOPTION AND ABANDONMENT OF CHARTER CODE CITY CLASSIFICATION

General provisions, adoption or abandonment of charter code city status.

Sec. 35A.10.010 *Laws Applicable to Charter Code Cities.* The classifications of municipalities which existed prior to the time this title goes into effect—first class, second class, third class and fourth class—and the restrictions, limitations, duties and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to charter code cities, but every charter code city, by adopting such classification, has elected to be governed by its charter and by the provisions of this title, with the powers thereby granted.

Sec. 35A.10.020 *Abandonment of Charter Code City Classification.* Any charter code city, which has been so classified under the provisions of this title for more than six years may abandon such classification and elect to be governed according to its charter under the general law relating to charter cities of the classification held by such city immediately prior to becoming a charter code city, if any, or may elect to be governed by the general law relating to charter cities of the highest class, or other class, for which it is qualified by population.

Sec. 35A.10.030 *Resolution or Petition for Change of Classification—Election.* Upon the passage of a resolution of the legislative body of a charter code city, or upon the filing with the city clerk of a sufficient petition signed by qualified electors of a charter code city in number equal to not

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less than ten percent of the votes cast at the last general municipal election therein, proposing abandonment of the classification of charter code city and that the city be governed under its charter and the general law relating to cities of the classification named in the petition or resolution, the legislative body thereof shall cause the propositions to be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days after the passage of the resolution or the filing of the certificate of sufficiency of the petition. Notice of election shall be given, the election conducted, and results declared generally as provided in chapter 35A.02, insofar as such provisions are applicable. If a majority of the votes cast upon such proposition are in favor of abandonment of the classification of charter code city, upon the certification of the record of election to the office of the secretary of state, such charter city shall be classified as a city of the class selected and shall be governed by the laws relating thereto.

Sec. 35A.10.040 *No Subsequent Vote for Six Years.* When a proposition for abandonment of the classification of charter code city has been submitted to the voters of the charter code city in an election and has been rejected by a majority of such voters, such proposition shall not again be submitted to the voters for six years thereafter.

Laws govern-  
ing code cities  
—Powers.

Chapter 35A.11  
LAWS GOVERNING NONCHARTER CODE  
CITIES  
AND CHARTER CODE CITIES—POWERS

Sec. 35A.11.010 *Rights, Powers and Privileges.*  
Each city governed under this optional municipal



code, whether charter or noncharter, shall be entitled "City of ....." (naming it), and by such name shall have perpetual succession; may sue and be sued in all courts and proceedings; use a corporate seal approved by its legislative body; and, by and through its legislative body, such municipality may contract and be contracted with; may purchase, lease, receive, or otherwise acquire real and personal property of every kind, and use, enjoy, hold, lease, control, convey or otherwise dispose of it for the common benefit.

Laws governing  
code cities  
—Powers.

Sec. 35A.11.020 *Powers Vested in Legislative Bodies of Noncharter and Charter Code Cities.* The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people; may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five hundred dollars or imprisonment for any term not exceeding six months, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, mainte-

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nance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, RCW 82.36.440, RCW 48.14.020, and RCW 48.14.080.

Sec. 35A.11.030 *Applicability of General Law.* Powers of eminent domain, borrowing, taxation, and the granting of franchises may be exercised by the legislative bodies of code cities in the manner provided in this title or by the general law of the state where not inconsistent with this title; and the duties to be performed and the procedure to be followed by such cities in regard to the keeping of accounts and records, official bonds, health and safety and other matters not specifically provided for in this title, shall be governed by the general law. For the purposes of this title, "the general law" means any provision of state law, not inconsistent with this title, enacted before or after the passage of this title

which is by its term applicable or available to all cities or towns.

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Sec. 35A.11.040 *Intergovernmental Cooperation and Action.* The legislative body of a code city may exercise any of its powers or perform any of its functions including purchasing, and participate in the financing thereof, jointly or in cooperation, as provided for in chapter 239, Laws of 1967. The legislative body of a code city shall have power to accept any gift or grant for any public purpose and may carry out any conditions of such gift or grant when not in conflict with state or federal law.

Sec. 35A.11.050 *Statement of Purpose and Policy.* The general grant of municipal power conferred by this chapter and this title on legislative bodies of noncharter code cities and charter code cities is intended to confer the greatest power of local self-government consistent with the Constitution of this state and shall be construed liberally in favor of such cities. Specific mention of a particular municipal power or authority contained in this title or in the general law shall be construed as in addition and supplementary to, or explanatory of the powers conferred in general terms by this chapter.

#### Chapter 35A.12

#### MAYOR-COUNCIL PLAN OF GOVERNMENT

Sec. 35A.12.010 *Elective City Officers—Size of Council.* The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members. The number of inhabitants shall be determined by the most re-

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cent official state or federal census or determination by the state census board. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmen not exceeding eleven.

Sec. 35A.12.020 *Appointive Officers—Duties—Compensation.* The appointive officers shall be those provided for by charter or ordinance and shall include a city clerk and a chief law enforcement officer. The office of city clerk may be merged with that of a city treasurer, if any, with an appropriate title designated therefor. Provision shall be made for obtaining legal counsel for the city, either by appointment of a city attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services. The authority, duties and qualifications of all appointive officers shall be prescribed by charter or ordinance, consistent with the provisions of this title, and any amendments thereto, and the compensation of appointive officers shall be prescribed by ordinance: *Provided*, That the compensation of an appointed police judge or municipal judge shall be within applicable statutory limits.

Sec. 35A.12.030 *Eligibility To Hold Elective Office.* No person shall be eligible to hold elective office under the mayor-council plan unless he shall have been a registered voter and resident of the city for a period of at least one year next preceding his election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with such city is construed to have been residence within the city. A mayor or councilman shall hold within the city government no other public office or employment except as

permitted under the provisions of chapter 42.23 RCW. Mayor-council plan of government.

Sec. 35A.12.040 *Elections—Terms of Elective Officers—Numbering of Council Positions—Contested Elections.* Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29. The mayor and the councilmen shall be elected for four year terms and until their successors are elected and qualified; except that at the first election the three councilmen in cities having seven councilmen, and the two councilmen in cities having five councilmen, who received the lesser number of votes at such election shall be elected for two year terms and the remaining councilmen shall be elected for four year terms. Thereafter the requisite number of councilmen shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. After the first election, the positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes, as provided in section 35A.29.105. Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards. The city council shall be the judge of the qualifications of its members and determine contested elections of city officers, subject to review by certiorari as provided by law. The mayor and councilmen shall qualify by taking an oath or affirmation of office and as may be provided by law, charter, or ordinance.

Sec. 35A.12.050 *Vacancies—Filling of Vacancies.* The office of a mayor or councilman shall become vacant if he fails to qualify as provided by law or fails to enter upon his duties at the time fixed by law without a justifiable reason, upon his death, resignation, removal from office by recall as pro-

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vided by law, or when his office is forfeited as provided in section 35A.12.060. A vacancy in the office of mayor or in the council shall be filled for the remainder of the unexpired term, if any, at the next regular municipal election but the council, or the remaining members thereof, by majority vote shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If at any time the membership of the council is reduced below the number required for a quorum, the remaining members, nevertheless, by majority action may appoint additional members to fill the vacancies until persons are elected to serve the remainder of the unexpired terms. If, after thirty days have passed since the occurrence of a vacancy, the council are unable to agree upon a person to be appointed to fill a vacancy in the council, the mayor may make the appointment from among the persons nominated by members of the council.

Sec. 35A.12.060 *Forfeiture of Office.* A mayor or councilman shall forfeit his office, creating a vacancy, if he ceases to have the qualifications prescribed for such office by law, charter, or ordinance, or if he is convicted of a crime involving moral turpitude or an offense involving a violation of his oath of office. A councilman also shall forfeit his office if he fails to attend three consecutive regular meetings of the council without being excused by the council.

Sec. 35A.12.065 *Pro Tempore Appointments.* Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any

qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilman, the remaining members by majority vote may appoint a councilman pro tempore to serve during the absence or disability.

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Sec. 35A.12.070 *Compensation of Elective Officers—Expenses.* The salaries of the mayor and the councilmen shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent.

Until the first elective officers under this mayor-council plan of government may lawfully be paid the compensation provided by such salary ordinance, such officers shall be entitled to be compensated in the same manner and in the same amount as the compensation paid to officers of such city performing comparable services immediately prior to adoption of this mayor-council plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, such first officers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants, the mayor shall be entitled to a salary of one hundred and fifty dollars per calendar month and a councilman shall be entitled to twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants, the mayor shall be entitled to a salary of three hundred and fifty dollars per calendar month and a councilman shall be entitled to one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants, the mayor shall be entitled to a salary of twelve hundred and fifty dollars per calendar month and a

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councilman shall be entitled to four hundred dollars per calendar month: *Provided*, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the amounts herein provided shall not be construed as fixing the usual salary of such officers. The mayor and councilmen shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 35A.12.080 *Oath and Bond of Officers.* Any officer before entering upon the performance of his duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his duties. The clerk, treasurer, if any, chief of police, and such other officers or employees as may be designated by ordinance or by charter shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties. The terms and penalty of official bonds and the surety therefor shall be prescribed by ordinance or charter and the bond shall be approved by the chief administrative officer of the city. The premiums on such bonds shall be paid by the city. When the furnishing of an official bond is required of an officer or employee, compliance with such provisions shall be an essential part of qualification for office.

Sec. 35A.12.090 *Appointment and Removal of Officers—Terms.* The mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service except that a police judge or municipal judge who is appointed



may be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office. The head of a department or office of the city government may be authorized by the mayor to appoint and remove subordinates in such department or office, subject to any applicable civil service provisions. All appointments of city officers and employees shall be made on the basis of ability and training or experience of the appointees in the duties they are to perform, from among persons having such qualifications as may be prescribed by ordinance or by charter, and in compliance with provisions of any merit system applicable to such city. Confirmation by the city council of appointments of officers and employees shall be required only when the city charter, or the council by ordinance, provides for confirmation of such appointments. Confirmation of mayoral appointments by the council may be required by the council in any instance where qualifications for the office or position have not been established by ordinance or charter provision. Appointive offices shall be without definite term unless a term is established for such office by law, charter or ordinance.

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Sec. 35A.12.100 *Duties and Authority of the Mayor—Veto—Tie-Breaking Vote.* The mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The mayor may appoint and remove a chief administrative officer or assistant administrative officer, if so provided by ordinance or charter. He shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests. All official bonds and

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bonds of contractors with the city shall be submitted to the mayor or such person as he may designate for approval or disapproval. He shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end he may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of the council. The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmen. He shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action. He shall prepare and submit to the council a proposed budget, as required by chapter 35A.33. The mayor shall have the power to veto ordinances passed by the council and submitted to him as provided in section 35A.12.130 but such veto may be overridden by the vote of a majority of all council members plus one more vote. The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the mayor's attendance at an official function and no mayor pro tempore has been appointed by the council, a member of the council or some other suitable person may be designated by the mayor to represent the city on such occasion.

Sec. 35A.12.110 *Council Meetings.* The city council and mayor shall meet regularly, at least once a month, at a place within the corporate limits of the city at such times as may be fixed by ordinance or resolution. Special meetings may be called by the mayor or any three members of the council by written notice delivered to each member of the council at least twelve hours before the time specified for

the proposed meeting. All council meetings shall be open to the public except that the council may hold executive sessions from which the public is excluded for purposes other than the final adoption of an ordinance, resolution, rule, regulation, or directive. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the date of which is not fixed by ordinance, resolution, or rule, unless public notice of such meeting has been given by such notice to the local press, radio, and television, as will be reasonably calculated to inform inhabitants of the city of the meeting. Meetings of the council shall be presided over by the mayor, if present, or the mayor pro tempore, or deputy mayor if one has been appointed, or by a member of the council selected by a majority of the council members at such meeting. Appointment of a council member to preside over the meeting shall not in any way abridge his right to vote on matters coming before the council at such meeting. In the absence of the clerk, a deputy clerk or other qualified person appointed by the clerk, the mayor, or the council, may perform the duties of clerk at such meeting. A journal of all proceedings shall be kept, which shall be a public record.

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Sec. 35A.12.120 *Council—Quorum—Rules—Voting.* At all meetings of the council a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The council shall determine its own rules and order of business, and may establish rules for the conduct of council meetings and the maintenance of order. At the desire of any member, any

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question shall be voted upon by roll call and the ayes and nays shall be recorded in the journal.

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The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the council.

Sec. 35A.12.130 *Ordinances—Style—Requisites—Veto.* The enacting clause of all ordinances shall be as follows: "The city council of the city of ..... do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

Every ordinance which passes the council in order to become valid must be presented to the mayor; if he approves it, he shall sign it, but if not, he shall return it with his written objections to the council and the council shall cause his objections to be entered at large upon the journal and proceed to a reconsideration thereof. If upon reconsideration a majority plus one of the whole membership, voting upon a call of ayes and nays, favor its passage, the ordinance shall become valid notwithstanding the

mayor's veto. If the mayor fails for ten days to either approve or veto an ordinance, it shall become valid without his approval. Ordinances shall be signed by the mayor and attested by the clerk.

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Sec. 35A.12.140 *Adoption of Codes by Reference.* Ordinances may by reference adopt Washington state statutes and state, county, or city codes, regulations, or ordinances or any standard code of technical regulations, or portions thereof, including, for illustrative purposes but not limited to, fire codes and codes or ordinances relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health and sanitation, the slaughtering, processing and selling of meats and meat products for human consumption, the production, pasteurizing and sale of milk and milk products, or other subjects, together with amendments thereof or additions thereto, on the subject of the ordinance. Such Washington state statutes or codes or other codes or compilations so adopted need not be published in a newspaper as provided in section 35A.12.160, but the adopting ordinance shall be so published and a copy of any such adopted statute, ordinance or code, or portion thereof, with amendments or additions, if any, in the form in which it was adopted, shall be authenticated and recorded by the clerk along with the adopting ordinance. Not less than three copies of such statute, code or compilation with amendments or additions, if any, in the form in which it was adopted, shall be filed in the office of the city clerk for use and examination by the public. While any such statute, code or compilation is under consideration by the council prior to adoption, not less than three copies thereof shall be filed in the office of the city clerk for examination by the public.

Sec. 35A.12.150 *Ordinances—Authentication and Recording.* The city clerk shall authenticate by his

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signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the council. Such book, or copies of ordinances and resolutions, shall be available for inspection by the public at reasonable times and under reasonable conditions.

Sec. 35A.12.160 *Publication of Ordinances.* Promptly after adoption, every ordinance shall be published, verbatim, at least once in a newspaper printed and published within the city, such publication to be made in the city's official newspaper if there is one. If there is no official newspaper or other newspaper printed and published within the city, then publication shall be made by printing and posting the ordinance in at least three public places in the city designated by ordinance as the official posting places for city notices.

Sec. 35A.12.170 *Audit and Allowance of Demands against City.* All demands against a code city shall be presented and audited in accordance with such regulations as may be prescribed by charter or ordinance; and upon the allowance of a demand, the clerk shall draw a warrant upon the treasurer for it, which warrant shall be countersigned by the mayor, or such person as he may designate, and shall specify the fund from which it is to be paid; or, payment may be made by a bank check when authorized by the legislative body of the code city under authority granted by section 35A.40.020, which check shall bear the signatures of the officers designated by the legislative body as required signatories of checks of such city, and shall specify the fund from which it is to be paid.

Sec. 35A.12.180 *Optional Division of City into Wards.* At any time not within three months previous to a municipal general election the council of a

noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any councilman, but he shall serve out his term in the ward of his residence at the time of his election: *Provided*, That if this results in one ward being represented by more councilmen than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable. When the city has been divided into wards no person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election, and removal of his residence from the ward for which he was elected renders his office vacant.

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Sec. 35A.12.190 *Powers of Council*. The council of any code city organized under the mayor-council plan of government provided in this chapter shall have the powers and authority granted to the legislative bodies of cities governed by this title, as more particularly described in chapter 35A.11.

### Chapter 35A.13

#### COUNCIL-MANAGER PLAN OF GOVERNMENT

Sec. 35A.13.010 *City Officers—Size of Council*. The councilmen shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective police judge. The council shall appoint an officer whose title shall be “city manager” who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The

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council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state census board. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmen not exceeding eleven.

Sec. 35A.13.020 *Election of Councilmen—Eligibility—Terms—Vacancies—Forfeiture of Office.* In council-manager code cities, eligibility for election to the council, the manner of electing councilmen, the numbering of council positions, the terms of councilmen, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilman pro tempore shall be governed by the corresponding provisions of sections 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan.

Sec. 35A.13.030 *Mayor—Election by Council—Duties—Mayor Pro Tempore.* Biennially at the first meeting of the new council the members thereof shall choose a chairman from among their number who shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him as mayor, he shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties, but in time of public danger or emergency, if so



authorized by ordinance, shall take command of the police, maintain law, and enforce order.

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Sec. 35A.13.040 *Compensation of Councilmen—Expenses.* The salaries of the councilmen, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent.

Until councilmen of a newly-organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmen shall be entitled to compensation in the same manner and in the same amount as councilmen of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmen shall be entitled to compensation as follows: In cities having less than five thousand inhabitants — twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants — a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants — a salary of four hundred dollars per calendar month. A councilman who is occupying the position of mayor, in addition to his salary as a councilman, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmanic salary: *Provided*, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmen shall receive

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reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 35A.13.050 *City Manager—Qualifications.* The city manager need not be a resident at the time of his appointment, but shall reside in the code city after his appointment unless such residence is waived by the council. He shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected.

Sec. 35A.13.060 *City Manager May Serve Two or More Cities.* Whether the city manager shall devote his full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

Sec. 35A.13.070 *City Manager—Bond and Oath.* Before entering upon the duties of his office the city manager shall take an oath or affirmation for the faithful performance of his duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

Sec. 35A.13.080 *City Manager—Powers and Duties.* The powers and duties of the city manager shall be:

(1) To have general supervision over the administrative affairs of the code city;

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(2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: *Provided*, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: *Provided further*, That if the police judge or municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The police judge or municipal judge may be removed only on conviction of malfeasance or misconduct in office, or because of physical or mental disability rendering him incapable of performing the duties of his office. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the code city and its future needs;

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(8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33, and to be responsible for its administration upon adoption;

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(9) To perform such other duties as the council may determine by ordinance or resolution.

Sec. 35A.13.090 *Creation of Departments, Offices, and Employment—Compensation.* On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services.

Sec. 35A.13.100 *City Manager — Department Heads—Authority.* The city manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of section 35A.13.080 and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there

shall be no appeal therefrom to any other office, body, or court whatsoever.

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Sec. 35A.13.110 *City Manager—Appointment of Subordinates—Qualifications—Terms.* Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

Sec. 35A.13.120 *City Manager—Interference by Council Members.* Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his removal from, office by the city manager or any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

Sec. 35A.13.130 *City Manager—Removal—Resolution and Notice.* The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him and the reasons therefor. Upon passage of the resolution stating the coun-

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cil's intention to remove the manager, the council by a similar vote may suspend him from duty, but his pay shall continue until his removal becomes effective.

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Sec. 35A.13.140 *City Manager—Removal—Reply and Hearing.* The city manager may, within thirty days from the date of service upon him of a copy thereof, reply in writing to the resolution stating the council's intention to remove him. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

Sec. 35A.13.150 *City Manager—Substitute.* The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

(1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or

(2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or

(3) During the absence, disability, or suspension of the manager.

Sec. 35A.13.160 *Oath and Bond of Officers.* All provisions of section 35A.12.080 relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

Sec. 35A.13.170 *Council Meetings—Quorum—Rules—Voting.* All provisions of sections 35A.12.110

and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

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Sec. 35A.13.180 *Adoption of Codes by Reference.* Ordinances of cities organized under this chapter may adopt codes by reference as provided in section 35A.12.140.

Sec. 35A.13.190 *Ordinances—Style—Requisites—Veto.* The enacting clause of all ordinances shall be as follows: "The city council of the city of ..... do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

Sec. 35A.13.200 *Authentication, Recording and Publication of Ordinances.* Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in sections 35A.12.150 and 35A.12.160.

Sec. 35A.13.210 *Audit and Allowance of Demands against City.* Section 35A.12.170 shall apply

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Sec. 35A.13.220 *Optional Division of City into Wards.* A code city organized under this chapter may be divided into wards as provided in section 35A.12.180.

Sec. 35A.12.230 *Powers of Council.* The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter 35A.11, except insofar as such power and authority is vested in the city manager.

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Sec. 35A.14.010 *Authority for Annexation—Consent of County Commissioners for Certain Property.* Any portion of a county not incorporated as part of a city or town but lying contiguous to a code city may become a part of the charter code city or noncharter code city by annexation: *Provided,* That property owned by a county, and used for the purpose of an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW shall not be subject to annexation without the consent of the majority of the board of county commissioners. An area proposed to be annexed to a charter code city or noncharter code city shall be deemed contiguous thereto even though separated by water or tide or shore lands and, upon annexation of such area, any such intervening water and/or tide or shore lands shall become a part of such annexing city.

Sec. 35A.14.015 *Election Method — Resolution for Election—Contents of Resolution.* When the legislative body of a charter code city or noncharter code city shall determine that the best interests and



general welfare of such city would be served by the annexation of unincorporated territory contiguous to such city, such legislative body may, by resolution, call for an election to be held to submit to the voters of such territory the proposal for annexation. The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and shall provide that said city will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area 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 any then outstanding indebtedness of the city to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever such city has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in sections 35A.14.330 and 35A.14.340, the resolution initiating the election may also provide for the simultaneous adoption of the proposed zoning regulation upon approval of annexation by the electorate of the area to be annexed. A certified copy of the resolution shall be filed with the board of county commissioners of the county in which said territory is located. A certified copy of the resolution shall be filed with the boundary review board as provided for in chapter [189], Laws of 1967 (Substitute House Bill No. 37) or the county annexation review board established by section 35A.14.200, unless such annexation proposal is within the provisions of section 35A.14.280.

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Sec. 35A.14.020 *Election Method—Petition for Election—Contents of Petition—Filing and Approval—Costs.* When a petition which is sufficient under the rules set forth in section 35A.01.040 is filed with

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the legislative body of a code city, calling for an election to vote upon the annexation of unincorporated territory contiguous to such 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 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 section 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 any then outstanding indebtedness of the city to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever the legislative body has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in sections 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. 35A.14.030 *Filing of Petition As Approved by City.* Upon approval of the petition for election by the legislative body of the code city to which such territory is proposed to be annexed, the petition shall be filed with the board of county commissioners for the county in which such territory is located, along with a statement, in the form required by the city, of the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and/or the simultaneous adoption of a proposed zoning regulation for the area. A copy of the petition and the statement, if any, shall also be filed with the boundary review board as provided for in chapter [189], Laws of 1967 (Substitute House Bill No. 37) or the county annexation review board established by section 35A.14.200, unless such proposed annexation is within the provisions of section 35A.14.280.

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Sec. 35A.14.040 *Election Method—Hearing by Review Board—Notice.* Within ten days after receipt of a petition or resolution calling for an election on the question of annexation, the county annexation review board shall meet and, if the proposed annexation complies with the requirements of law, shall fix a date for a hearing thereon, to be held not less than fifteen days nor more than thirty days thereafter, of which hearing the city must give notice by publication at least once a week for two weeks prior thereto in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the area proposed to be annexed. The hearing shall be held within the city to which the territory is proposed to be annexed, at a time and place to be designated by the board. Upon the day fixed, the board shall conduct a hearing upon the petition or resolution, at which hearing a representative of the city shall make a brief presentation to the board in

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explanation of the annexation and the benefits to be derived therefrom, and the petitioners and any resident of the city or the area proposed to be annexed shall be afforded a reasonable opportunity to be heard. The hearing may be adjourned from time to time in the board's discretion, not to exceed thirty days in all from the commencement of the hearing.

Sec. 35A.14.050 *Decision of the Annexation Review Board—Filing—Date for Election.* After consideration of the proposed annexation as provided in section 35A.14.260, the annexation review board, within thirty days after the final day of hearing, shall take one of the following actions:

(1) Approval of the proposal as submitted.

(2) Modification of the proposal by adjusting boundaries to include or exclude territory; except that any such inclusion of territory shall not increase the total area of territory proposed for annexation by an amount exceeding the original proposal by more than five percent: *Provided*, That the board shall not adjust boundaries to include territory not included in the original proposal without first affording to residents and property owners of the area affected by such adjustment of boundaries an opportunity to be heard as to the proposal.

(3) Disapproval of the proposal.

The written decision of the annexation review board shall be filed with the board of county commissioners and with the legislative body of the city concerned. If the annexation proposal is modified by the board, such modification shall be fully set forth in the written decision. If the decision of the boundary review board or the county annexation review board is favorable to the annexation proposal, or the proposal as modified by the review board, the board of county commissioners, at its next regular meeting if to be held within thirty days after receipt of the decision of the boundary

review board or the county annexation review board, or at a special meeting to be held within that period, shall set a date for submission of such annexation proposal, with any modifications made by the review board, to the voters of the territory proposed to be annexed. The question shall be submitted at a general election if one is to be held within ninety days, or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the decision of the review board with the board of county commissioners. If the boundary review board or the county annexation review board disapproves the annexation proposal, no further action shall be taken thereon, and no proposal for annexation of the same territory, or substantially the same as determined by the board, shall be initiated or considered for twelve months thereafter.

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Sec. 35A.14.060 *Election Method—Conduct of Election.* An annexation election shall be held in accordance with chapter 35A.29 of this title and only registered voters who have resided in the area proposed to be annexed for ninety days immediately preceding the election shall be allowed to vote therein.

Sec. 35A.14.070 *Election Method—Notice of Election.* Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, as the same may have been modified by the boundary review board or the county annexation review board, state the objects of the election as prayed in the petition or as stated in the resolution and require the voters to cast ballots which shall contain the words "For Annexation" or "Against Annexation" or words equivalent thereto, or contain the words "For Annexation and Adoption of Proposed Zoning Regulation", and "Against

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Annexation and Adoption of Proposed Zoning Regulation”, or words equivalent thereto in case the simultaneous adoption of a proposed zoning regulation is proposed, and in case the assumption of indebtedness is proposed, shall contain as a separate proposition, the words “For assumption of indebtedness” and “Against assumption of indebtedness” or words equivalent thereto. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published at least once a week for two weeks prior to the date of election in a newspaper of general circulation within the limits of the territory proposed to be annexed. Such notice shall be in addition to the notice required by section 35A.29.140.

*Sec. 35A.14.080 Election Method—Vote Required for Annexation—Proposition for Assumption of Indebtedness—Certification.* On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the statement of canvass to the board of county commissioners.

The proposition for or against annexation or for or against annexation and adoption of the proposed zoning regulation, as the case may be, shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation or in favor of annexation and adoption of the proposed zoning regulation, as the case may be. If a proposition for or against assumption of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last

preceding general election. If either or both propositions were approved by the electors, the board of county commissioners shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation or for annexation and adoption of the proposed zoning regulation and the number cast against annexation and adoption of the proposed zoning regulation, as the case may be, and if a proposition for assumption of indebtedness was submitted to the electorate, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election.

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Sec. 35A.14.090 *Election Method — Ordinance Providing for Annexation, Assumption of Indebtedness.* Upon filing of the certified copy of the finding of the board of county commissioners, the clerk shall transmit it to the legislative body of the city at the next regular meeting or as soon thereafter as practicable. If only a proposition relating to annexation or to annexation and adoption of a proposed zoning regulation was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of a proposed zoning regulation, as the case may be. If a proposition for annexation or for annexation and adoption of a proposed zoning regulation, and a proposition for assumption of indebtedness were both submitted, and both were approved, the legislative body shall adopt an or-

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dinance providing for the annexation or for annexation and adoption of the proposed zoning regulation, including the assumption of indebtedness. If both propositions were submitted and only the annexation or the annexation and adoption of the proposed zoning regulation was approved, the legislative body may adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the proposed zoning regulation, as the case may be, or the legislative body may refuse to annex when a proposal for assumption of indebtedness has been disapproved by the voters.

Sec. 35A.14.100 *Election Method — Effective Date of Annexation.* Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the city. Upon the date fixed in the ordinances of annexation and adoption of the proposed zoning regulation, the area annexed shall become a part of the city, and property in the annexed area shall be subject to the proposed zoning regulation, as prepared and filed as provided for in sections 35A.14.330 and 35A.14.340. All property within the territory hereafter annexed shall, if the proposition approved by the people so provides 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 any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation.

Sec. 35A.14.110 *Election Method Is Alternative.* The method of annexation provided for in sections 35A.14.015 through 35A.14.100 is an alternative method and is additional to the other methods provided for in this chapter.

Sec. 35A.14.120 *Direct Petition Method—Notice to Legislative Body — Meeting — Assumption of*



*Indebtedness—Proposed Zoning Regulation.* Proceedings for initiating annexation of unincorporated territory to a charter code city or noncharter code city may be commenced by the filing of a petition of property owners of the territory proposed to be annexed, in the following manner. This method of annexation shall be alternative to other methods provided in this chapter. Prior to the circulation of a petition for annexation, the initiating party or parties, who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, shall notify the legislative body of the code city in writing of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the code city will accept the proposed annexation, whether it shall require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed for the area to be annexed as provided for in sections 35A.14.330 and 35A.14.340, and whether it shall require the assumption of existing city indebtedness by the area to be annexed. If the legislative body requires the assumption of indebtedness and/or the adoption of a proposed zoning regulation, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate these facts. Approval by the legislative body shall be a condition precedent to circulation of the petition. There shall be no appeal from the decision of the legislative body. A petition for annexation of an area contiguous to a code city may be filed with the legislative body of the municipality to which annexation is desired. It must be signed by the owners, as defined by section 35A.01.040(11) (a) through (d), of not less than

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seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned. Such petition shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a map which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of city indebtedness by the area annexed or the adoption of a proposed zoning regulation, these facts, together with a quotation of the minute entry of such requirement, or requirements, shall also be set forth in the petition.

Sec. 35A.14.130 *Direct Petition Method—Notice of Hearing.* Whenever such a petition for annexation is filed with the legislative body of a code city, which petition meets the requirements herein specified and is sufficient according to the rules set forth in section 35A.01.040, the legislative body may entertain the same, fix a date for a public hearing thereon and cause notice of the hearing to be published in one or more issues of a newspaper of general circulation in the city. The notice shall also be posted in three public places within the territory proposed for annexation, and shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation.

Sec. 35A.14.140 *Direct Petition Method—Ordinance Providing for Annexation.* Following the hearing, if the legislative body determines to effect the annexation, they shall do so by ordinance. The ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance a certified copy shall be filed with the board of county commission-

ers of the county in which the annexed property is located. Annexation by  
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Sec. 35A.14.150 *Direct Petition Method—Effective Date of Annexation.* Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for any then outstanding indebtedness of the city to which said area is annexed, contracted prior to, or existing at, the date of annexation. If the annexation petition so provided, all property in the annexed area shall be subject to and a part of the proposed zoning regulation as prepared and filed as provided for in sections 35A.14.330 and 35A.14.340.

Sec. 35A.14.160 *Annexation Review Board—Composition.* There is hereby established in each county of the state, other than counties having a boundary review board as provided for in chapter [189], Laws of 1967 (Substitute House Bill No. 37), a board to be known as the “annexation review board for the county of ..... (naming the county)”, which shall be charged with the duty of reviewing proposals for annexation of unincorporated territory to charter code cities and noncharter code cities within its respective county; except that proposals within the provisions of section 35A.14.280 shall not be subject to the jurisdiction of such board.

In all counties in which a boundary review board is established pursuant to chapter [189], Laws of 1967 (Substitute House Bill No. 37) review of proposals for annexation of unincorporated territory to charter code cities and noncharter code cities within such counties shall be subject to chapter [189], Laws of 1967 (Substitute House Bill No. 37).

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Whenever a first class county with a population over one hundred seventy thousand establishes a boundary review board pursuant to chapter [189], Laws of 1967 (Substitute House Bill No. 37) the provisions of this act relating to annexation review boards shall not be applicable.

Except as provided above in this section, whenever one or more cities of a county shall have elected to be governed by this title by becoming a charter code city or noncharter code city, the governor shall, within forty-five days thereafter, appoint an annexation review board for such county consisting of five members appointed in the following manner:

Two members shall be selected independently by the governor. Three members shall be selected by the governor from the following sources: (1) One member shall be appointed from nominees of the individual members of the board of county commissioners; (2) one member shall be appointed from nominees of the individual mayors of charter code cities within such county; (3) one member shall be appointed from nominees of the individual mayors of noncharter code cities within such county.

Each source shall nominate at least two persons for an available position. In the event there are less than two nominees for any position, the governor may appoint the member for that position independently. If, at the time of appointment, there are within the county no cities of one of the classes named above as a nominating source, a position which would otherwise have been filled by nomination from such source shall be filled by independent appointment of the governor.

In making appointments independently and in making appointments from among nominees, the governor shall strive to appoint persons familiar with municipal government and administration by experience and/or training.

Sec. 35A.14.170 *Time for Filing Nominations—Vacancies.* Upon the initial formation of a county annexation review board the governor shall give written notice of such formation to all the nominating sources designated therein and nominations must be filed with the office of the governor within fifteen days after receipt of such notice. Nominations to fill vacancies caused by expiration of terms must be filed at least thirty days preceding the expiration of the terms. When vacancies occur in the membership of the board, the governor shall solicit nominations from the appropriate source and if none are filed within fifteen days thereafter, the governor shall fill the vacancy by an independent appointment.

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Sec. 35A.14.180 *Terms of Members.* The members of the annexation review board shall be appointed for five year terms. Upon the initial formation of a board, one member appointed by the governor independently shall be appointed for a four year term, the member appointed from among nominees of the board of county commissioners shall be appointed for a three year term, the member appointed from among nominees of the mayors of noncharter code cities shall be appointed for a three year term, and the remaining members shall be appointed for five year terms. Thereafter board members shall be appointed for five year terms as the terms of their predecessors expire. Members shall be eligible for reappointment to the board for successive terms.

Sec. 35A.14.190 *Organization of Annexation Review Board—Rules—Journal—Authority.* The members of each annexation review board shall elect from among the members a chairman and a vice chairman, and may employ a nonmember as chief clerk, who shall be the secretary of the board. The

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board shall determine its own rules and order of business, shall provide by resolution for the time and manner of holding regular or special meetings, and shall keep a journal of its proceedings which shall be a public record. A majority of all the members shall constitute a quorum for the transaction of business.

The chief clerk of the board, the chairman, or the vice chairman shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas to any public officer or employee ordering him to testify before the board and produce public records, papers, books or documents. The chief clerk, the chairman or the vice chairman may invoke the aid of any court of competent jurisdiction to carry out such powers.

The planning departments of the county, other counties, and any city, and any state or regional planning agency shall furnish such information to the board at its request as may be reasonably necessary for the performance of its duties.

At the request of the board, the state attorney general shall provide counsel for the board.

Sec. 35A.14.200 *Determination by Review Board—Factors Considered—Filing of Findings and Decision.* The jurisdiction of the annexation review board shall be invoked upon the filing with the board of a resolution for an annexation election as provided in section 35A.14.015, or of a petition for an annexation election as provided in section 35A.14.030, and the board shall proceed to hold a hearing, upon notice, all as provided in section 35A.14.040. A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of such testimony shall be provided to any person or governmental unit. The board shall make and file its decision, all as pro-

vided in section 35A.14.050, insofar as said section is applicable to the matter before the board. Dissenting members of the board shall have the right to have their written dissents included as part of the decision. In reaching a decision on an annexation proposal, the annexation review board shall consider the factors affecting such proposal, which shall include but not be limited to the following:

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(1) The immediate and prospective population of the area proposed to be annexed, the configuration of the area, land use and land uses, comprehensive use plans and zoning, per capita assessed valuation, topography, natural boundaries and drainage basins, the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years, location and coordination of community facilities and services; and

(2) The need for municipal services and the available municipal services, effect of ordinances and governmental codes, regulations and resolutions on existing uses, present cost and adequacy of governmental services and controls, the probable future needs for such services and controls, the probable effect of the annexation proposal or alternatives on cost and adequacy of services and controls in area and adjacent area, the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units; and

(3) The effect of the annexation proposal or alternatives on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

The board shall determine whether the proposed annexation would be in the public interest and for the public welfare. The decision of the board shall be accompanied by the findings of the board. Such findings need not include specific data on all the

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factors listed in this section, but shall indicate that all such factors were considered.

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Sec. 35A.14.210 *Court Review of Decisions of the Annexation Review Board.* Decisions of the annexation review board shall be final unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property in or residing in the area proposed to be annexed files in the superior court a notice of appeal. The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board. The superior court may affirm the decision of the annexation review board or remand the case for further proceedings; or the court may reverse the decision and remand if it finds that substantial rights have been prejudiced because the findings, conclusions, or decision of the board are:

- (1) In violation of constitutional provisions; or
- (2) In excess of the statutory authority or jurisdiction of the board; or
- (3) Made upon unlawful procedure; or
- (4) Affected by other error of law; or
- (5) Unsupported by material and substantial evidence in view of the entire record as submitted; or
- (6) Arbitrary or capricious.

Sec. 35A.14.220. *When Review Procedure May Be Dispensed With.* Annexations under the provisions of sections 35A.14.295, 35A.14.297, 35A.14.300, and 35A.14.310 shall not be subject to review by the annexation review board: *Provided,* That in class AA, class A and first class counties in which a boundary review board is established under



chapter [189], Laws of 1967 (Substitute House Bill No. 37) all annexations shall be subject to review except as provided for in section 11 of chapter [189], Laws of 1967 (Substitute House Bill No. 37). When the area proposed for annexation in a petition or resolution, initiated and filed under any of the methods of initiating annexation authorized by this chapter, is less than fifty acres or less than five hundred thousand dollars in assessed valuation, review procedures shall not be required as to such annexation proposal, except as provided in chapter [189], Laws of 1967 (Substitute House Bill No. 37) in those counties with a review board established pursuant to chapter [189], Laws of 1967 (Substitute House Bill No. 37): *Provided*, That when an annexation proposal is initiated by the direct petition method authorized by section 35A.14.120, review procedures shall not be required without regard to acreage or assessed valuation, except as provided in chapter [189], Laws of 1967 (Substitute House Bill No. 37) in those counties with a boundary review board established pursuant to chapter [189], Laws of 1967 (Substitute House Bill No. 37).

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Sec. 35A.14.230 *Pending Disposition of a Petition or Resolution for Annexation No Other Proposal for Same Area May Be Acted Upon.* After the filing of any petition or resolution for annexation or for an annexation election with the board of county commissioners, the boundary review board or the county annexation review board for the county or the legislative body of a code city and pending its final disposition as provided in this chapter, no other petition or resolution, or petition for incorporation, which embraces any of the territory included therein shall be acted upon by any public official or body that might otherwise be empowered to receive or act upon such a petition or resolution.

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Sec. 35A.14.295 *Annexation of Unincorporated Island of Territory within Code City—Resolution—Notice of Hearing.* When there is, within a code city, unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to the code city, the legislative body may resolve to annex such territory to the code city. The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and set a date for a public hearing on such resolution for annexation. Notice of the hearing shall be given by publication of the resolution at least once a week for two weeks prior to the date of the hearing, in one or more newspapers of general circulation within the code city and one or more newspapers of general circulation within the area to be annexed.

Sec. 35A.14.297 *Ordinance Providing for Annexation of Unincorporated Island of Territory—Referendum.* On the date set for hearing as provided in section 35A.14.295, residents or property owners of the area included in the resolution for annexation shall be afforded an opportunity to be heard. The legislative body may provide by ordinance for annexation of the territory described in the resolution, but the effective date of the ordinance shall be not less than forty-five days after the passage thereof. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the area to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a pro-

posed zoning regulation, the notice shall include a statement of such requirements. Such annexation ordinance shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition as provided in section 35A.14.299 below, a referendum election shall be held as provided in section 35A.14.299, and the annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from, but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, as provided by section 35A.14.299 below, the area annexed shall become a part of the code city upon the date fixed in the ordinance of annexation.

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Sec. 35A.14.299 *Annexation of Unincorporated Island of Territory within Code City—Referendum—Effective Date If No Referendum.* Such annexation ordinance as provided for in section 35A.14.297 shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of such area in a general election if one is to be held within ninety days or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the referendum petition. Notice of such election shall be given as provided in section 35A.14.070 and the election shall be conducted as provided in section 35A.14.060. The annexation shall be deemed approved by the voters unless a majority of the

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votes cast on the proposition are in opposition thereto.

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After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the code city upon the date fixed in the ordinance of annexation. From and after such date, if the ordinance so provided, property in the annexed area shall be subject to the proposed zoning regulation prepared and filed for such area as provided in sections 35A.14.330 and 35A.14.340. If the ordinance so provided, all property within the area annexed shall be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for any then outstanding indebtedness of such city contracted prior to, or existing at, the date of annexation.

Sec. 35A.14.300 *Annexation for Municipal Purposes.* 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.

Sec. 35A.14.310 *Annexation of Federal Areas.* Any unincorporated area contiguous to a code city may be annexed thereto by an ordinance accepting a gift, grant, or lease from the government of the United States of the right to occupy, control, improve it or sublet it for commercial, manufacturing, or industrial purposes: *Provided,* That this right of annexation shall not apply to any territory more than four miles from the corporate limits existing before such annexation.

Sec. 35A.14.320 ————*Provisions of Ordinance—Authority over Annexed Territory.* In the ordinance annexing territory pursuant to a gift,

grant, or lease from the government of the United States, a code city may include such tide and shorelands as may be necessary or convenient for the use thereof, and may include in the ordinance an acceptance of the terms and conditions attached to the gift, grant, or lease. A code city may cause territory annexed pursuant to a gift, grant, or lease of the government of the United States to be surveyed, subdivided and platted into lots, blocks, or tracts and lay out, reserve for public use, and improve streets, roads, alleys, slips, and other public places. It may grant or sublet any lot, block, or tract therein for commercial, manufacturing, or industrial purposes and reserve, receive and collect rents therefrom. It may expend the rents received therefrom in making and maintaining public improvements therein, and if any surplus remains at the end of any fiscal year, may transfer it to the city's current expense fund.

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Sec. 35A.14.330 *Proposed Zoning Regulation—Purposes of Regulations and Restrictions.* The legislative body of any code city acting through a planning agency created pursuant to chapter 35A.63, or pursuant to its granted powers, may prepare a proposed zoning regulation to become effective upon the annexation of any area which might reasonably be expected to be annexed by the code city at any future time. Such proposed zoning regulation, to the extent deemed reasonably necessary by the legislative body to be in the interest of health, safety, morals and the general welfare may provide, among other things, for:

(1) The regulation and restriction within the area to be annexed of the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of popula-

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tion; the set-back of buildings and structures along highways, parks or public water frontages; and the subdivision and development of land;

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(2) The division of the area to be annexed into districts or zones of any size or shape, and within such districts or zones regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land;

(3) The appointment of a board of adjustment, to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent of the proposed zoning regulation; and

(4) The time interval following an annexation during which the ordinance or resolution adopting any such proposed regulation, or any part thereof, must remain in effect before it may be amended, supplemented or modified by subsequent ordinance or resolution adopted by the annexing city or town.

All such regulations and restrictions shall be designed, among other things, to encourage the most appropriate use of land throughout the area to be annexed; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

Sec. 35A.14.340 *Notice and Hearing—Filings and Recordings.* The legislative body of the code

city shall hold two or more public hearings, to be held at least thirty days apart, upon the proposed zoning regulation, giving notice of the time and place thereof by publication in a newspaper of general circulation in the annexing city and the area to be annexed. A copy of the ordinance or resolution adopting or embodying such proposed zoning regulation or any part thereof or any amendment thereto, duly certified as a true copy by the clerk of the annexing city, shall be filed with the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the county auditor. The auditor shall record the ordinance or resolution and keep on file the map or plat.

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Sec. 35A.14.350 *Annexation of Water, Sewer, and Fire Districts—Disposition of Properties—Outstanding Indebtedness.* Whenever any territory which includes all the territory of a water, sewer or fire protection district, hereinafter referred to as “the district”, has been heretofore or is hereafter annexed to a code city, all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water or sewer lines, facilities, or equipment of the district shall become the property of a code city to which annexation is made and such city shall, in addition to its other powers, have the same power to manage, control, maintain and operate such facilities and to fix and collect charges to customers as the commissioners of the district had prior to annexation, subject, however, to any outstanding indebtedness, bonded or otherwise, of the district or local improvement district or utility local improvement district thereof, which indebtedness a code city may by resolution of its legislative body elect to assume and pay at the times and in the manner said indebtedness is due and payable. Such election to

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assume said indebtedness may be made either upon the effective date of such annexation or at any time thereafter during the period such indebtedness remains outstanding. Until such election is made, the property annexed and the owners and occupants thereof shall continue liable for its and their proportion of the unpaid indebtedness and the district, or local improvement district or utility local improvement district, and its officers shall continue to function for the sole purpose of certifying the amount of property tax or assessments to be collected and paid on such indebtedness in the same manner and by the same means as if the annexation had not been made.

If a code city elects to assume outstanding indebtedness, and property taxes or assessments have been levied for such purpose but not collected for the district or local improvement district or utility local improvement district thereof prior to the date of such election by the code city, the same shall when collected belong and be paid to the annexing code city and be used by such city so far as necessary for payment as and when due of the indebtedness of the district or local improvement district or utility local improvement district existing and unpaid on the date such city elects to assume such indebtedness. If a code city takes over any funds which have been collected for paying any bonded or other indebtedness of the district the same shall be used for the purpose for which collected and for no other purpose.

Sec. 35A.14.360 *Assumption of Control of Entire or Part of Water or Sewer District if Sixty Percent or More of Area or Valuation Is Annexed or Lies within Code City—Acquisition Subject to Obligations.* If a portion of a water or sewer district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property in-



cluded within the district is annexed to or lies within a code city, the city may: Annexation by  
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(1) Adopt an ordinance assuming the full and complete management and control of the entire district, whereupon the provisions of section 35A.14.350 shall be operative as to such annexation; or

(2) Adopt an ordinance assuming jurisdiction of the district's responsibilities, property, facilities and equipment within the area annexed: *Provided*, That if the annexed area contains any property, facilities or equipment which, on the date of annexation, were serving any portion of the district not annexed, the code city shall assume full ownership, management and control of such property, facilities and equipment subject to any one of the following conditions acceptable to the district and the code city concerned:

(a) The code city shall, for the economic life of such property, facilities and equipment, make such property, facilities and equipment, or the equivalent, available for use by the district to the same extent such property, facilities and equipment served the unannexed portion of the district on the date of annexation; or

(b) The code city shall pay to the district that proportion of the equity of the district in such property, facilities and equipment equal to the proportion the assessed valuation of all property subject to taxation situated within the area of the district not annexed bears to the total assessed valuation of all property subject to taxation situated within the district prior to annexation. For the purpose of this paragraph, assessed valuation shall be the valuation of the property as last determined by the county assessor. In determining the equity of the district for purposes of this paragraph due consideration shall be given to depreciation of the economic life of the property, facilities and equipment due to age

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and condition, and to replacement costs for comparable property, facilities and equipment to serve that portion of the district not annexed; or

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(c) The code city shall, for the economic life of such property, facilities and equipment, provide for continuity of service to the unannexed portion of the district served by such property, facilities and equipment on the date of annexation.

A code city acquiring property, facilities and equipment under the provisions of subdivision (2) of this section shall acquire such property subject to the debts and obligations of the district for which such property, facilities and equipment would have been liable if no annexation had been made; and, in such cases, the annexed property, and the owners and occupants thereof, shall continue liable for payments of its and their proportionate share of any unpaid indebtedness, bonded or otherwise, with the right on the part of the district officials to make tax levies and collect charges on such property or owners or occupants, and to enforce such collections as if the annexation had not been made.

Sec. 35A.14.370 *Assumption of Control of Part of Water or Sewer District If Less Than Sixty Percent of the Area or Valuation Annexed.* If the portion of a water or sewer district annexed to a code city is less than sixty percent of the area of the district and less than sixty percent of the assessed valuation of the real property within the district, the provisions of section 35A.14.360, except subdivision (1) thereof shall apply.

Sec. 35A.14.380 *Ownership of Assets of Fire Protection District—When at Least Sixty Percent of Assessed Valuation Is Annexed or Incorporated in Code City.* 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.

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Sec. 35A.14.400 ————*When Less Than Sixty Percent of Assessed Valuation Is Annexed or Incorporated in Code City.* If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a code city, the ownership of all assets of the district shall remain in the district and the district shall pay to the code city within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district lying within the area so incorporated or annexed: *Provided*, That if less than five percent of the area of the district is affected, no payment shall be made to the code city. The fire protection district shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

Sec. 35A.14.500 *Outstanding Indebtedness Not Affected.* When any portion of a fire protection district is annexed by or incorporated into a code city, any outstanding indebtedness, bonded or otherwise, shall remain an obligation of the taxable property annexed or incorporated as if the annexation or incorporation had not occurred.

Sec. 35A.14.600 *Code City and District May Contract Regarding Rights and Obligations.* Not-

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withstanding any of the provisions of this chapter to the contrary, as now or hereafter amended, the code city may, through its legislative authority authorize and enter into a contract with the district, with respect to rights, duties and obligations of the code city and the district as to ownership of property, services, assets, liabilities and debts and any other questions arising out of the annexation, which contract may also make provisions for services by the district and use of its facilities or real estate within the code city, and which contract may also provide that for such time as the contract may provide such district may continue to exercise all rights, privileges, powers and functions of such district provided by law as if there had been no annexation, including but not by way of limitation the right to levy and collect special assessments, adopt and carry out the provisions of a comprehensive plan, or amendments thereto, for a system of improvements, and issue and sell revenue and general obligation bonds.

Sec. 35A.14.700 *Determining Population of Annexed Territory—Certificate—As Basis for Allocation of State Funds.* Whenever any territory is annexed to a code city, a certificate as hereinafter provided shall be submitted in triplicate to the state census board within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the board shall retain the original copy in its files, and transmit the second copy to the secretary of state, and return the third copy to the code city. Such certificates shall be in such form and contain such information as shall be prescribed by the board. A legal description and a map showing specifically the boundaries of the annexed territory shall be attached to each of the three copies of the certificate. The certificate shall be signed by the mayor and attested by the city

clerk. Upon request, the board shall furnish certification forms to any code city.

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Whenever the effective date of annexation as specified in the relevant ordinance is between April 2nd and August 31st inclusive, in any year, and the annexation certificate is submitted as provided herein, the population of the annexed territory shall be added to the April 1st population as determined for that year by the board, and shall be used for the allocation and distribution of state funds to code cities commencing January 1st next following. When a certificate is submitted subsequent to the thirty-day period from the effective date of the annexation as specified in the relevant ordinance, the population of the annexed territory shall not be considered until April 1st of the following year. The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the code city. Such population determination shall consist of an actual enumeration of the population which shall be made in accordance with practices and policies, and subject to the approval of the board. The population shall be determined as of the effective date of annexation as specified in the relevant ordinance.

Until an annexation certificate is filed and approved as provided herein, such annexed territory shall not be considered by the board in determining the population of such code city.

*Sec. 35A.14.800 Road District Taxes Collected in Annexed Territory—Disposition.* Whenever any territory is annexed to a code city which is part of a road district of the county and road district taxes have been levied on any property within the annexed territory, the county treasurer, upon collection of such taxes, shall pay to the code city treasurer a pro rata share of such taxes in the proportion which the remaining period of the assessment year

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after the effective date of the annexation bears to the total assessment year. Such moneys shall be placed by the code city treasurer in the city street fund.

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Sec. 35A.14.900 *Cancellation, Acquisition of Franchise or Permit for Operation of Public Service Business in Territory Annexed.* The annexation by any code city of any territory pursuant to this chapter shall cancel, as of the effective date of such annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such annexed territory, authorizing or otherwise permitting the operation of any public utility, including but not limited to, public electric, water, transportation, garbage collection and/or disposal or other similar public service business or facility within the limits of the annexed territory, but the holder of any such franchise or permit canceled pursuant to this section shall be forthwith granted by the annexing code city a franchise to continue such business within the annexed territory for a term of not less than five years from the date of issuance thereof, and the annexing code city, by franchise, permit or public operation, shall not extend similar or competing services to the annexed territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said annexed territory at a reasonable price: *Provided*, That the provisions of this section shall not preclude the purchase by the annexing code city of said franchise, business, or facilities at an agreed or negotiated price, or from acquiring the same by condemnation upon payment of damages, including a reasonable amount for the loss of the franchise or permit. In the event that any person, firm or corporation whose franchise or permit has been canceled by the terms of this section shall suffer any

measurable damages as a result of any annexation pursuant to the provisions of the laws above-mentioned, such person, firm or corporation shall have a right of action against any code city causing such damages.

### Chapter 35A.15 DISINCORPORATION

Sec. 35A.15.010 *Authority for Disincorporation—Petition—Resolution.* Any noncharter code city may be disincorporated. Proceedings may be initiated by the filing with the city clerk of a petition for disincorporation signed by a majority of the qualified voters resident in such city, or the legislative body of the city may provide by resolution for an election on the proposition of disincorporation.

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Sec. 35A.15.020 *Election on Disincorporation—Receiver.* The legislative body shall cause the proposition of disincorporation to be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days, or at a special election called for that purpose not less than ninety days, nor more than one hundred and eighty days, after the certification of sufficiency of the petition, or the passage of the resolution, as the case may be. If the code city has any indebtedness or outstanding liabilities, the legislative body shall provide for election of a receiver at the same election.

Sec. 35A.15.030 *Notice of Election.* Notice of such election shall be given as provided in section 35A.29.140.

Sec. 35A.15.040 *Conduct of Election—Ballots—Canvass of Returns.* The election shall be conducted and the returns canvassed as provided in chapter 35A.29. Ballot titles shall be prepared by the city as provided in section 35A.29.120 and shall contain the

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words "For Dissolution" and "Against Dissolution", and shall contain on separate lines, alphabetically, the names of candidates for receiver. If a majority of the votes cast on the proposition are for dissolution, the municipal corporation shall be dissolved upon certification of the election results to the office of the secretary of state.

Sec. 35A.15.050 *Effect of Disincorporation—Powers—Offices.* The effect of disincorporation of a noncharter code city shall be as provided in RCW 35.07.090, 35.07.100, and 35.07.110.

Sec. 35A.15.060 *Receiver—Qualification—Bond—When Receiver May Be Appointed.* The receiver shall qualify and post a bond as provided in RCW 35.07.120. If an elected receiver fails to qualify within the time prescribed, or if no receiver has been elected and the code city does have indebtedness or an outstanding liability, a receiver shall be appointed in the manner provided in RCW 35.07.130 or as provided in RCW 35.07.140.

Sec. 35A.15.070 *Duties and Authority of Receiver—Claims—Priority.* The duties and authority of the receiver and the disposition and priority of claims against the former municipality shall be as provided in RCW 35.07.150, and the receiver shall have the rights, powers, and limitations provided for such a receiver in RCW 35.07.160, 35.07.170, and 35.07.180.

Sec. 35A.15.080 *Compensation of Receiver.* The compensation of the receiver shall be as provided in RCW 35.07.190.

Sec. 35A.15.090 *Receiver—Removal for Cause—Successive Appointments.* The receiver may be removed for cause as provided in RCW 35.07.200 and a successor to the receiver may be appointed as provided in RCW 35.07.210.



Sec. 35A.15.100 *Receiver—Final Account and Discharge.* The receiver shall file a final account, pay remaining funds to the county treasurer, and be discharged, all as provided in RCW 35.07.220.

Disincorporation of code cities.

Sec. 35A.15.110 *Involuntary Dissolution.* A noncharter code city may be involuntarily dissolved in the manner provided in RCW 35.07.230, 35.07.240, 35.07.250, and 35.07.260 upon the existence of the conditions stated in RCW 35.07.230.

### Chapter 35A.16

#### REDUCTION OF CITY LIMITS

Reduction of city limits.

Sec. 35A.16.010 *Petition or Resolution for Election.* Upon the filing of a petition which is sufficient as determined by section 35A.01.040 praying for the exclusion from the boundaries of a code city of an area described by metes and bounds or by reference to a recorded plat or government survey, signed by qualified voters of the city in number equal to not less than ten percent of the number of votes cast at the last general municipal election, the legislative body of the code city shall cause the question to be submitted to the voters. As an alternate method, such a proposal for exclusion from the code city of a described area may be submitted to the voters by resolution of the legislative body. The question shall be submitted at the next general municipal election if one is to be held within one hundred and eighty days or at a special election called for that purpose not less than ninety days nor more than one hundred and eighty days after the certification of sufficiency of the petition or the passage of the resolution. The petition or resolution shall set out and describe the territory to be excluded from the code city, together with the boundaries of the code city as it will exist after such change is made.

Sec. 35A.16.020 *Notice of Election.* Notice of election shall be given as provided in section 35A.29-

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.140, and the notice shall be published at least once each week for two weeks prior to the date of election in one or more newspapers of general circulation within the code city.

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Sec. 35A.16.030 *Canvassing the Returns—Abstract of Vote.* The election returns shall be canvassed as provided in section 35A.29.070 and if three-fifths of the votes cast on the proposition favor the reduction of the corporate limits, the legislative body, by an order entered on its minutes, shall direct the clerk to make and transmit to the office of the secretary of state a certified abstract of the vote.

Sec. 35A.16.040 *Effective Date of Reduction.* Promptly after the filing of the abstract of votes with the secretary of state the legislative body shall adopt an ordinance defining and fixing the corporate limits after excluding the area as determined by the election. The ordinance shall also describe the excluded territory by metes and bounds or by reference to a recorded plat or government survey and declare it no longer a part of the code city.

Sec. 35A.16.050 *Recording of Ordinance and Plat on Effective Date of Reduction.* Upon the effective date of the ordinance a certified copy thereof together with a map showing the corporate limits as altered shall be filed and recorded in the office of the county auditor of the county in which the code city is situated, and thereupon the boundaries shall be as set forth therein.

Sec. 35A.16.060 *Effect of Exclusion as to Liability for Indebtedness.* The exclusion of an area from the boundaries of the code city shall not exempt any real property therein from taxation for the purpose of paying any indebtedness of the code city existing at the time of its exclusion and the interest thereon.

Sec. 35A.16.070 *Franchises within Territory Excluded.* In regard to franchises previously granted for operation of any public service business or facility within the territory excluded from a code city by proceedings under this chapter, the rights, obligations, and duties of the legislative body of the county or other political subdivision having jurisdiction over such territory and of the franchise holder shall be as provided in RCW 35.02.160, relating to inclusion of territory by an incorporation, and such a franchise shall be canceled and a new franchise issued by the legislative body having jurisdiction, as therein provided.

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#### Chapter 35A.20

### MUNICIPAL COURTS OR POLICE COURTS IN CODE CITIES

Municipal courts and police courts in code cities.

Sec. 35A.20.010 *Law Governing Municipal Courts or Police Courts.* The municipal court or municipal department of code cities governed by the provisions of chapters 3.30 through 3.74 RCW, or chapter 35.20 RCW, shall be organized and conducted in accordance with such statutory provisions as have been elected by the legislative body of such city, and the municipal judge (who may be designated as police judge) of such cities shall be qualified and elected or appointed in accordance with such applicable statutory provisions. Sections 35A.20.020 through 35A.20.110 shall apply to police courts in code cities not covered by the provisions of chapters 3.30 through 3.74 RCW, or chapter 35.20 RCW. Nothing in this chapter shall be construed to amend or to affect the application of the statutes referred to in this section.

Sec. 35A.20.020 *Police Judge or Municipal Judge—Term—Compensation Bond.* In code cities not governed by any of the provisions referred to in section 35A.20.010 but governed by this chapter, a

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police judge (who may be designated as municipal judge) shall be appointed by the chief administrative officer of the city and shall be a justice of the peace or an attorney admitted to the practice of law in the state of Washington, except that the legislative body of cities having less than five thousand inhabitants may provide that a person who is not a justice of the peace or an attorney may be appointed as police judge. The police judge of code cities governed by the provisions of this chapter shall be appointed for a four-year term, and such term shall be concurrent with the term of a justice of the peace, under the general law effective in the county wherein the code city is located. An appointed police judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office. Notwithstanding the provisions of this section, the charter of a charter code city may provide that the office of police judge or municipal judge shall be an elective office, and may provide for the term thereof, but the qualifications required for election to such office shall be the same as for appointment thereto. The compensation of a police judge or municipal judge shall be fixed by ordinance subject to any applicable statutory provisions relating thereto, and shall be paid wholly out of the funds of the code city. A police judge or municipal judge shall give a bond for the faithful performance of his duties, when and as provided by charter or ordinance.

Sec. 35A.20.030 *Additional Judge—Traffic Cases.*  
Any code city having twenty thousand or more inhabitants may provide by charter or ordinance for the election or appointment of an additional municipal judge who shall have the same qualifications as, and be removable in like manner

as the regular police judge, and who upon qualification shall enjoy all the powers and perform all the duties imposed upon police judges by law. The compensation of such additional municipal judge shall be provided for by ordinance and his salary shall be paid wholly out of city funds. Such additional municipal judge may appoint a clerk who shall be paid by the city, and a suitable place for holding court by such additional municipal judge shall be provided and maintained by the code city.

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The purpose of this section is to authorize code cities having twenty thousand or more inhabitants to expedite the handling of traffic offense cases under the laws thereof, and the chief administrative officer of the code city, in making appointments of municipal judges shall designate which of the judges shall be primarily responsible for the handling of traffic cases, the trial of which in such code cities shall, so far as practicable, be segregated from other municipal court trials.

Sec. 35A.20.040 *Jurisdiction of Police Judge.*  
The police judge, in addition to powers he may have as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith and full power to issue all warrants and process necessary to effectuate the ordinances of the city. Such police judge shall have jurisdiction to impose a fine or imprisonment, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In

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the trial of actions brought for violating any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgments rendered by him, shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560.

Sec. 35A.20.050 *Precedence of Cases—No Change of Venue.* Such police judge, if he is a justice of the peace, shall in the conduct of the business of the court give preference to cases arising under ordinances of the city; then to prosecutions for violation of the criminal laws of the state of Washington within the city; then to civil causes coming before him upon change of venue from another justice of the peace in the city. No change of venue shall be allowed from such police judge in actions brought for violations of city ordinances.

Sec. 35A.20.060 *Criminal Process.* All criminal process issued by such police judge shall be in the name of the state of Washington and run throughout the state, be directed to the chief of police, marshal or other police officer of any city or to any sheriff or constable in the state and shall be served by him.

Sec. 35A.20.070 *Prosecutions in Name of City.* All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person.

Sec. 35A.20.080 *Costs.* In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines and forfeitures paid to, such police judge shall belong to and be paid over by him, weekly, to the city.

Sec. 35A.20.090 *Procedure*. The manner of commencement of actions brought before the police judge, the manner of obtaining service upon the defendants, the procedure during the pendency of the action, and the enforcement of the judgment shall be as provided in the case of like actions before justices of the peace in the county wherein such code city is situated.

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Sec. 35A.20.100 *Police Judge Pro Tempore*. In the event of the police judge's inability to act, or during any temporary absence, or if he should be disqualified, the chief administrative officer of the code city shall appoint any practicing attorney, or qualified elector of the city, as police judge pro tempore, who, before entering upon the duties of such office, shall take and subscribe an oath as other judicial officers, and while so acting, he shall have all the power of the police judge: *Provided*, That such appointment shall not continue for a longer period than the absence or inability of the police judge. A police judge pro tempore shall receive such compensation for his services as shall be fixed by ordinance of the legislative body of the city, to be paid by the city.

Sec. 35A.20.110 *Staff of Court—Supplies*. The legislative body of the code city shall furnish for the use of the police court all necessary dockets, books of record, forms, furnishings, and supplies as are necessary for the proper administration of the court and shall pay the salary of a clerk and/or other necessary personnel of the police court, who shall be appointed by and serve at the pleasure of the police judge.

Sec. 35A.20.120 *Annual Report of Liquor Law Violations*. A municipal judge or police judge of a code city shall make an annual report to the state

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liquor board concerning prosecutions for liquor law violations as provided in RCW 35.21.170.

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Sec. 35A.20.130 *List for Petit Jury.* The clerk or comptroller of each code city designated as registrar of voters by Title 29 RCW, except the registrar of voters in the city which is the county seat of any county, shall prepare annually from the original registration files of voters of such city a list for petit jury as required by chapter 2.36 RCW.

Sec. 35A.20.150 *Actions by and Against Code Cities.* A code city may exercise the power to bring an action or special proceeding at law as authorized by Title 4 RCW, chapters 7.24, 7.25 and 7.32 RCW, and shall be subject to actions and process of law in accordance with procedures prescribed by law and rules of court.

Chapter 35A.21

PROVISIONS AFFECTING ALL CODE CITIES

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Sec. 35A.21.010 *Validity of Ordinances and Resolutions—Deficiencies of Form.* Deficiencies in the form of an ordinance or resolution shall not affect the validity thereof if the following requirements are met:

(1) The purpose and intent of the ordinance or resolution are clear.

(2) Any regulatory or procedural provisions thereof are expressed in clear and unambiguous terms, or the legislative intent can be determined by usual methods of judicial construction.

(3) The legislative action was taken at an authorized public meeting held within the code city limits at a time and place made known to residents of the city, as provided by law.

(4) The legislative body of the code city followed the prescribed procedures, if any, for passage of such an ordinance or resolution, as provided in



the law or charter provision delegating to the legislative body the authority to so legislate; or, if prescribed procedures were not strictly complied with, no substantial detriment was incurred by any affected person, by reason of such irregularity.

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If the foregoing requirements have been met, brevity or awkwardness of language, or defects of form not going to the substance, or inadvertent use of an incorrect or inaccurate proper name or term shall not render an ordinance or resolution invalid, if otherwise in compliance with law.

Sec. 35A.21.020 *Conflict between Charter and Optional Code.* This optional municipal code is intended to be a general law, available to all cities and towns within the state, and to all legal intents and purposes a "general law" within the meaning of Article 11, section 10 of the state Constitution, as amended.

If any provision of this title is in conflict with any provision of the charter or amendments thereto of any charter code city, the provisions of this title shall govern and control, except where the legislative body of such charter code city, by ordinance, elects to retain such charter provision or amendment, in which event such charter provision shall prevail notwithstanding a conflict with provisions of this optional code: *Provided,* That such ordinance shall be subject to referendum as provided in section 35A.29.170.

Sec. 35A.21.030 *Mandatory Duties of Code City Officers.* Except as otherwise provided in this title, every officer of a code city shall perform, in the manner provided, all duties of his office which are imposed by state law on officers of every other class of city who occupy a like position and perform like functions.

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Sec. 35A.21.040 *Merit Systems*. Provisions for a merit system, made by charter or ordinance of a code city, shall be in compliance with any applicable statutes relating to civil service for employees of such city: *Provided*, That nothing herein shall impair the validity of charter provisions adopted prior to the effective date of this title and relating to a merit system.

Sec. 35A.21.050 *Pension and Retirement Systems*. Nothing in this title shall be construed to alter or affect vested rights of city employees under pension and retirement systems in effect at the time this title becomes effective.

Sec. 35A.21.060 *Garbage Ordinance—Lien—Foreclosure*. A garbage ordinance of a code city may contain the provisions authorized by RCW 35.21.130. Notice shall be given of a lien for garbage collection and disposal service, the lien shall have priority and be foreclosed all as provided in RCW 35.21.140 and 35.21.150.

Sec. 35A.21.070 *Office Hours Prescribed by Ordinance*. All code city offices shall be kept open for the transaction of business during such days and hours as the legislative body of such city shall by ordinance prescribe.

Sec. 35A.21.080 *Computation of Time*. When, under the provisions of this title, an act is to be done within a certain time period, the time shall be computed by excluding the first day and including the last, except that when the last day is a Saturday, Sunday, or a day designated by RCW 1.16.050 or by the city's ordinances as a holiday, then it also is excluded and the act must be completed on the next business day.

Sec. 35A.21.090 *Jurisdiction over Adjacent Waters—Control of Street over Tidelands*. The legisla-

tive body of a code city shall have supervision and control within its corporate limits of streets over tidelands or upon or across tide and shore lands of the first class as provided in RCW 35.21.230, 35.21.240 and 35.21.250; and shall have jurisdiction over adjacent waters as provided in RCW 35.21.160.

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Sec. 35A.21.100 *Lien for Utility Services.* Code cities owning or operating waterworks or electric light distribution or power plants shall have a lien for such utility services as provided by RCW 35.21.290 for cities owning such plants and as limited therein, which lien may be enforced only as provided in RCW 35.21.300.

Sec. 35A.21.110 *Warrants—Interest Rate—Payment.* Code city warrants shall draw interest, be paid, and called for all as provided in RCW 35.21.320 and the duty and liability of the treasurer of a code city in calling and paying warrants of the city shall be as provided in RCW 35.21.320.

Sec. 35A.21.120 *Utilities—Facilities for Generation of Electricity.* Any code city owning and operating a public utility and having facilities and/or land for the generation of electricity shall be governed by the provisions of RCW 35.21.420 through 35.21.450.

Sec. 35A.21.130 *Codification of Ordinances.* Compilation, codification, and revision of code city ordinances shall be as provided by and be governed by the provisions of RCW 35.21.500 through 35.21.570.

Sec. 35A.21.140 *Change of Name.* Any code city may change its name in accordance with the procedure provided in chapter 35.62 RCW.

Sec. 35A.21.150 *Sewerage and Refuse Collection and Disposal Systems.* The general law as contained in, but not limited to, chapter 35.67 RCW, relating to

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sewerage systems and the collection and disposal of refuse, the manner of providing therefor, and the issuance of general obligation or revenue bonds therefor, the establishment of a revenue bond fund in connection therewith, compulsory connection with a city sewer system, setting and collection of rates, fees, and charges therefor, and the existence, enforcement, and foreclosure of a lien for sewer services is hereby recognized as applicable to code cities operating systems of sewerage and systems and plants for refuse collection and disposal. A code city may exercise the powers, in the manner provided, perform the duties, and shall have the rights and obligations provided in chapter 35.67 RCW, subject to the conditions and limitations therein provided.

Sec. 35A.21.160 *General Application of Laws to Code Cities.* A code city organized or reorganized under this title shall have all of the powers which any city of any class may have and shall be governed in matters of state concern by statutes applicable to such cities in connection with such powers to the extent to which such laws are appropriate and are not in conflict with the provisions specifically applicable to code cities.

Sec. 35A.21.161 *Regulation of Activities and Enforcement of Penal Laws.* All code cities shall observe and enforce, in addition to its local regulations, the provisions of state laws relating to the conduct, location and limitation on activities as regulated by state law and shall supply police information to the state bureau of criminal identification as required by chapter 72.50 RCW.

Sec. 35A.21.170 *Fiscal Year.* The fiscal year of a code city shall commence on the first day of January and end on the thirty-first day of December of each

calendar year unless a different fiscal period is authorized by RCW 1.16.030, as amended.

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Sec. 35A.21.180 *Flags To Be Displayed.* The flag of the United States and the flag of the state shall be prominently installed and displayed and maintained in code city buildings and shall be as provided in RCW 1.20.010.

Sec. 35A.21.190 *Daylight Saving Time.* No code city shall adopt any provision for the observance of daylight saving time other than as authorized by RCW 1.20.050 and 1.20.051.

Sec. 35A.21.200 *Limitation of Actions.* The limitations prescribed in chapter 4.16 RCW shall apply to actions brought in the name or for the benefit of, or against, a code city, except as otherwise provided by general law or by this title.

#### Chapter 35A.24

#### AERONAUTICS

Aeronautics.

Sec. 35A.24.010 *Airport Operation, Planning and Zoning.* A code city may exercise the powers relating to airport planning and zoning, improvement and operation as authorized by chapters 14.07, 14.08, and 14.12 RCW and chapter 35A.63 of this title in accordance with the procedures therein prescribed.

#### Chapter 35A.27

#### LIBRARIES, MUSEUMS AND HISTORICAL ACTIVITIES

Libraries, museums and historical activities.

Sec. 35A.27.010 *General Laws Applicable.* Every code city may exercise the powers relating to the acquisition, development, improvement and operation of libraries and museums and the preservation of historical materials to the same extent authorized by general law for cities of any class, including, but not limited to, the authority for city libraries granted by RCW 35.22.280(20), the power

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to acquire and operate art museums, auditoriums, and other facilities as authorized by RCW 35.21.020 to participate in the establishment of regional libraries, and to contract for library service for public libraries with county, intercounty, and rural library districts, and for regional libraries as authorized by chapter 27.12 RCW, to have a county law library or branch thereof generally under the provisions of chapter 24.27 RCW, to preserve historical materials, markers, graves and records as provided in chapters 27.48 and 27.52 RCW, and to expend municipal funds thereon.

Chapter 35A.28

Schools.

SCHOOLS

Sec. 35A.28.010 *General Laws Applicable.* Code cities shall have the authority to enter into contracts for joint acquisition of land and improvement thereof with school districts. Code cities and their relationship with public schools, colleges and school districts shall be governed by the provisions of general law, including Title 28 RCW. Each code city shall be contained within one school district except as may be otherwise provided in RCW 28.57.150, and may establish schools for truants under the provisions of RCW 13.12.010.

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MUNICIPAL ELECTIONS IN CODE CITIES

Sec. 35A.29.010 *Definition of City Clerk.* As used herein "city clerk" means every officer of a code city, by whatever name designated, who performs the functions usually performed by a city clerk.

Sec. 35A.29.020 *Definition of Code City Precinct.* A code city precinct is a voting precinct lying wholly or partly within a code city.

Sec. 35A.29.030 *City Clerk as Registrar.* The city clerk shall be the registrar of voters in all code city precincts. In the case of code city precincts lying partly within and partly without the code city limits, the voters within and those without the city limits shall be registered in separate registration files. The city clerk shall take an oath as required by RCW 29.07.050 and shall perform his duties as registrar as provided in chapters 29.07 and 29.10 RCW. Expense of registration shall be paid or apportioned as provided in RCW 29.07.030, and registration officers of code cities shall receive compensation, fees, and expenses as provided in RCW 29.07.040.

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Sec. 35A.29.040 *County Auditor as Supervisor of Elections.* The county auditor of each county shall be ex officio the supervisor of code city elections as provided in RCW 29.04.020.

Sec. 35A.29.050 *Qualifications for Voting.* Only registered voters resident in the code city may vote in municipal elections of code cities. A voter's place of residence shall be determined as provided in RCW 29.01.140.

Sec. 35A.29.060 *Time and Places for Registration.* Registration officers in code cities shall keep their respective offices open for registration of voters during the days and hours when the same are open for the transaction of public business. In code cities having over twenty thousand inhabitants the registrar of voters shall establish on a permanent basis at least one registration office in each legislative district that lies wholly or partially within the city limits by appointing persons as deputy registrars who may register any eligible elector of such code city. Each such deputy registrar shall hold office at the pleasure of the registrar of voters and shall maintain a fixed place, conveniently located, for the registration of voters, but nothing in this section

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shall preclude door-to-door registration including registration from a portable office as in a trailer. The legislative body of every code city having more than fifteen hundred inhabitants shall provide for additional temporary registration facilities during the fifteen day period, excepting Sundays, prior to the last day to register in order to vote at a state primary or state general election, when deemed necessary by the legislative body in order to afford ample opportunity for all qualified electors to register for voting.

Sec. 35A.29.070 *Times for Holding Elections—Conduct of Elections.* The times for holding general municipal elections in code cities shall be as provided in RCW 29.13.010 and 29.13.020. Elections shall be conducted and the returns canvassed as provided in RCW 29.13.040.

Sec. 35A.29.080 *Costs of Elections.* Code cities shall bear the cost of elections called by the code city on an isolated date, and shall bear their proportionate share of the costs of city elections held in conjunction with other elections, all as provided in RCW 29.13.045.

Sec. 35A.29.090 *Commencement of Terms of Officers Elected.* Except as otherwise provided in sections 35A.03.130, 35A.04.140, 35A.05.110, and 35A.08.110, the term of every code city officer elected to office on the first Tuesday following the first Monday in November of the odd-numbered years shall begin as of noon on the second Monday in January following his election: *Provided*, That any person elected to less than a full term shall assume office as soon as the election returns are certified, unless otherwise provided in this title: *Provided further*, That when not otherwise provided for in this title the term of officers elected at a



special election shall begin on the first Monday following the certification of the election returns.

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Sec. 35A.29.100 *Code City Elections To Be Non-partisan.* All code city primaries and elections shall be nonpartisan irrespective of the form of government of such code city.

Sec. 35A.29.105 *Numbering of Council Positions.* Positions to be filled on the council of code cities operating under the mayor-council or council-manager plan of government shall be numbered consecutively and treated as separate offices for all election purposes as provided in RCW 29.21.017.

Sec. 35A.29.110 *Declaration of Candidacy—Time for Filing—Withdrawal—Nominating Petitions.* A candidate for office in a code city shall file a declaration of candidacy substantially in the form set forth in RCW 29.18.030 insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities shall be filed with the code city clerk not more than sixty nor less than forty-five days prior to the date of the election. Any candidate may withdraw his declaration at any time but not later than five days before the last day allowed for filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be governed by the provisions of this section as to the time for filing and withdrawal of such petitions.

Sec. 35A.29.120 *Ballot Titles.* When any question is to be submitted to the voters of a code city, or when a proposition is to be submitted to the voters of an area under provisions of this title, the question or proposition shall be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement not exceeding one hundred words containing the

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essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the attorney for the code city, or by the prosecuting attorney for the county for elections held outside of a code city. In addition to such a statement, the official preparing the statement shall also prepare a caption, not to exceed ten words in length, to permit the voters readily to identify the proposition and distinguish it from other propositions on the ballot. This caption shall be placed on the ballot immediately before the statement, and shall be printed in heavy black type in such a manner as to be readable at a glance. The caption and statement together shall constitute the ballot title.

Sec. 35A.29.130 *Notice of Ballot Title—Appeal.* Upon the filing of a ballot title as defined in section 35A.29.120, the county auditor shall forthwith notify the persons proposing the measure of the exact language of the ballot title. If the persons filing any local question covered by section 35A.29.120 are dissatisfied with the ballot title formulated by the attorney for the code city or by the county prosecuting attorney, they may appeal to the superior court of the county where the question is to appear on the ballot, as provided in RCW 29.27.067.

Sec. 35A.29.140 *Notice of Election.* Except as otherwise provided in this title, notice for any municipal election in a code city, or any election held under the provisions of this title, whether special or general, shall be given by at least one publication not more than ten nor less than three days prior to the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the code city, or within the area in which the election is to be held. Said legal notice shall contain

the title of each office to be filled, the names and addresses of all candidates for such office, in alphabetical order and without party designation, together with the ballot titles of all measures to be voted upon at such election, the day and the hours during which the polls will be open and the addresses of each polling place in each precinct.

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Sec. 35A.29.150 *General Provisions Relating to Municipal Elections.* Except as otherwise provided in this chapter, municipal elections in code cities shall be conducted in accordance with the applicable provisions of Title 29 RCW relating to elections in municipal corporations.

Sec. 35A.29.170 *Referendum Petitions—Suspension of Effectiveness of Legislative Action.* Initiative and referendum petitions authorized to be filed under provisions of this title, or authorized by charter, or authorized for code cities having the commission form of government as provided by chapter 35.17 RCW, shall be in substantial compliance with the provisions of section 35A.01.040 as to form and content of the petition, insofar as such provisions are applicable; shall contain a true copy of a resolution or ordinance sought to be referred to the voters; and must contain valid signatures of qualified electors of the code city in the number required by the applicable provision of this title. Except when otherwise provided by statute, referendum petitions must be filed with the clerk of the legislative body of the code city within ninety days after the passage of the resolution or ordinance sought to be referred to the voters, or within such lesser number of days as may be authorized by statute or charter in order to precede the effective date of an ordinance: *Provided,* That nothing herein shall be construed to abrogate or affect an exemption from initiative and/or referendum provided by a code city charter.

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The clerk shall determine the sufficiency of the petition under the rules set forth in section 35A.01.040. When a referendum petition is filed with the clerk, the legislative action sought to be referred to the voters shall be suspended from taking effect. Such suspension shall terminate when: (1) There is a final determination of insufficiency or untimeliness of the referendum petition; or (2) the legislative action so referred is approved by the voters at a referendum election.

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Sec. 35A.29.180 *Recall*. Elective officers of code cities may be recalled in the manner provided in chapter 29.82 RCW.

Chapter 35A.31

ACCIDENT CLAIMS AND FUNDS

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funds.

Sec. 35A.31.010 *Claims—Statement of Residence Required—Time for Filing—Verification*. Claims for damages sounding in tort against any code city shall be presented and filed within the time, in the manner and by the person prescribed in section 4 of chapter 164, Laws of 1967.

Sec. 35A.31.020. *Liberal Construction*. With respect to the content of such claims the provisions of section 4, chapter 164, Laws of 1967 shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 35A.31.030 *Report—Requisites of Claim—Time Limitations*. No ordinance or resolution shall be passed allowing such claim or any part thereof, or appropriating any money or other property to pay or satisfy the same or any part thereof, until the claim has first been referred to the proper department or committee, nor until such department or committee has made its report thereon to the legislative body of the code city pursuant to such reference. All such claims for damages must

accurately locate and describe the defect that caused the injury, reasonably describe the injury and state the time when it occurred, contain the item of damages claimed and be verified by the claimant or a relative, attorney, or agent of the claimant.

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No action shall be maintained against any code city for any claim for damages until the same has been presented to the legislative body of the city by filing with the clerk and sixty days have elapsed after such presentation.

Sec. 35A.31.050 *Charter Code Cities—Provisions Cumulative.* Nothing herein shall be construed as in anywise modifying, limiting, or repealing any valid provision of the charter of any charter code city relating to such claims for damages, except when in conflict herewith, but the provisions hereof shall be in addition to such charter provisions, and such claims for damages, in all other respects, shall conform to and comply with such charter provisions.

Sec. 35A.31.060 *Accident Fund—Warrants for Judgments.* Every code city may create an accident fund upon which the clerk shall draw warrants for the full amount of any judgment including interest and costs against the city on account of personal injuries suffered by any person as shown by a transcript of the judgment duly certified to the clerk. Warrants issued for such purpose shall be in denominations not less than one hundred dollars nor more than five hundred dollars; they shall draw interest at the rate of six percent per annum, shall be numbered consecutively and be paid in the order of their issue.

Sec. 35A.31.070 *Tax Levy for Fund.* The legislative body of the code city, after the drawing of warrants against the accident fund, shall estimate the amount necessary to pay the warrant with accrued interest thereon and may appropriate and

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transfer money from the contingency fund sufficient therefor, or if there is not sufficient money in the contingency fund the legislative body shall levy a tax sufficient to pay all or such unpaid portion of any judgment not exceeding three mills on the dollar. If a single levy of three mills is not sufficient, and if other moneys are not available therefor, an annual levy of three mills shall be made until the warrants and interest are fully paid.

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Sec. 35A.31.080 *Surplus to General Fund.* If there is no judgment outstanding against the city for personal injuries, the money remaining in the accident fund after the payment of the warrants drawn on that fund and interest in full shall be transferred to the general fund.

Chapter 35A.33

BUDGETS IN CODE CITIES

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Sec. 35A.33.010 *Definitions.* Unless the context clearly indicates otherwise, the following words as used in this chapter shall have the meaning herein prescribed:

(1) "Clerk" as used in this chapter includes the officer performing the functions of a finance or budget director, comptroller, auditor, or by whatever title he may be known in any code city.

(2) "Department" as used in this chapter includes each office, division, service, system or institution of the city for which no other statutory or charter provision is made for budgeting and accounting procedures or controls.

(3) "Council" as used in this chapter includes the commissioners in cities having a commission form of government and any other group of city officials serving as the legislative body of a code city.

(4) "Chief administrative officer" as used in this chapter includes the mayor of cities having a

mayor-council form of government, the commissioners in cities having a commission form of government, the city manager, or any other city official designated by the charter or ordinances of such city under the plan of government governing the same, or the budget or finance officer designated by the mayor, manager or commissioners, to perform the functions, or portions thereof, contemplated by this chapter.

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(5) "Fiscal year" as used in this chapter means that fiscal period set by the code city pursuant to authority given under RCW 1.16.030.

(6) "Fund", as used in this chapter and "funds" where clearly used to indicate the plural of "fund", shall mean the budgeting or accounting entity authorized to provide a sum of money for specified activities or purposes.

(7) "Funds" as used in this chapter where not used to indicate the plural of "fund" shall mean money in hand or available for expenditure or payment of a debt or obligation.

(8) Except as otherwise defined herein, municipal accounting terms used in this chapter have the meaning prescribed in "Municipal Accounting and Auditing", prepared by the National Committee on Governmental Accounting, September 1951.

Sec. 35A.33.020 *Applicability of Chapter.* The provisions of this chapter apply to all code cities: *Provided*, That this chapter shall not apply to any municipal utility or enterprise for which separate budgeting provisions are made by general state law.

Sec. 35A.33.030 *Budget Estimates.* On or before the second Monday of the fourth month prior to the beginning of the city's next fiscal year, or at such other time as the city may provide by ordinance or charter, the clerk shall notify in writing the head of

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each department of a code city to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by his department for the ensuing fiscal year. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by the division of municipal corporations in the office of the state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of his office. The chief administrative officers of the city shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties herein required shall devolve upon the person next in charge of such department.

Sec. 35A.33.040 *Classification and Segregation of Budget Estimates.* All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor through the division of municipal corporations after consultation with the Washington finance officers association, the association of Washington cities and the association of Washington city managers.

Sec. 35A.33.050 *Proposed Preliminary Budget.* On or before the first business day in the third month prior to the beginning of the fiscal year of a



code city or at such other time as the city may provide by ordinance or charter, the clerk or other person designated by the charter, by ordinances, or by the chief administrative officer of the city shall submit to the chief administrative officer a proposed preliminary budget which shall set forth the complete financial program of the city for the ensuing fiscal year, showing the expenditure program requested by each department and the sources of revenue by which each such program is proposed to be financed.

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The revenue section shall set forth in comparative and tabular form for each fund the actual receipts for the last completed fiscal year, the estimated receipts for the current fiscal year and the estimated receipts for the ensuing fiscal year, which shall include the amount to be raised from ad valorem taxes and unencumbered fund balances estimated to be available at the close of the current fiscal year.

The expenditure section shall set forth in comparative and tabular form for each fund and every department operating within each fund the actual expenditures for the last completed fiscal year, the appropriations for the current fiscal year and the estimated expenditures for the ensuing fiscal year. The salary or salary range for each office, position or job classification shall be set forth separately together with the title or position designation thereof: *Provided*, That salaries may be set out in total amounts under each department if a detailed schedule of such salaries and positions be attached to and made a part of the budget document.

Sec. 35A.33.052 *Preliminary Budget*. The chief administrative officer shall prepare the preliminary budget in detail, making any revisions or addition to the reports of the department heads deemed advis-

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able by such chief administrative officer and at least sixty days before the beginning of the city's next fiscal year he shall file it with the city clerk as the recommendation of the chief administrative officer for the final budget. The clerk shall provide a sufficient number of copies of such preliminary budget and budget message to meet the reasonable demands of taxpayers therefor and have them available for distribution not later than six weeks before the beginning of the city's next fiscal year.

Sec. 35A.33.055 *Budget Message—Preliminary Hearings.* In every code city a budget message prepared by or under the direction of the city's chief administrative officer shall be submitted as a part of the preliminary budget to the city's legislative body at least sixty days before the beginning of the city's next fiscal year and shall contain the following:

- (1) An explanation of the budget document;
- (2) An outline of the recommended financial policies and programs of the city for the ensuing fiscal year;
- (3) A statement of the relation of the recommended appropriation to such policies and programs;
- (4) A statement of the reason for salient changes from the previous year in appropriation and revenue items;
- (5) An explanation for any recommended major changes in financial policy.

Prior to the final hearing on the budget, the legislative body or a committee thereof, shall schedule hearings on the budget or parts thereof, and may require the presence of department heads to give information regarding estimates and programs.

Sec. 35A.33.060 *Budget—Notice of Hearing on Final.* Immediately following the filing of the pre-

liminary budget with the clerk, the clerk shall publish a notice once each week for two consecutive weeks stating that the preliminary budget for the ensuing fiscal year has been filed with the clerk, that a copy thereof will be furnished to any taxpayer who will call at the clerk's office therefor and that the legislative body of the city will meet on the first business day of the month next preceding the beginning of the ensuing fiscal year for the purpose of fixing the final budget, designating the date, time and place of the legislative budget meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication of such notice shall be made in the official newspaper of the city if there is one, otherwise in a newspaper of general circulation in the city or if there be no newspaper of general circulation in the city, then by posting in three public places fixed by ordinance as the official places for posting the city's official notices.

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Sec. 35A.33.070 *Budget—Hearing.* The council shall meet on the day fixed by section 35A.33.060 for the purpose of fixing the final budget of the city at the time and place designated in the notice thereof. Any taxpayer may appear and be heard for or against any part of the budget. The hearing may be continued from day to day but not later than the twenty-fifth day prior to commencement of the city's fiscal year.

Sec. 35A.33.075 *Budget Adoption.* Following conclusion of the hearing, and prior to the beginning of the fiscal year, the legislative body shall make such adjustments and changes as it deems necessary or proper and after determining the allowance in each item, department, classification and fund, and shall by ordinance, adopt the budget in its final form and content. Appropriations shall be limited to the total

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estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal year. Such ordinances may adopt the final budget by reference: *Provided*, That the ordinance adopting such budget shall set forth in summary form the totals for each separate fund and for each department which operates from the appropriations of the same fund.

A complete copy of the final budget as adopted shall be transmitted to the division of municipal corporations in the office of the state auditor, and to the association of Washington cities.

Sec. 35A.33.080 *Emergency Expenditures—Non-debatable Emergencies.* Upon the happening of any emergency caused by violence of nature, casualty, riot, insurrection, war, or other unanticipated occurrence requiring the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property which has been damaged or destroyed by accident, or for public relief from calamity, or in settlement of approved claims for personal injuries or property damage, or to meet mandatory expenditures required by laws enacted since the last annual budget was adopted, or to cover expenses incident to preparing for or establishing a new form of government authorized or assumed after adoption of the current budget, including any expenses incident to selection of additional or new officials required thereby, or incident to employee recruitment at any time, the city council, upon the adoption of an ordinance, by the vote of one more than the majority of all members of the legislative body, stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefor without notice or hearing.

Sec. 35A.33.090 *Emergency Expenditures—Other Emergencies—Hearing.* If a public emergency which could not reasonably have been foreseen at the time of filing the preliminary budget requires the expenditure of money not provided for in the annual budget, and if it is not one of the emergencies specifically enumerated in section 35A.33.080, the city council before allowing any expenditure therefor shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists. Budgets in  
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Such ordinance shall not be voted on until five days have elapsed after its introduction, and for passage shall require the vote of one more than the majority of all members of the legislative body of the code city.

Any taxpayer may appear at the meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption thereof.

Sec. 35A.33.100 *Emergency Expenditures—Warrants—Payments.* All expenditures for emergency purposes as provided in this chapter shall be paid by warrants from any available money in the fund properly chargeable with such expenditures. If, at any time, there is insufficient money on hand in a fund with which to pay such warrants as presented, the warrants shall be registered, bear interest and be called in the same manner as other registered warrants as prescribed in section 35A.21.110.

Sec. 35A.33.102 *Registered Warrants—Appropriations.* In adopting the final budget for any fiscal year, the council shall appropriate from estimated revenue sources available, a sufficient amount to pay the principal and interest on all outstanding registered warrants issued since the adoption of the last preceding budget except those issued and identified

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as revenue warrants and except those for which an appropriation previously has been made: *Provided*, That no portion of the revenues which are restricted in use by law may be appropriated for the redemption of warrants issued against a utility or other special purpose fund of a self-supporting nature: *Provided further*, That all or any portion of the city's outstanding registered warrants may be funded into bonds in any manner authorized by law.

Sec. 35A.33.105 *Adjustment of Wages, Etc., of Employees Permissible Budget Notwithstanding.* Notwithstanding the appropriations for any salary, or salary range of any employee or employees adopted in a final budget, the legislative body of any code city may, by ordinance, change the wages, hours, and conditions of employment of any or all of its appointive employees if sufficient funds are available for appropriation to such purposes.

Sec. 35A.33.110 *Forms—Accounting—Supervision by State.* The division of municipal corporations in the office of the state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

Sec. 35A.33.120 *Funds—Limitations on Expenditures—Transfers and Adjustments.* The expenditures as classified and itemized in the final budget shall constitute the city's appropriations for the ensuing fiscal year. Unless otherwise ordered by a court of competent jurisdiction, and subject to further limitations imposed by ordinance of the code city, the expenditure of city funds or the incurring of current liabilities on behalf of the city shall be limited to the following:

(1) The total amount appropriated for each fund in the budget for the current fiscal year, without regard to the individual items contained therein, except that this limitation shall not apply to wage adjustments authorized by section 35A.33.105; and

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code cities.

(2) The unexpended appropriation balances of a preceding budget which may be carried forward from prior fiscal years pursuant to section 35A.33.150; and

(3) Funds received from the sale of bonds or warrants which have been duly authorized according to law; and

(4) Funds received in excess of estimated revenues during the current fiscal year, when authorized by an ordinance amending the original budget; and

(5) Expenditures required for emergencies, as authorized in sections 35A.33.080 and 35A.33.090.

Transfers between individual appropriations within any one fund may be made during the current fiscal year by order of the city's chief administrative officer subject to such regulations, if any, as may be imposed by the city council. Notwithstanding the provisions of RCW 43.09.210 or of any statute to the contrary, transfers, as herein authorized, may be made within the same fund regardless of the various offices, departments or divisions of the city which may be affected.

The city council, upon a finding that it is to the best interests of the code city to decrease, revoke or recall all or any portion of the total appropriations provided for any one fund, may, by ordinance, approved by the vote of one more than the majority of all members thereof, stating the facts and findings for doing so, decrease, revoke or recall all or any portion of an unexpended fund balance, and by said ordinance, or a subsequent ordinance adopted by a like majority, the moneys thus released may be reappropriated for another purpose or purposes,

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without limitation to department, division or fund, unless the use of such moneys is otherwise restricted by law, charter, or ordinance.

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Sec. 35A.33.125 *Limitation on Expenditures—Void.* Liabilities incurred by any officer or employee of the city in excess of any budget appropriation shall not be a liability of the city. The clerk shall issue no warrant and the city council or other authorized person shall approve no claim for an expenditure in excess of any individual budget appropriation, as amended, except upon an order of a court of competent jurisdiction or for emergencies as provided in this chapter.

Sec. 35A.33.130 *Funds Received from Sales of Bonds and Warrants—Expenditures.* Moneys received from the sale of bonds or warrants shall be used for no other purpose than that for which they were issued and no expenditure shall be made for that purpose until the bonds have been duly authorized. If any unexpended fund balance remains from the proceeds realized from the bonds or warrants after the accomplishment of the purpose for which they were issued it shall be used for the redemption of such bond or warrant indebtedness. Where a budget contains an expenditure program to be financed from a bond issue to be authorized thereafter, no such expenditure shall be made or incurred until after the bonds have been duly authorized.

Sec. 35A.33.135 *Levy for Ad Valorem Tax.* At a time fixed by the city's ordinance or charter, not later than the first Monday in October of each year, the chief administrative officer shall provide the city's legislative body with current information on estimates of revenues from all sources as adopted in the budget for the current year, together with estimates submitted by the clerk under section 35A.33.050. The city's legislative body and the city's



administrative officer or his designated representative shall consider the city's total anticipated financial requirements for the ensuing fiscal year, and the legislative body shall determine and fix by ordinance the amount to be raised by ad valorem taxes. Upon adoption of the ordinance fixing the amount of ad valorem taxes to be levied, the clerk shall certify the same to the board of county commissioners as required by RCW 84.52.020.

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Sec. 35A.33.140 *Funds—Quarterly Report of Status.* At such intervals as may be required by city charter or ordinance, however, being not less than quarterly, the clerk shall submit to the city's legislative body and chief administrative officer a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding reporting period and like information for the whole of the current fiscal year to the first day of the current reporting period together with the unexpended balance of each appropriation. The report shall also show the receipts from all sources.

Sec. 35A.33.145 *Contingency Fund—Creation.* Every code city may create and maintain a contingency fund to provide moneys with which to meet any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the annual budget, or from which to provide moneys for those emergencies described in sections 35A.33.080 and 35A.33.090. Such fund may be supported by a budget appropriation from any tax or other revenue source not restricted in use by law, or also may be supported by a transfer from other unexpended or decreased funds made available by ordinance as set forth in section 35A.33.120: *Provided*, That the total amount accumulated in such fund at any time shall not exceed the equivalent of one and one-half mills

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on each dollar of assessed valuation of property within the city at such time. Any moneys in the contingency fund at the end of the fiscal year shall not lapse except upon reappropriation by the council to another fund in the adoption of a subsequent budget.

Sec. 35A.33.146 *Contingency Fund—Withdrawals.* No money shall be withdrawn from the contingency fund except by transfer to the appropriate operating fund authorized by a resolution or ordinance of the council, adopted by a vote of the majority of the entire council, clearly stating the facts constituting the reason for the withdrawal or the emergency as the case may be, specifying the fund to which the withdrawn money shall be transferred.

Sec. 35A.33.150 *Unexpended Appropriations.* All appropriations in any current operating fund shall lapse at the end of each fiscal year: *Provided,* That this shall not prevent payments in the following year upon uncompleted programs or improvements in progress or on orders subsequently filled or claims subsequently billed for the purchase of material, equipment and supplies or for personal or contractual services not completed or furnished by the end of the fiscal year, all of which have been properly budgeted and contracted for prior to the close of such fiscal year but furnished or completed in due course thereafter.

All appropriations in a special fund authorized by ordinance or by state law to be used only for the purpose or purposes therein specified, including any cumulative reserve funds lawfully established in specific or general terms for any municipal purpose or purposes, or a contingency fund as authorized by section 35A.33.145, shall not lapse, but shall be carried forward from year to year until fully expended or the purpose has been accomplished or abandoned, without necessity of reappropriation.

The accounts for budgetary control for each fiscal year shall be kept open for twenty days after the close of such fiscal year for the purpose of paying and recording claims for indebtedness incurred during such fiscal year; any claim presented after the twentieth day following the close of the fiscal year shall be paid from appropriations lawfully provided for the ensuing period, including those made available by provisions of this section, and shall be recorded in the accounts for the ensuing fiscal year.

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code cities.

Sec. 35A.33.160 *Violations and Penalties.* Upon the conviction of any city official, department head or other city employee of knowingly failing, or refusing, without just cause, to perform any duty imposed upon such officer or employee by this chapter, or city ordinance or charter, in connection with the giving of notice, the preparing and filing of estimates of revenues or expenditures or other information required for preparing a budget report in the time and manner required, or of knowingly making expenditures in excess of budget appropriations, he shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars for each separate violation.

### Chapter 35A.35

#### INTERGOVERNMENTAL RELATIONS

Sec. 35A.35.010 *Joint Facilities and Agreements.* In addition to exercising all authority granted to cities of any class for joint or intergovernmental cooperation and activity and agreements for the acquisition, ownership, leasing, control, improvement, occupation and use of land or other property with a county, another city, or governmental agency, and in addition to authority granted to code cities by section 35A.11.040, every code city may exercise the powers relating to jails, places of detention, civic

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mental rela-  
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centers, civic halls and armories as is authorized by chapters 36.64 and 38.20 RCW.

### Chapter 35A.36

Executions of  
bonds by proxy  
in code cities.

## EXECUTION OF BONDS BY PROXY IN CODE CITIES

Sec. 35A.36.010 *Appointment of Proxies.* The mayor, finance officer, city clerk, or other officer of a code city who is authorized or required by law, charter, or ordinance to execute bonds of the city or any subdivision or district thereof may designate one or more bonded persons to affix such officer's signature to any bond or bonds requiring his signature. If the signature of one of these officers is affixed to a bond during his continuance in office by a proxy designated by him whose authority has not been revoked, the bond shall be as binding upon the city and all concerned as though the officer had signed the bond in person. This chapter shall apply to all bonds, whether they constitute obligations of the city as a whole or of any local improvement or other district or subdivision thereof, whether they call for payment from the general funds of the city or from a local, special or other fund, and whether negotiable or otherwise.

Sec. 35A.36.020 *Coupons—Printing Facsimile Signatures.* A facsimile reproduction of the signature of any of the code city officers referred to in section 35A.36.010 may be printed, engraved, or lithographed upon bond coupons with the same effect as though the particular officer had signed the coupon in person.

Sec. 35A.36.030 *Deputies — Exemptions.* This chapter shall not be construed to require the appointment of deputy finance officers or deputy city clerks of code cities to be made in accordance with this chapter insofar as concerns signatures or other acts

which may lawfully be made or done by such deputy officer under the provisions of any other law.

Executions of bonds by proxy in code cities.

Sec. 35A.36.040 *Designation of Bonds To Be Signed.* The officer of a code city whose duty it is to cause any bonds to be printed, engraved, or lithographed, shall specify in a written order or requisition to the printer, engraver, or lithographer the number of bonds to be printed, engraved or lithographed and the manner of numbering them. Every printer, engraver, or lithographer who knowingly prints, engraves, or lithographs a greater number of bonds than that specified or who knowingly prints, engraves, or lithographs more than one bond bearing the same number shall be guilty of a felony.

Sec. 35A.36.050 *Liability of Officer.* A code city officer authorizing the affixing of his signature to a bond by a proxy shall be subject to the same liability personally and on his bond for any signature so affixed and to the same extent as if he had affixed his signature in person.

Sec. 35A.36.060 *Notice to Council.* In order to designate a proxy to affix his signature to bonds, a code city officer shall address a written notice to the legislative body of the city giving the name of the person whom he has selected therefor and stating generally or specifically what bonds are to be so signed.

Attached to or included in the notice shall be a written signature of the officer making the designation executed by the proposed proxy followed by the word "by" and his own signature; or, if the notice so states, the specimen signatures may consist of a facsimile reproduction of the officer's signature impressed by some mechanical process followed by the word "by" and the proxy's own signature.

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If the authority is intended to include the signature upon bonds bearing an earlier date than the effective date of the notice, the prior dated bonds must be specifically described by reasonable reference thereto.

Executions of  
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The notice designating a proxy shall be filed with the city finance officer or city clerk, together with the specimen signatures attached thereto and a record of the filing shall be made in the journal of the legislative body. This record shall note the date and hour of filing and may be made by the official who keeps the journal at any time after the filing of the notice, even during a period of recess or adjournment of the legislative body. The notice shall be effective from the time of its recording.

Sec. 35A.36.070 *Revocation of Proxy.* Any designation of a proxy may be revoked by written notice addressed to the legislative body of the code city signed by the officer who made the designation and filed and recorded in the same manner as the notice of designation. It shall be effective from the time of its recording but shall not affect the validity of any signatures theretofore made.

#### Chapter 35A.37

#### FUNDS, SPECIAL PURPOSE

Funds, special  
purpose.

Sec. 35A.37.010 *Segregating and Accounting.* Code cities shall establish such funds for the segregation, budgeting, expenditure and accounting for moneys received for special purposes as are required by general law applicable to such cities' activities and the officers thereof shall pay into, expend from, and account for such moneys in the manner provided therefor including but not limited to the requirements of the following:

(1) Accounting funds as required by RCW 35.37.010;

(2) Annexation and consolidation fund as required by chapters 35.10, 35.11, and 35.12 RCW and RCW 35.37.025; Funds, special purpose.

(3) Assessment fund as required by RCW 8.12.480;

(4) Equipment rental fund as authorized by RCW 35.21.088;

(5) Current expense fund as required by RCW 35.37.010, usually referred to as the general fund;

(6) Local improvement guaranty fund as required by RCW 35.54.010;

(7) An indebtedness and sinking fund, together with separate funds for utilities and institutions as required by RCW 35.37.020;

(8) Local improvement district fund and revolving fund as required by RCW 35.45.130 and 35.48.010;

(9) City street fund as required by chapter 35.76 RCW and RCW 47.24.040;

(10) Firemen's relief and pension fund as required by chapters 41.16 and 41.18 RCW;

(11) Policemen's relief and pension fund as required by RCW 41.20.130 and 63.32.030;

(12) First class cities' employees retirement and pension system as authorized by chapter 41.28 RCW;

(13) Applicable rules of the division of municipal corporations office of state auditor. RCW 43.09.190 through 43.09.282.

### Chapter 35A.38 CIVIL DEFENSE

Sec. 35A.38.010 *Local Organization.* A code city may participate in the creation of local organizations for civil defense, provide for mutual aid, and exercise all of the powers and privileges and perform all of the functions and duties, and the officers and employees thereof shall have the same powers, duties, rights, privileges and immunities as Civil defense.

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any city of any class, and the employees thereof, have in connection with civil defense as provided in chapter 38.52 RCW in the manner provided by said chapters or by general law.

### Chapter 35A.39

#### PUBLIC DOCUMENTS AND RECORDS

Public docu-  
ments and  
records.

Sec. 35A.39.010 *Legislative and Administrative Records.* Every code city shall keep a journal of minutes of its legislative meetings with orders, resolutions and ordinances passed, and records of the proceedings of any city department, division or commission performing quasi judicial functions as required by ordinances of the city and general laws of the state and shall keep such records open to the public as required by RCW 42.32.030 and shall keep and preserve all public records and publications or reproduce and destroy the same as provided by Title 40 RCW. Each code city shall provide three copies of each of its ordinances of general application to the association of Washington cities without charge and may duplicate and sell copies of its ordinances at fees reasonably calculated to defray the cost of such duplication and handling.

### Chapter 35A.40

#### FISCAL PROVISIONS APPLICABLE TO CODE CITIES

Fiscal provi-  
sions.

Sec. 35A.40.010 *Accounting—Funds—Indebtedness—Bonds.* Municipal accounts and funds, the contracting of indebtedness for municipal purposes and the issuance and payment of bonds therefor, the validation of preexisting obligations by the voters of a consolidated city, debt limitations, elections for authorization of the incurring of indebtedness, and provisions pertaining to the issuance, sale, payment, form, term, interest, funding and redemption of general obligation bonds and remedies for



nonpayment thereof are governed and controlled by the general law as contained in, but not limited to chapters 35.37, 39.40, 39.44, 39.52, 39.56, and 43.80 RCW, and are hereby recognized as applicable to code cities. As applied to code cities, the vote prescribed by RCW 35.37.040 for passage of an ordinance to contract indebtedness shall be construed to mean a majority of the whole membership of the legislative body.

Fiscal provisions.

Sec. 35A.40.020 *Code City May Elect To Use Bank Checks When Funds Are Solvent.* A code city, by ordinance, may adopt a policy for the payment of claims or other obligations of the city, which are payable out of solvent funds, electing either to pay such obligations by warrant, or to pay such obligations by bank check: *Provided*, That no check shall be issued when the applicable fund is not solvent at the time payment is ordered, but a warrant shall be issued therefor. When bank checks are to be used, the legislative body shall designate the bank whereon such checks are to be drawn, and the officers authorized or required to sign such checks. Wherever in this title, reference is made to warrants, such term shall include bank checks where authorized by this section.

Sec. 35A.40.030 *Fiscal—Depositaries.* The legislative body of a code city, at the end of each fiscal year, or at such other times as the legislative body may direct, shall designate one or more banks in the county wherein the code city is located as depository or depositories of the moneys required to be kept by the code city treasurer or other officer performing the duties commonly performed by the treasurer of a code city: *Provided*, That where any bank has been designated as a depository hereunder such designation shall continue in force until revoked by a majority vote of the legislative body of

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such code city. The provisions of general law relating to such depositaries, as contained in RCW 35.38.020, are hereby recognized as applicable to code cities and to the depositaries designated by them.

Fiscal provi-  
sions.

Sec. 35A.40.040 *Fiscal — Depositaries — Provisions of General Law Applicable.* The general law as contained in RCW 35.38.050 through 35.38.110, relating to the official bond of a city treasurer, a city official as officer, employee, or stockholder of a depositary, inclusion of "trust company" in the use of the word "bank", designation of a trustee for safekeeping of securities, procedure upon insolvency of a depositary, prohibition of a bank acting as trustee of its own securities, compensation of a trustee of securities, and the trustee's receipt, is hereby recognized as applicable to code cities.

Sec. 35A.40.050 *Fiscal—Investment of Funds.* Excess and inactive funds on hand in the treasury of any code city may be invested in the same manner and subject to the same limitations as provided for city and town funds in all applicable statutes, including, but not limited to the following: RCW 32.12.100, 33.52.010, 35.39.030, 35.39.040, 35.58.510, 35.81.070, 35.82.070, 36.29.020, 39.60.010, 39.60.020, 41.16.040, 68.12.060, 68.12.065, and 72.19.120.

The responsibility for determining the amount of money available in each fund for investment purposes shall be placed upon the department, division or board responsible for the administration of such fund.

Moneys thus determined available for this purpose may be invested on an individual fund basis or may, unless otherwise restricted by law be commingled within one common investment portfolio for the mutual benefit of all participating

funds: *Provided*, That if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be apportioned among the various participating funds in direct proportion to the amount of money invested by each.

Fiscal provisions.

Any excess or inactive funds on hand in the city treasury not otherwise invested for the specific benefit of any particular fund, may be invested by the city treasurer in United States government bonds, notes, bills or certificates of indebtedness for the benefit of the general or current expense fund.

Sec. 35A.40.060 *Fiscal—Validation and Funding of Debts*. The provisions of general law contained in chapters 35.40 and 39.90 RCW, relating to the validation and funding of debts and elections pertaining thereto is hereby recognized as applicable to code cities.

Sec. 35A.40.070 *Fiscal—Municipal Revenue Bond Act*. All provisions of chapter 35.41 RCW, the Municipal Revenue Bond Act, shall be applicable and/or available to code cities.

Sec. 35A.40.080 *Bonds: Form, Terms, and Maturity*. In addition to any other authority granted by law, a code city shall have authority to ratify and fund indebtedness as provided by chapter 35.40 RCW; to issue revenue bonds, coupons and warrants as authorized by chapter 35.41 RCW; to authorize and issue local improvement bonds and warrants, installment notes and interest certificates as authorized by chapter 35.45 RCW; to fund indebtedness and to issue other bonds as authorized by chapters 39.44, 39.48, 39.52 RCW, RCW 39.56.020, and 39.56.030 in accordance with the procedures and subject to the limitations therein provided.

Sec. 35A.40.090 *Limitation on Indebtedness*. No code city shall incur an indebtedness exceeding one

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Fiscal provi-  
sions.

and one-half percent of the assessed valuation of the taxable property in such city without the assent of three-fifths of the voters therein voting at an election to be held for that purpose nor, with such assent, to exceed five percent on the value of the taxable property therein (being twice the assessed valuation) as ascertained by the last completed and balanced tax rolls of such city except as otherwise provided in chapter 39.36 RCW and subject to the provisions of this chapter and shall have the authority and be subject to the limitations provided in RCW 84.52.050 relating to levy of taxes within the forty mill limit.

Sec. 35A.40.100 *Bankruptcy, Readjustment and Relief from Debts.* A code city may exercise the powers and obtain the benefits relating to bankruptcy, readjustment and relief from debts as authorized by chapter 39.64 RCW in accordance with the procedures therein prescribed.

Sec. 35A.40.200 *General Law Relating to Public Works and Contracts.* Every code city shall have the authority to make public improvements and to perform public works under authority provided by general law for any class of city and to make contracts in accordance with procedure and subject to the conditions provided therefor, including but not limited to the provisions of: (1) Chapter 39.04 RCW, relating to public works; (2) RCW 35.23.352 relating to competitive bidding for public works, materials and supplies; (3) RCW 9.18.120 and 9.18.150 relating to suppression of competitive bidding; (4) chapter 60.28 RCW relating to liens for materials and labor performed; (5) chapter 39.08 RCW relating to contractor's bonds; (6) chapters 39.12, 39.16, and 43.03 RCW relating to prevailing wages; (7) chapter 49.12 RCW relating to hours of labor; (8) chapter 51.12 RCW relating to workmen's compensation; (9)

chapter 39.20 RCW relating to employment of certain aliens; (10) chapter 49.60 RCW relating to anti-discrimination in employment; (11) chapter 39.24 RCW relating to the use of Washington commodities; and (12) chapter 39.28 RCW relating to emergency public works.

Fiscal provisions.

### Chapter 35A.41 PUBLIC EMPLOYMENT

Public employment

Sec. 35A.41.010 *Retirement and Pension Systems for Code Cities Having a Population of More Than Twenty Thousand.* A code city having a population of more than twenty thousand inhabitants, or having been classed theretofore as a city of the first class may exercise all of the powers relating to retirement and pension systems for employees as authorized by section 35A.11.020 and by chapter 41.28 RCW in accordance with the procedures prescribed therein and subject to the limitations and penalties thereof.

Sec. 35A.41.020 *Public Employment and Civil Service.* Except as otherwise provided in this title, the general provisions relating to public employment, including hospitalization and medical aid as provided in chapter 41.04 RCW, and the application of federal social security for public employees, the acceptance of old age and survivors insurance as provided in chapters 41.47 and 41.48 RCW, military leave as provided in RCW 38.40.060, the application of industrial insurance as provided in Title 51 RCW, and chapter 43.100 RCW relating to training of law enforcement officers, shall apply to code cities. Any code city may retain any civil service system theretofore in effect in such city and may adopt any system of civil service which would be available to any class of city under general law.

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## Chapter 35A.42

PUBLIC OFFICERS AND AGENCIES,  
MEETINGS, DUTIES AND POWERS

Public officers  
and agencies,  
meetings,  
duties and  
powers.

Sec. 35A.42.010 *City Treasurer—Miscellaneous Authority and Duties.* In addition to authority granted and duties imposed upon code city treasurers by this title, code city treasurers, or the officers designated by charter or ordinance to perform the duties of a treasurer, shall have the duties and the authority to perform the following: (1) As provided in RCW 8.12.500 relating to bonds and compensation payments in eminent domain proceedings; (2) as provided in RCW 68.12.050 relating to cemetery improvement funds; (3) as provided in RCW 41.28.080 relating to custody of employees' retirement funds; (4) as provided in RCW 47.08.100 relating to the use of city street funds; (5) as provided in RCW 46.68.080 relating to motor vehicle funds; (6) as provided in RCW 46.81.050 relating to fines and bail forfeitures and additional assessments for driver education; (7) as provided in RCW 41.16.020 and chapter 41.20 RCW relating to police and firemen's relief and pension boards; (8) as provided in chapter 42.20 RCW relating to misappropriation of funds; and (9) as provided in chapter 39.60 RCW relating to investment of municipal funds. The treasurer shall be subject to the penalties imposed for the violation of any of such provisions. Where a provision of this title, or the general law, names the city treasurer as an officer of a board or other body, or assigns duties to a city treasurer, such position shall be filled, or such duties performed, by the officer of a code city who is performing the duties usually performed by a city treasurer, although he may not have that designation.

Sec. 35A.42.020 *Qualification, Removal, Code of Ethics, Duties.* Except as otherwise provided in this

title, every elective and appointive officer and all employees of code cities shall: (1) Be possessed of the qualifications and be subject to forfeiture of office, impeachment or removal and recall as provided in chapter 42.04 RCW and RCW 9.81.040; and (2) provide official bonds in accordance with the requirements of this title, and as required in compliance with chapters 42.08 and 48.28 RCW.

Public officers and agencies, meetings, duties and powers.

When vacancies in public offices in code cities shall occur the term of a replacement officer shall be fixed as provided in chapter 42.12 RCW. A public officer charged with misconduct as defined in chapter 42.20 RCW, shall be charged and, upon conviction, punished as provided for such misconduct in chapter 42.20 RCW. The officers and employees of code cities shall be guided and governed by the code of ethics as provided in chapter 42.23 RCW. Vouchers for the payment of public funds and the provisions for certifying the same shall be as provided in chapter 42.24 RCW. The meetings of any board, agency, or commission of a code city shall be open to the public to the extent and notice given in the manner required by chapter 42.32 RCW.

Sec. 35A.42.030 *Continuity of Government—Enemy Attack.* In the event that the mayor, manager or other chief executive officer of any code city is unavailable by reason of enemy attack to exercise the powers and to discharge the duties of his office, his successor or substitute shall be selected in the manner provided by RCW 42.14.050 subject to rules and regulations providing for the appointment of temporary interim successors adopted under RCW 42.14.070.

Sec. 35A.42.040 *City Clerks and Controllers.* In addition to any specific enumeration of duties of city clerks in a code city's charter or ordinances, and without limiting the generality of section 35A.21.030

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of this title, the clerks of all code cities shall perform the following duties in the manner prescribed, to wit: (1) Certification of city streets as part of the highway system in accordance with the provisions of RCW 47.24.010; (2) prepare statements of cancellation of registration as required by RCW 29.10.120; (3) perform the functions of a member of a firemen's pension board as provided by RCW 41.16.020; (4) keep a record of ordinances of the city and provide copies thereof as authorized by RCW 5.44.080; (5) serve as applicable the trustees of any police relief and pension board as authorized by RCW 41.20.010; and (6) serve as secretary-treasurer of volunteer firemen's relief and pension boards as provided in RCW 41.24.060.

Sec. 35A.42.050 *Public Officers and Employees: Conduct.* In addition to provisions of general law relating to public officials and others in public administration, employment or public works, the duties and conduct of such officers and other persons shall be governed by: (1) RCW 9.18.010 and 9.18.020 relating to bribery of a public officer; (2) Article II, section 30 of the Constitution of the state of Washington relating to bribery or corrupt solicitation; (3) RCW 35.17.150 relating to misconduct in code cities having a commission form of government; (4) chapter 42.23 RCW in regard to interest in contracts; (5) chapter 29.85 RCW relating to misconduct in connection with elections; (6) RCW 49.44.060 and 49.44.070 relating to grafting by employees; (7) RCW 49.44.020 and 49.44.030 relating to the giving or solicitation of a bribe to a labor representative; (8) chapter 42.20 RCW relating to misconduct of a public officer; (9) RCW 49.52.050 and 49.52.090 relating to rebating by employees; and (10) chapter 9.18 RCW relating to bribery and grafting.



## Chapter 35A.43

Local improve-  
ments.

## LOCAL IMPROVEMENTS IN CODE CITIES

Sec. 35A.43.010 *General Law Applicable to Code Cities.* Chapters 35.43, 35.44, 35.45, 35.47, 35.48, 35.49, 35.50, 35.53, 35.54, 35.55, and 35.56 RCW all relating to municipal local improvements and made applicable to all incorporated cities and towns by RCW 35.43.030 are hereby recognized as applicable to all code cities, and the provisions thereof shall supersede the provisions of any charter of a charter code city inconsistent therewith. The provisions of the chapters named in this section shall be effective as to charter code cities to the same extent as such provisions are effective as to cities of the first class, and all code cities may exercise, in the manner provided, any authority therein granted to any class of city.

Sec. 35A.43.020 *Public Lands Subject to Local Assessments.* In addition to the authority provided by chapter 35.44 RCW, and chapter 79.44 RCW, a code city may assess public lands for the cost of local improvements specially benefiting such lands.

## Chapter 35A.44

## CENSUS

Census.

Sec. 35A.44.010 *Population Determination.* The population of code cities shall be determined by specific purposes in accordance with any express provision of state law relating thereto. Where no express provision is made, the provisions of chapter 43.62 RCW relating to the state census board, the provisions of RCW 35.13.260 shall govern.

## Chapter 35A.46

## MOTOR VEHICLES

Motor vehicles.

Sec. 35A.46.010 *State Law Applicable.* The provisions of Title 46 of the Revised Code of Washington relating to regulation of motor vehicles

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shall be applicable to code cities, its officers and employees to the same extent as such provisions grant powers and impose duties upon cities of any class, their officers and agents, including without limitation the following: (1) Authority to provide for angle parking on certain city streets designated as forming a route of a primary state highway as authorized in RCW 46.61.575; (2) application of city police regulations to port districts as authorized by RCW 53.08.230; (3) authority to establish local regulations relating to city streets forming a part of the state highway system as authorized by RCW 46.44.080; (4) authority to install and operate a station for the inspection of vehicle equipment in conformity with rules, regulations, procedure and standards prescribed by the Washington state patrol as authorized under RCW 46.32.030; (5) exemption from the payment of license fees for city owned vehicles as authorized by RCW 46.16.020 and 46.16.290; (6) authority to establish traffic schools as provided by chapter 46.83 RCW; and (7) authority to enforce the provisions of RCW 81.48.050 relating to railroad crossings.

## Chapter 35A.47

## HIGHWAYS AND STREETS

Highways and  
streets.

Sec. 35A.47.010 *Highways, Granting Land For.*  
A code city may exercise the powers relating to granting of property for state highway purposes as authorized by RCW 47.12.040 in accordance with the procedures therein prescribed.

Sec. 35A.47.020 *Streets: Acquisition, Standards of Design, Use, Vacation and Abandonment; Funds.*  
The designation of code city streets as a part of the state highway system, the jurisdiction and control of such streets, the procedure for acquisition or abandonment of rights of way for city streets and state highways, and the sale or lease of state

highway land or toll facility to a code city, the requirements for accounting and expenditure of street funds, and the authority for contracting for the construction, repair and maintenance of streets by the state or county shall be the same as is provided in RCW 36.75.090, chapters 47.08, 47.12, 47.24 and 47.56 RCW, and the regulation of signs thereon as provided in chapter 47.42 RCW. Code cities shall be regulated in the acquisition, construction, maintenance, use and vacation of alleys, city streets, parkways, boulevards and sidewalks and in the design standards therefor as provided in chapters 35.68 through 35.79, 35.85, and 35.86 RCW and RCW 79.01.428 relating to dedication of tidelands and shorelands to public use and in the use of state shared funds as provided by general law.

Highways and streets.

Sec. 35A.47.030 *Public Highways: Acquisition, Agreements, Transfers, Regulations.* The provisions of Title 47 RCW shall apply to code cities, its officers and employees to the same extent as such provisions are applicable to any other class of city within the state, including, without limitation, the following: (1) The acquisition by the state of municipal lands and the exchange of state highway and municipal lands, as provided in chapter 47.12 RCW; (2) the dedication of public land for city streets as provided by RCW 36.34.290 and 36.34.300; (3) the allocation of fines and forfeitures for highway violations as provided in RCW 46.68.050 and 47.08.030; (4) city contributions to finance toll facilities as provided in RCW 47.56.250; (5) contracts with the highway commission, as provided in RCW 47.01.210; (6) the construction, maintenance, jurisdiction, and control of city streets, as provided in chapter 47.24 RCW; (7) agreements between the highway commission and a city for the benefit or improvement of highways, roads, or streets, as provided in RCW 47.28.140; (8)

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sales, leases, or transfers as authorized by RCW 47.12.070 and 47.12.080; (9) the erection of information signs as regulated by RCW 47.42.050 and 47.42.060; (10) provisions relating to limited access highways under chapters 47.52 and 47.54 RCW; (11) the acquisition and abandonment for state highways as provided by RCW 36.75.090 and 90.28.020; and (12) the sharing of maintenance of streets and alleys as an extension of county roads as provided by RCW 35.77.020.

Sec. 35A.47.040 *Franchises and Permits: Streets and Public Ways.* Every code city shall have authority to permit and regulate under such restrictions and conditions as it may set by charter or ordinance and to grant nonexclusive franchises for the use of public streets, bridges or other public ways, structures or places above or below the surface of the ground for railroads and other routes and facilities for public conveyances, for poles, conduits, tunnels, towers and structures, pipes and wires and appurtenances thereof for transmission and distribution of electrical energy, signals and other methods of communication, for gas, steam and liquid fuels, for water, sewer and other private and publicly owned and operated facilities for public service. The power hereby granted shall be in addition to the franchise authority granted by general law to cities.

No ordinance or resolution granting any franchise in a code city for any purpose shall be adopted or passed by the city's legislative body on the day of its introduction nor for five days thereafter, nor at any other than a regular meeting nor without first being submitted to the city attorney, nor without having been granted by the approving vote of at least a majority of the entire legislative body, nor without being published at

least once in a newspaper of general circulation in the city before becoming effective. Highways and streets.

The city council may require a bond in a reasonable amount for any person or corporation obtaining a franchise from the city conditioned upon the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions of the franchise.

A code city may exercise the authority hereby granted, notwithstanding a contrary limitation of any preexisting charter provision.

#### Chapter 35A.49

### LABOR AND SAFETY REGULATIONS

Labor and safety regulations.

Sec. 35A.49.010 *Labor Regulations; Safety Regulations, Discrimination In Employment, Hours, Wages.* Provisions of state laws relating to labor and safety regulations as provided in Title 49 RCW shall apply to code cities to the same extent as such laws apply to other classes of cities.

#### Chapter 35A.56

### LOCAL SERVICE DISTRICTS

Local service districts.

Sec. 35A.56.010 *Laws Relating to Special Service Districts, Application to Code Cities.* Except as otherwise provided in this title, state laws relating to special service or taxing districts shall apply to, grant powers, and impose duties upon code cities and their officers to the same extent as such laws apply to and affect other classes of cities and towns and their employees, including, without limitation, the following: (1) Chapter 70.94 RCW, relating to air pollution control; (2) chapter 47.57 RCW, relating to toll facility aid districts; (3) chapter 68.16 RCW, relating to cemetery districts; (4) chapters 91.04 through 91.07 RCW, relating to commercial waterway districts; (5) chapter 29.68

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RCW, relating to congressional districts; (6) chapters 14.07 and 14.08 RCW, relating to municipal airport districts; (7) chapter 36.88 RCW, relating to county road improvement districts; (8) Title 85 RCW, relating to diking districts, drainage districts, and drainage improvement districts; (9) chapter 36.54 RCW, relating to ferry districts; (10) Title 52 RCW, relating to fire protection districts; (11) Title 86 RCW, relating to flood control districts and flood control; (12) chapter 70.46 RCW, relating to health districts; (13) chapters 87.03 through 87.84 and 89.12 RCW, relating to irrigation districts; (13) Title 78 RCW, relating to mining; (14) chapter 35.61 RCW, relating to metropolitan park districts; (15) chapter 35.58 RCW relating to metropolitan municipalities; (16) chapter 17.28 RCW, relating to mosquito control districts; (17) chapter 17.12 RCW, relating to agricultural pest districts; (18) chapter 13.12 RCW, relating to parental or truant schools; (19) Title 53 RCW, relating to port districts; (20) chapter 70.44 RCW, relating to public hospital districts; (21) Title 54 RCW, relating to public utility districts; (22) chapter 91.08 RCW, relating to public waterway districts; (23) Title 56 RCW for sewer districts; (24) chapter 89.12 RCW, relating to reclamation districts; (25) chapters 57.02 through 57.36 and 87.60 RCW, relating to water districts; (26) chapter 91.04 RCW, relating to commercial waterway districts; and (27) chapter 17.04 RCW, relating to weed districts.

#### Chapter 35A.57

### INCLUSION OF CODE CITIES IN METROPOLITAN MUNICIPAL CORPORATIONS

Inclusion of  
code cities in  
metropolitan  
municipal cor-  
porations.

Sec. 35A.57.010 *Code City May Be Component City of Metropolitan Municipal Corporation.* Any code city may become a component city of a

metropolitan municipal corporation organized as provided in chapter 35.58 RCW, and, upon becoming such component city, shall be subject to the provisions of chapter 35.58 RCW. Adoption of this title by any city which is part of a metropolitan municipal corporation shall in no way affect the status of such city as a component city of a metropolitan municipal corporation.

Inclusion of code cities in metropolitan municipal corporations.

Sec. 35A.57.020 *Metropolitan Municipal Corporations—May Be Formed Around Charter Code City.* Any area of the state containing two or more cities, at least one of which is a code city having at least ten thousand population, may organize as a metropolitan municipal corporation. The presence in such area of a code city having at least ten thousand population, shall fulfill the requirement of RCW 35.58.030 as to the class of city required to be included in an area incorporating as a metropolitan municipal corporation.

#### Chapter 35A.58

#### BOUNDARIES AND PLATS

Boundaries and plats.

Sec. 35A.58.010 *Locating Corners and Boundaries.* General laws shall govern the methods, procedures, and standards for surveying, establishing corners and boundaries, describing and perpetuating and recording information and descriptions relating thereto. The boundaries and corners of sections, parcels, plats, and subdivisions of land within a code city, may be surveyed, established, relocated, and perpetuated whenever a majority of the resident owners of any section or part or parts of any section of land within the city makes application in accordance with the provisions of chapter 58.04 RCW.

Sec. 35A.58.020 *Alteration and Vacation of Plats.* The provisions of chapters 58.11 and 58.12 RCW shall apply in appropriate cases to the

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alteration or vacation of plats including land or lots within a code city or the vacation of streets therein as provided in chapter 35.79 RCW. The vacation of waterways within a code city shall be governed by the provisions of chapter 79.16 RCW.

Boundaries  
and plats.

Sec. 35A.58.030 *Platting and Subdivision of Land.* The provisions of chapter 58.16 RCW together with the provisions of a code city's subdivision regulations as adopted by ordinance not inconsistent with the provisions of chapter 58.16 RCW shall control the platting and subdividing of land into lots or tracts comprising five or more of such lots or tracts or containing a dedication of any part thereof as a public street or highway, or other public place or use: *Provided*, That nothing herein shall prohibit the legislative body of a code city from adopting reasonable ordinances regulating the subdivision of land into two or more parcels without requiring compliance with all of the requirements of the platting law.

## Chapter 35A.60

## LIENS

Liens.

Sec. 35A.60.010 *General Law Applicable.* The general law relating to liens including but not limited to the provisions of Title 60 RCW, as the same relates to cities of any class shall apply to code cities. Every code city may exercise the authority to perform services to property within the city and to claim and foreclose liens allowed therefor by general laws for any class of city including but not limited to the following provisions: (1) Chapter 35.80 RCW, relating to unfit dwellings, buildings and structures; (2) RCW 35.22.320, relating to the cost of filling cesspools; (3) RCW 35.85.030, relating to assessment liens for viaducts, elevated roadways, tunnels, and subways; (4) RCW 35.21.130, 35.21.140, 35.21.150, and 35.22.320 for garbage collection; (5)



chapters 35.50, 35.55 and 35.56 RCW relating to enforcement of local improvement liens; (6) RCW 35.73.050 relating to the expense of sanitary fills; (7) RCW 35.67.200 through 35.67.290, relating to sewerage systems and service; (8) RCW 35.68.070, 35.69.030, 35.70.090, relating to sidewalks; (9) RCW 35.49.120 through 35.49.160, relating to priority of tax liens; (10) RCW 35.21.290 and 35.21.300, providing for liens for utility services; (11) chapter 84.60 RCW relating to lien of taxes upon property; (12) RCW 4.16.030, relating to foreclosure of local improvement liens; (13) chapter 60.76 RCW, relating to lien of employees for contribution to benefit plans; and (14) chapter 60.28 RCW, relating to lien for labor and materials on public works.

#### Chapter 35A.61

### METROPOLITAN PARK DISTRICTS

Metropolitan  
park districts.

Sec. 35A.61.010 *Metropolitan Park Districts.* Charter code cities and such contiguous property the residents of which may decide in favor thereof in the manner set forth in chapter 35.61 RCW, may create a metropolitan park district for the management, control, improvement, maintenance, and acquisition of parks, parkways, and boulevards in the manner provided in chapter 35.61 RCW, subject to the provisions of said chapter, which shall be effective as to such charter code city to the same extent as such provisions are applicable to first class cities included in such a metropolitan park district as authorized by said chapter.

#### Chapter 35A.63

### PLANNING AND ZONING IN CODE CITIES

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zoning in code  
cities.

Sec. 35A.63.010 *Definitions.* The following words or terms as used in this chapter shall have the meanings set forth below unless different meanings are clearly indicated by the context:

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(1) "Chief administrative officer" means the mayor in code cities operating under the mayor-council and commission forms, the city manager in code cities operating under the council-manager forms, or such other officer as the charter of a charter code city designates as the chief administrative officer.

(2) "City" means an incorporated city or town.

(3) "Code city" is used where the application of this chapter is limited to a code city; where joint, regional, or cooperative action is intended, a code city may be included in the unrestricted terms "city" or "municipality".

(4) "Comprehensive plan" means the policies and proposals approved by the legislative body as set forth in sections 35A.63.060 through 35A.63.072 of this chapter and containing, at least, the elements set forth in section 35A.63.061.

(5) "Legislative body" means a code city council, a code city commission, and, in cases involving regional or cooperative planning or action, the governing body of a municipality.

(6) "Municipality" includes any code city and, in cases of regional or cooperative planning or action, any city, town, township, county, or special district.

(7) "Ordinance" means a legislative enactment by the legislative body of a municipality; in this chapter "ordinance" is synonymous with the term "resolution" when "resolution" is used as representing a legislative enactment.

(8) "Planning agency" means any person, body, or organization designated by the legislative body to perform a planning function or portion thereof for a municipality, and includes, without limitation, any commission, committee, department, or board together with its staff members, employees, agents, and consultants.

(9) "Special district" means that portion of the state, county, or other political subdivision created under general law for rendering of one or more local public services or for administrative, educational, judicial, or political purposes.

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Sec. 35A.63.020 *Planning Agency—Creation and Powers and Duties.* By ordinance a code city may create a planning agency and provide for its membership, organization, and expenses. The planning agency shall serve in an advisory capacity to the chief administrative officer or the legislative body, or both, as may be provided by ordinance and shall have such other powers and duties as shall be provided by ordinance.

Sec. 35A.63.030 *Joint Meetings and Cooperative Action.* Pursuant to the authorization of the legislative body, a code city planning agency may hold joint meetings with one or more city or county planning agencies (including city or county planning agencies in adjoining states) in any combination and may contract with another municipality for planning services. A code city may enter into cooperative arrangements with one or more municipalities for jointly engaging a planning director and such other employees as may be required to operate a joint planning staff.

Sec. 35A.63.040 *Regional Planning.* A code city with one or more adjoining municipalities, otherwise authorized by law to plan, including municipalities of adjoining states, when empowered by ordinances of their respective legislative bodies, may cooperate to form, organize, and administer a regional planning commission to prepare a comprehensive plan and perform other planning functions for the region defined by agreement of the respective municipalities. A code city may also

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cooperate with any department or agency of a state government having planning functions.

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Sec. 35A.63.050 *Receipt and Expenditure of Funds.* Any code city or any regional planning commission that includes a code city, when authorized by the legislative bodies of the municipalities represented by the regional planning commission, may enter into an agreement with any department or agency of the government of the United States or the state of Washington, or its agencies or political subdivisions, or any other public or private agency, to arrange for the receipt and expenditure of funds for planning in the interest of furthering the planning program.

Sec. 35A.63.060 *Comprehensive Plan—General.* Every code city, by ordinance, shall direct the planning agency to prepare a comprehensive plan for anticipating and influencing the orderly and coordinated development of land and building uses of the code city and its environs. The comprehensive plan may be prepared as a whole or in successive parts.

Sec. 35A.63.061 *Comprehensive Plan—Required Elements.* The comprehensive plan shall be in such form and of such scope as the code city's ordinance or charter may require. It may consist of a map or maps, diagrams, charts, reports and descriptive and explanatory text or other devices and materials to express, explain, or depict the elements of the plan; and it shall include a recommended plan, scheme, or design for each of the following elements:

(1) A land-use element that designates the proposed general distribution, general location, and extent of the uses of land. These uses may include, but are not limited to, agricultural, residential, commercial, industrial, recreational, educational, public, and other categories of public and private

uses of land. The land-use element shall also include estimates of future population growth in, and statements of recommended standards of population density and building intensity for, the area covered by the comprehensive plan.

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(2) A circulation element consisting of the general location, alignment, and extent of existing and proposed major thoroughfares, major transportation routes, and major terminal facilities, all of which shall be correlated with the land-use element of the comprehensive plan.

Sec. 35A.63.062 *Comprehensive Plan—Optional Elements.* The comprehensive plan may include also any or all of the following optional elements:

(1) A conservation element for the conservation, development, and utilization of natural resources.

(2) An open space, park, and recreation element.

(3) A transportation element showing a comprehensive system of surface, air, and water transportation routes and facilities.

(4) A public-use element showing general locations, designs, and arrangements of public buildings and uses.

(5) A public utilities element showing general plans for public and franchised services and facilities.

(6) A redevelopment or renewal element showing plans for the redevelopment or renewal of slum and blighted areas.

(7) An urban design element for general organization of the physical parts of the urban landscape.

(8) Other elements dealing with subjects that, in the opinion of the legislative body, relate to the development of the municipality, or are essential or desirable to coordinate public services and programs with such development.

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Sec. 35A.63.070 *Comprehensive Plan—Notice and Hearing.* After preparing the comprehensive plan, or successive parts thereof, as the case may be, the planning agency shall hold at least one public hearing on the comprehensive plan or successive part. Notice of the time, place, and purpose of such public hearing shall be given as provided by ordinance and including at least one publication in a newspaper of general circulation delivered in the code city and in the official gazette, if any, of the code city, at least ten days prior to the date of the hearing. Continued hearings may be held at the discretion of the planning agency but no additional notices need be published.

Sec. 35A.63.071 *Comprehensive Plan—Forwarding to Legislative Body.* Upon completion of the hearing or hearings on the comprehensive plan or successive parts thereof, the planning agency, after making such changes as it deems necessary following such hearing, shall transmit a copy of its recommendations for the comprehensive plan, or successive parts thereof, to the legislative body through the chief administrative officer, who shall acknowledge receipt thereof and direct the clerk to certify thereon the date of receipt.

Sec. 35A.63.072 *Comprehensive Plan—Approval By Legislative Body.* Within sixty days from its receipt of the recommendation for the comprehensive plan, as above set forth, the legislative body at a public meeting shall consider the same. The legislative body within such period as it may by ordinance provide, shall vote to approve or disapprove or to modify and approve, as modified, the comprehensive plan or to refer it back to the planning agency for further proceedings, in which case the legislative body shall specify the time within which the planning agency shall report back to the legisla-

tive body its findings and recommendations on the matters referred to it. The final form and content of the comprehensive plan shall be determined by the legislative body. An affirmative vote of not less than a majority of total members of the legislative body shall be required for adoption of a resolution to approve the plan or its parts. The comprehensive plan, or its successive parts, as approved by the legislative body, shall be filed with an appropriate official of the code city and shall be available for public inspection.

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Sec. 35A.63.073 *Comprehensive Plan—Amendments and Modifications.* All amendments, modifications, or alterations in the comprehensive plan or any part thereof shall be processed in the same manner as set forth in sections 35A.63.070 through 35A.63.072.

Sec. 35.A.63.080 *Comprehensive Plan—Effect.* From the date of approval by the legislative body the comprehensive plan, its parts and modifications thereof, shall serve as a basic source of reference for future legislative and administrative action: *Provided,* That the comprehensive plan shall not be construed as a regulation of property rights or land uses: *Provided, further,* That no procedural irregularity or informality in the consideration, hearing, and development of the comprehensive plan or a part thereof, or any of its elements, shall affect the validity of any zoning ordinance or amendment thereto enacted by the code city after the approval of the comprehensive plan.

The comprehensive plan shall be consulted as a preliminary to the establishment, improvement, abandonment, or vacation of any street, park, public way, public building, or public structure, and no dedication of any street or other area for public use shall be accepted by the legislative body until the location, character, extent, and effect thereof shall

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have been considered by the planning agency with reference to the comprehensive plan. The legislative body shall specify the time within which the planning agency shall report and make a recommendation with respect thereto. Recommendations of the planning agency shall be advisory only.

Sec. 35A.63.100 *Municipal Authority.* After approval of the comprehensive plan, as set forth above, the legislative body, in developing the municipality and in regulating the use of land, may implement or give effect to the comprehensive plan or parts thereof by ordinance or other action to such extent as the legislative body deems necessary or appropriate. Such ordinances or other action may provide for:

(1) Adoption of an official map and regulations relating thereto designating locations and requirements for one or more of the following: Streets, parks, public buildings, and other public facilities, and protecting such sites against encroachment by buildings and other physical structures.

(2) Dividing the municipality, or portions thereof, into appropriate zones within which specific standards, requirements, and conditions may be provided for regulating the use of public and private land, buildings, and structures, and the location, height, bulk, number of stories, and size of buildings and structures, size of yards, courts, open spaces, density of population, ratio of land area to the area of buildings and structures, setbacks, area required for off-street parking, and such other standards, requirements, regulations, and procedures as are appropriately related thereto. The ordinance encompassing the matters of this subsection is hereinafter called the "zoning ordinance". No zoning ordinance, or amendment thereto, shall be enacted by the legislative body without at least one public hearing, notice of which shall be given as set forth



in section 35A.63.070. Such hearing may be held before the planning agency or the board of adjustment or such other body as the legislative body shall designate.

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(3) Adoption of design standards, requirements, regulations, and procedures for the subdivision of land into two or more parcels, including, but not limited to, the approval of plats, dedications, acquisitions, improvements, and reservation of sites for public use.

(4) Scheduling public improvements on the basis of recommended priorities over a period of years, subject to periodic review.

(5) Such other matters as may be otherwise authorized by law or as the legislative body deems necessary or appropriate to effectuate the goals and objectives of the comprehensive plan or parts thereof and the purposes of this chapter.

Sec. 35A.63.110 *Board of Adjustment—Powers and Duties.* A code city, by ordinance, shall create a board of adjustment and provide for its membership, terms of office, organization, jurisdiction. The action of the board of adjustment shall be final and conclusive, unless, within ten days from the date of the action, the original applicant or an adverse party makes application to the superior court for the county in which that city is located for a writ of certiorari, a writ of prohibition, or a writ of mandamus. No member of the board of adjustment shall be a member of the planning agency or the legislative body. Subject to conditions, safeguards, and procedures provided by ordinance, the board of adjustment may be empowered to hear and decide:

(1) Appeals from orders, recommendations, permits, decisions, or determinations made by a code city official in the administration or enforcement of the provisions of this chapter or any ordinances adopted pursuant to it.

Optional  
Municipal  
Code.

Planning and  
zoning in code  
cities.

(2) Applications for variances from the terms of the zoning ordinance, the official map ordinance or other land-use regulatory ordinances under procedures and conditions prescribed by city ordinance, which among other things shall provide that no application for a variance shall be granted unless the board of adjustment finds:

(a) the variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

(b) that such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

(c) that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

(3) Applications for conditional-use permits, unless such applications are to be heard and decided by the planning agency. A conditional use means a use listed among those classified in any given zone but permitted to locate only after review as herein provided in accordance with standards and criteria set forth in the zoning ordinance.

(4) Such other quasi judicial and administrative determinations as may be delegated by ordinance.

In deciding any of the matters referred to in subsections (1), (2), (3), and (4) of this section, the board of adjustment shall issue a written report giving the reasons for its decision.

Sec. 35A.63.120 *Administration and Enforcement.* In order to carry into effect the purposes of this chapter, administrative and enforcement responsibilities, other than those set forth in section 35A.63.110, may be assigned by ordinance to such departments, boards, officials, employees, or agents as the legislative body deems appropriate.

Planning and zoning in code cities.

Sec. 35A.63.130 *Provisions Inconsistent with Charters.* Insofar as the provisions of an existing charter of a municipality are inconsistent with this chapter, a municipality may exercise the authority, or any part thereof, granted by this chapter notwithstanding the inconsistent provision of an existing charter.

Sec. 35A.63.140 *Duties and Responsibilities Imposed by Other Acts.* Any duties and responsibilities which by other statutes are imposed upon a planning commission may, in a code city, be performed by a planning agency, as provided in this chapter.

Sec. 35A.63.150 *Public Hearings.* The legislative body may provide by ordinance for such additional public hearings and notice thereof as it deems to be appropriate in connection with any action contemplated under this chapter.

Sec. 35A.63.160 *Construction.* This title is intended to implement and preserve to code cities all powers authorized by Article XI, section 11 of the Constitution of the state of Washington and the provision of this title shall not limit any code city from exercising its constitutionally granted power to plan for and to make and enforce within its limits all such local police, sanitary, and other regulations in the manner that its charter or ordinances may provide.

Optional  
Municipal  
Code.

Chapter 35A.64

PUBLIC PROPERTY, REAL AND PERSONAL

Public  
property

Sec. 35A.64.010 *Acquisition of by Conditional Sales Contracts.* A code city may exercise the powers relating to acquisition of real or personal property under executory conditional sales contracts as authorized by RCW 39.30.010.

Sec. 35A.64.020 *Purchase of Products Made by Blind.*

A code city may exercise the powers relating to the acquisition of products made by the blind as authorized by RCW 19.06.020.

Sec. 35A.64.180 *Disinfection of Property.* Every code city shall disinfect or destroy all infected trees or shrubs growing upon public property within the city's jurisdiction and may expend city funds in carrying out the provisions of this section, and shall otherwise be governed by the provisions of chapter 15.08 RCW relating to horticultural pests and diseases.

Sec. 35A.64.200 *Eminent Domain by Cities.* A code city may exercise all powers relating to eminent domain as authorized by chapters 8.12 and 8.28 RCW in accordance with the procedures therein prescribed and subject to any limitations therein provided.

Chapter 35A.65

PUBLICATION AND PRINTING

Publication  
and printing.

Sec. 35A.65.010 *Public Printing.* All printing, binding and stationery work done for any code city shall be done within the state and all proposals, requests and invitations to submit bids, prices or contracts thereon and all contracts for such work shall so stipulate subject to the limitations contained in RCW 43.78.130 and 35.23.352.

Sec. 35A.65.020 *Publication of Legal Notice.* The publication of a legal notice required by general law or by a code city ordinance shall be in a newspaper of general circulation within the city having the qualifications prescribed by chapter 65.16 RCW and shall be governed by the provisions thereof as the same relate to a city of any class.

Publication  
and printing.

### Chapter 35A.66

#### HEALTH AND SAFETY—ALCOHOL

Sec. 35A.66.010 *Alcoholism — Standards for Institutions.* In addition to regulating the use of alcoholic beverages, a code city may exercise the powers relating to prescribing standards for institutions for treating alcoholism as authorized by RCW 71.12.550.

Health and  
safety—  
Alcohol.

Sec. 35A.66.020 *Liquors, Local Option on Sale of: Enforcement of State Laws, Sharing Proceeds of Liquor Profits and Excise Tax.* The qualified electors of any code city may petition for an election upon the question of whether the sale of liquor shall be permitted within the boundaries of such city as provided by chapter 66.40 RCW, and shall be governed by the procedure therein, and may regulate music, dancing and entertainment as authorized by RCW 66.28.080: *Provided,* That every code city shall enforce state laws relating to the investigation and prosecution of all violations of Title 66 RCW relating to control of alcoholic beverages and shall be entitled to retain the fines collected therefrom as therein provided. Every code city shall also share in the allocation and distribution of liquor profits and excise as provided in RCW 82.08.170, 66.08.190, and 66.08.210, and make reports of seizure as required by RCW 66.32.090, and otherwise regulate by ordinances not in conflict with state law or liquor board regulations.

Optional  
Municipal  
Code.

Chapter 35A.67

RECREATION AND PARKS

Recreation and  
parks.

Sec. 35A.67.010 *Parks, Beaches and Camps.* In addition to exercising all powers relating to the acquisition of land, the improvement and operation thereof, or cooperation with other taxing districts in connection with park or recreation facilities, any code city may exercise the powers relating to acquisition and operation of recreational facilities, establishment and operation of public camps, and contracting with other taxing or governmental agencies for the acquisition or operation of public parks, camps and recreational facilities as authorized by chapter 67.20 RCW, in accordance with the procedures prescribed in and authorized by RCW 79.08.080 and 79.08.090 in the application for use of state-owned tide or shorelands for a municipal park or playground purposes.

Chapter 35A.68

CEMETERIES AND MORGUES

Cemeteries and  
morgues.

Sec. 35A.68.010 *Acquisition: Care and Investment of Funds.* A code city may exercise the powers to acquire, own, improve, manage, operate and regulate real and personal property for the operation of the city morgue, cemetery or other place for the burial of the dead, to create cemetery boards or commissions, to establish and manage funds for cemetery improvement and care and to make all necessary or desirable rules and regulations concerning the control and management of burial places and the investment of funds relating thereto and accounting therefor as is authorized by chapter 68.12 RCW, RCW 35.22.280, 35.23.440, 35.24.300 and 35.27.370(2) in accordance with the procedures and requirements prescribed by said laws and authority to be included within a cemetery

district as authorized and conformed to the requirements of Title 68 RCW.

Chapter 35A.69  
FOOD AND DRUG

Food and drug.

Sec. 35A.69.010 *General Laws Applicable.* Every code city shall have the powers, perform the functions and duties and enforce the regulations prescribed by general laws relating to food and drugs for any class of city as provided by Title 69 RCW; relating to inspection of foods, meat, dairies, and milk as provided by RCW 15.36.560, 16.49.030, 16.49.120, and 15.36.510; relating to water pollution control as provided by chapter 90.48 RCW; and relating to shellfish as provided by RCW 75.08.150.

Chapter 35A.70  
HEALTH AND SAFETY

Health and safety.

Sec. 35A.70.010 *Waters within City—City's Water Supply.* Every code city shall have authority to protect waters within the city or comprising part of the city's water supply pursuant to the authority provided therefor by RCW 9.66.050, 54.16.050, 56.08.010, 69.30.130, 57.08.010, 8.12.030, 70.54.010 and 70.54.030.

Sec. 35A.70.020 *Regulating Boarding Homes.* A code city may exercise the powers relating to enforcement of regulations for boarding homes as authorized by RCW 18.20.100, in accordance with the procedures therein prescribed and subject to any limitations therein provided.

Sec. 35A.70.030 *Boats and Vessels, Quarantine.* A code city may exercise the powers relating to quarantine of boats, vessels and passengers as authorized by chapter 70.16 RCW in accordance with the procedures therein prescribed and subject to any limitations therein provided.

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Municipal  
Code.

Sec. 35A.70.040 *Buildings, Construction Standards.* In addition to other provisions of the law granting authority and imposing duties, a code city may exercise the powers relating to providing standards for the construction of buildings as provided in chapter 70.86 RCW and shall report the issuance of building permits for new construction as required by RCW 36.21.040 through 36.21.060.

Health and  
safety.

Sec. 35A.70.050 *City Electrical Code—State Safety Regulations.* Every code city may adopt ordinances regulating or otherwise controlling the installation of electrical wiring, equipment, apparatus or appliances as authorized by RCW 19.28.360 and by other general law and shall obey, observe and comply with every order, approval, direction or requirement made by the director or the commission under authority of chapter 19.29 RCW.

Sec. 35A.70.060 *Elevators, Moving Walks.* All conveyances owned or operated by code cities as defined by the provisions of chapter 70.87 RCW, shall be subject to the provisions of that chapter to the extent specifically provided for therein.

Sec. 35A.70.070 *Mental Illness and Vital Statistics, General Laws Applicable.* 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 70.04 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 43.20.090; (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 health in mosquito control as authorized by RCW 70.22.060; and (16) inspect nursing homes as authorized by RCW 18.51.020.

Health and  
safety.

#### Chapter 35A.74

#### WELFARE

Welfare.

Sec. 35A.74.010 *General Law Applicable.* Code cities may exercise authority granted by general law and available to any class of city for the relief of the poor and destitute, including, but not limited to the provisions of RCW 74.04.390 through 74.04.470.

## Chapter 35A.79

## PROPERTY AND MATERIALS

Sec. 35A.79.010 *Powers to Acquire, Use and Manage.* A code city shall have all powers provided by general law to cities of any class relating to the receipt of donations of money and property, the acquisition, leasing and disposition of municipal property, both real and personal, including, but not limited to, the following: (1) Intergovernmental leasing, transfer or disposition of property as provided by chapter 39.33 RCW; (2) disposition of unclaimed property as provided by chapters 63.32 and 63.36 RCW; (3) authority to petition for inclusion in a commercial waterway district as provided by RCW 91.04.210; (4) disposition of local improvement district foreclosures as provided by chapter 35.53 RCW; (5) materials removed from public lands as provided by RCW 79.01.178; (6) purchase of federal surplus property as provided by chapter 39.32 RCW; and (7) land for recreation as provided by chapter 43.99 RCW. A code city in connection with the acquisition of property shall be subject to provisions relating to tax liens as provided by RCW 84.60.050 and 84.60.070. The general law relating to the damage or destruction of public property of a code city or interferences with the duties of a police or other officer shall relate to code city's properties and officers to the same extent as such laws apply to any class of city, its property or officers.

## Chapter 35A.80

## PUBLIC UTILITIES

Public utilities.

Sec. 35A.80.010 *General Laws Applicable.* A code city may provide utility service within and without its limits and exercise all powers to the extent authorized by general law for any class of city or town. The cost of such improvements may be

financed by procedures provided for financing local improvement districts in chapters 35.43 through 35.54 RCW and by revenue and refunding bonds as authorized by chapters 35.41, 35.67 and 35.89 RCW and Title 85 RCW. A code city may protect and operate utility services as authorized by chapters 35.88, 35.91, 35.92, and 35.94 RCW and may acquire and damage property in connection therewith as provided by chapter 8.12 RCW and shall be governed by the regulations of the pollution control commission as provided in RCW 90.48.110. Public utilities.

Sec. 35A.80.020 *Electric Energy.* Any code city is authorized to enter into contracts or compacts with any commission or any operating agency or publicly or privately owned utility for the purchase and sale of electric energy or falling waters as provided in RCW 43.52.410 and chapter 35.84 RCW and to exercise any other authority granted to cities as provided in chapter 43.52 RCW.

## Chapter 35A.81

### PUBLIC TRANSPORTATION

Public transportation.

Sec. 35A.81.010 *Application of General Law.* Motor vehicles owned and operated by any code city shall be exempt from the provisions of chapter 81.80 RCW, except where specifically otherwise provided. Urban passenger transportation systems shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used in such systems to the extent authorized by chapter 82.36 RCW. Notwithstanding any provision of the law to the contrary, every urban passenger transportation system as defined in RCW 82.40.047 shall be exempt from the provisions of chapter 82.40 RCW which requires the payment of use fuel taxes.

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Municipal  
Code.

## Chapter 35A.82

## TAXATION—EXCISES

Taxation—  
Excises.

Sec. 35A.82.010 *State Shared Excises.* A code city shall collect, receive and share in the distribution of state collected and distributed excise taxes to the same extent and manner as general laws relating thereto apply to any class of city or town including, but not limited to, funds distributed to cities pursuant to RCW 82.37.190 relating to motor vehicle fuel importer's tax, and RCW 82.36.020 relating to motor vehicle fuel tax, and RCW 82.40.290 relating to use fuel tax, and RCW 82.36.275 and 82.40.047.

Sec. 35A.82.020 *Licenses and Permits: Excises for Regulation.* A code city may exercise the authority authorized by general law for any class of city to license and revoke the same for cause, to regulate, make inspections and to impose excises for regulation or revenue in regard to all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades and professions and any other lawful activity: *Provided,* That no license or permit to engage in any such activity or place shall be granted to any who shall not first comply with the general laws of the state.

No such license shall be granted to continue for longer than a period of one year from the date thereof and no license or excise shall be required where the same shall have been preempted by the state, nor where exempted by the state, including, but not limited to, the provisions of RCW 36.71.090 and chapter 73.04 RCW relating to veterans.

## Chapter 35A.84

## TAXATION—PROPERTY

Taxation—  
Property.

Sec. 35A.84.010 *Procedure and Rules Relating to Ad Valorem Taxes.* The taxation of property in code

cities shall be governed by general provisions of the law including, but not limited to, the provisions of: (1) Chapter 84.09 RCW, relating to the time for establishment of official boundaries of taxing districts on the first day of March of each year; (2) chapter 84.12 RCW relating to the assessment and taxation of public utilities; (3) chapter 84.16 RCW, relating to the apportionment of taxation on private car companies; (4) chapter 84.20 RCW, relating to the taxation of easements of public utilities; (5) chapter 84.24 RCW, relating to the reassessment of property; (6) chapter 84.36 RCW, relating to property subject to taxation and exemption therefrom; (7) chapter 84.40 RCW relating to the listing of property for assessment; (8) chapter 84.41 RCW, relating to revaluation of property; (9) chapter 84.44 RCW, relating to the taxable situs of personalty; (10) chapter 84.48 RCW, relating to the equalization of assessments; (11) chapter 84.52 RCW, relating to the levy of taxes, both regular and excess; (12) chapter 84.56 RCW, relating to the collection of taxes; (13) chapter 84.60 RCW, relating to the lien of taxes and the priority thereof; (14) chapter 84.69 RCW, relating to refunds and claims therefor against the code city; and (15) RCW 41.16.060, relating to taxation for firemen's pension fund.

Taxation-  
Property.

Sec. 35A.84.020 *Assessment for and Collection of Ad Valorem Taxes.* For the purpose of assessment of all property in all code cities, other than code cities having a population of more than twenty thousand inhabitants, the county assessor of the county wherein such code city is situated shall be the ex officio assessor, and as to the code cities having a population of more than twenty thousand inhabitants such county assessor shall perform the duties as provided in RCW 36.21.020.

Sec. 35A.84.030 *Ex Officio Collector of Code City Taxes.* The treasurer of the county wherein a

Optional  
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Code.

code city is situated shall be the ex officio collector of such code city's taxes and give bond, and account for the city's funds as provided in chapter 36.29 RCW.

Chapter 35A.88

HARBORS AND NAVIGATION

Harbors and  
navigation.

Sec. 35A.88.010 *Discharge of Ballast.* A code city may exercise the powers relating to regulation of discharge of ballast in harbors within or in front of such city as authorized by RCW 88.28.060.

Sec. 35A.88.020 *Wharves and Landings.* A code city shall have and exercise all powers granted by general laws to cities and towns of any class relative to docks and other appurtenances to harbor and shipping, including but not limited to, the provisions of RCW 35.22.280, 35.23.440, 35.24.290, and 88.24.030.

Sec. 35A.88.030 *General Laws Applicable.* General laws relating to harbor areas within cities, including but not limited to, chapter 36.08 RCW relating to transfer of territory lying in two or more counties; RCW 79.16.180 relating to disposition of rental from leasehold in the harbor areas; RCW 79.01.504 reserving to cities the right to lease harbor improvements; and RCW 88.32.240 and 88.32.250 relating to joint planning by cities and counties shall apply to, benefit and obligate code cities to the same extent as such general laws apply to any class of city.

Chapter 35A.90

CONSTRUCTION

Construction.

Sec. 35A.90.010 *Becoming Code City—Rights, Actions Saved—Continuation of Ordinances.* Unless otherwise provided by this title, the election by a city or town to become a code city and to be governed by this title shall not affect any right or liability either in favor of or against such city or

town existing at the time, nor any civil or criminal proceeding involving or relating to such city or town; and all rights and property of every description which were vested in such city or town immediately prior to becoming a code city shall continue to be vested in such code city; and all charter provisions, ordinances, resolutions, rules, regulations, or orders lawfully in force in such city or town at the time of becoming a code city, and not inconsistent with or repugnant to this title, shall continue in force in such code city until amended or repealed as provided by law.

Sec. 35A.90.020 *Invalidity of Part of Title Not To Affect Remainder.* If any provision, section, or chapter of this title or its application to any person or circumstance is held invalid, the remainder of the provision, section, chapter, or title, or the application thereof to other persons or circumstances is not affected.

Sec. 35A.90.030 *Title, Chapter, Section Headings Not Part of Law.* Title headings, chapter headings, and section or subsection headings, as used in this title, do not constitute any part of the law.

Sec. 35A.90.040. The effective date of this act shall be July 1, 1969.

Passed the House April 21, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor May 3, 1967.

CHAPTER 120.

[Engrossed House Bill No. 67.]

MEAT INSPECTION—LIVESTOCK MARKETS—BRANDS.

AN ACT relating to meat inspection; amending sections 1, 21, and 43, chapter 204, Laws of 1959 and RCW 16.49.010, 16.49.210, and 16.49.430; amending section 3, chapter 107, Laws of 1959 as amended by section 2, chapter 182, Laws of 1961 and RCW 16.65.030; and adding a new section to chapter 204, Laws of 1959 and to chapter 16.49 RCW; and adding a new section to chapter 54, Laws of 1959 and chapter 16.57 RCW.

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

RCW 16.49.010 amended.

Section 1. Section 1, chapter 204, Laws of 1959 and RCW 16.49.010 are each amended to read as follows:

Meat inspection—Definitions.

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) "Consumer" shall mean ultimate consumer.

(5) "Retail meat dealer" shall mean a person who prepares for sale or sells and distributes meat and meat food products to the consumer.

(6) "Wholesale meat dealer" shall mean a person preparing for sale or selling or distributing meat or meat food products to a retail meat dealer or the consumer.

(7) "City" means a city of the first class with a population of over fifty thousand persons.

(8) "Veterinary inspector" hereinafter known as inspector, means a veterinarian authorized by the



department to conduct sanitary inspection and meat inspection.

(9) "Lay inspector" means a layman having training and knowledge of meat inspection, working under the direct supervision of a veterinarian.

(10) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, apparatus used in and about an establishment and vehicles used to transport meat.

(11) "Official establishment" hereinafter known as establishment, means any slaughtering, or meat food product manufacturing establishment at which inspection is maintained by the director or his agents.

(12) "Meat food animal" means cattle, sheep, swine, goats, horses, mules, burros or any other animal used for food by humans.

(13) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals.

(14) "Horsemeat" means the meat of or products derived from horses, mules or burros.

(15) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food.

(16) "Products" includes any part or all meat, meat by-products and meat food products.

(17) "Meat food product" shall mean any article of food which is processed by salting, drying, smoking or cooking and prepared in whole or in part of meats stamped by the United States government or by the state.

(18) "Meat by-product" means any edible part other than meat which has been derived from one or more meat food animals.

(19) "Washington inspected and passed" means that the meat so marked has been inspected and passed under this chapter and/or rules and regula-

Meat  
inspection—  
Definitions.

tions adopted hereunder, and that at the time it was inspected, passed and so marked the meat was found to be sound, healthful, and wholesome and fit for human food.

(20) "Washington retained" means that the meat so marked is held for further examination by a veterinary inspector to determine its disposal.

(21) "Washington inspected and condemned" means that the meat so marked is unsound, unhealthful, unwholesome or otherwise unfit for human food.

(22) "Washington suspect" means that the meat food animal so marked is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered and is subject to further examination by an inspector to determine its disposal.

(23) "Washington condemned" means that the animal so marked has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of the carcass.

(24) "Stamped" means the affixing by or under the supervision of an inspector of the United States department of agriculture or the director, on meat food animals, meat or meat food products, a tag, label, mark, stamp, or brand denoting that such meat food animals, meat or meat food products were inspected.

(25) "State inspected" means inspected by the state or agents of the state.

(26) "Meat food product establishment" means an establishment manufacturing meat food products from meat, stamped inspected and passed by the state, or the United States department of agriculture: *Provided*, That it does not include a retail meat dealer preparing or manufacturing meat food

products at his place of business for sale only at such place of business, to a consumer.

Sec. 2. Section 21, chapter 204, Laws of 1959 and RCW 16.49.210 are each amended to read as follows:

It shall be unlawful for any person to purchase meat for public consumption or resale unless such meat bears the stamp "Inspected and Passed", of the United States department of agriculture or bears the stamp "Inspected and Passed", of the state. No meat shall be sold, held for sale, traded or bartered unless the meat food animal from which it is derived is slaughtered or prepared in an establishment inspected by the United States department of agriculture or the state or its agents.

RCW 16.49.210 amended.

Meat inspection—Required—Stamps.

Sec. 3. Section 43, chapter 204, Laws of 1959 and RCW 16.49.430 are each amended to read as follows:

"Custom farm slaughterer" means any person licensed pursuant to the provisions of this chapter and who may under such license engage in the business of slaughtering meat food animals for the owner or owners thereof.

RCW 16.49.430 amended.

"Custom farm slaughterer" defined.

Sec. 4. There is added to chapter 204, Laws of 1959 and to chapter 16.49 RCW a new section to read as follows:

Notwithstanding any other provisions of the law, any custom farm slaughterer may, without the need for any other license, transport the offal of a meat food animal he has slaughtered for the owner thereof, when such offal is transported as a part of such slaughtering transaction and such offal is handled in a sanitary, suitable container and manner as provided by the director.

New section.

Custom farm slaughterer—Transport of offal—Exemption.

Sec. 5. Section 3, chapter 107, Laws of 1959 as amended by section 2, chapter 182, Laws of 1961 and RCW 16.65.030 are each amended to read as follows:

On and after the effective date of this chapter no person shall operate a public livestock market with-

RCW 16.65.030 amended.

Public livestock markets.

Public live-  
stock  
markets—  
Market license  
required—  
Application,  
contents—Fee.

out first having obtained a license from the director. Application for such license or renewal thereof shall be in writing on forms prescribed by the director, and shall include the following:

(1) A legal description of the property upon which the public livestock market shall be located.

(2) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens and all facilities the applicant proposes to use in the operation of such public livestock market.

(3) A detailed statement showing all the assets and liabilities of the applicant.

(4) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.

(5) The weekly or monthly sales day or days on which the applicant proposes to operate his public livestock market sales.

(6) Projected source and quantity of livestock, by county, anticipated to be handled.

(7) Projected income and expense statements for the first year's operation.

(8) Facts upon which are based the conclusion that the trade area and the livestock industry will benefit because of the proposed market.

(9) Such other information as the director may reasonably require.

In determining whether or not an original application for a license shall be granted or denied the director shall give reasonable consideration to:

(1) Benefits to the livestock industry to be derived from the establishment and operation of the public livestock market proposed in the application.

(2) The present market services elsewhere available to the trade area proposed to be served.

Such application shall be accompanied by a license fee of one hundred dollars. Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by a license fee of one hundred dollars. Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued.

Sec. 6. Section 29, chapter 54, Laws of 1959 and RCW 16.57.290 are each amended to read as follows:

All unbranded cattle 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 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.

RCW 16.57.290  
amended.

Identification  
of livestock—  
Estrays.

**Note:** See also section 36, chapter 240, Laws of 1967.

Passed the House April 21, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor May 3, 1967.

CHAPTER 121.

[Reengrossed Substitute House Bill No. 99.]

FOOD PROCESSING—LICENSING—INSPECTION—  
PENALTY.

AN ACT relating to food; and providing penalties.

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

Food process-  
ing—Licensing  
—Inspection—  
Penalty—  
Definitions.

Section 1. For the purposes of this act:

- (1) "Department" means the department of agriculture of the state of Washington;
- (2) "Director" means the director of the department;
- (3) "Food" means any substance used for food or drink by man and any ingredient used for components of any such substance regardless of the quantity of such component;
- (4) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media;
- (5) "Food processing" means the handling or processing of any food in any manner in preparation for sale for human consumption: *Provided*, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state;
- (6) "Food processing plant" includes but is not limited to any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer: *Provided*, That retail outlets, as set forth herein, processing foods in any manner for resale shall be considered a food processing plant as to such processing;

(7) "Food service establishment" shall mean any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, retail grocery, retail food market, retail meat market, retail bakery, private, public, or nonprofit organization routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

Food processing—  
Licensing—  
Inspection—  
Penalty—  
Definitions.

For the purpose of this act any custom cannery or processing plant where raw food products, food, or food products are processed for the owner thereof, or the food processing facilities are made available to the owners or persons in control of raw food products or food or food products for processing in any manner, shall be considered to be food processing plants.

Sec. 2. (1) The department shall enforce and carry out the provisions of this act, and may adopt the necessary rules to carry out its purposes.

Food processing—  
Rules and  
regulations.

(2) Such rules may include but are not limited to:

(a) Standards of sanitation in the handling, storing, or holding of raw food products prior to processing in a food processing plant.

(b) Standards of sanitation in and throughout a food processing plant and its appurtenances, including the facilities used for the personal comfort and convenience of employees and their location in a food processing plant.

(c) Standards of sanitation for any contrivance or equipment used in (i) the handling of either raw food products or processed food products being

Food process-  
ing—Rules and  
regulations.

transported or moved into a food processing plant, (ii) the handling and processing of said raw food products or processed food products within the food processing plant, and (iii) the preparation for and shipment of processed foods and their by-products from the food processing plant.

(d) Standards for the materials used in the construction of those areas where foods are actually processed in a food processing plant.

(e) Standards for the types of materials used in equipment used to handle and process foods in a food processing plant.

(f) Standards for temperature controls in the storage of foods, so as to provide proper refrigeration.

(g) Standards for temperatures at which low acid foods must be processed and the length of time such temperatures must be applied and at what pressure in the processing of such low acid foods.

(h) Standards and types of recording devices that must be used in providing records of the processing of low acid foods, and how they shall be made available to the department of agriculture for inspection.

(i) Requirements for the keeping of records of the temperatures, times and pressures at which foods were processed, or for the temperatures at which refrigerated products were stored by the licensee and the furnishing of such records to the department.

Food, Drug  
and Cosmetic  
Act, applica-  
tion.

Sec. 3. All the provisions of the Uniform Washington Food, Drug, and Cosmetic Act (chapter 69.04 RCW) relating to food and not in conflict with this act are hereby incorporated and made a part of this act.

License.

Sec. 4. It shall be unlawful for any person to operate a food processing plant or process foods



without first having obtained an annual license from the department, which shall expire on the 31st day of March following issuance. A separate license shall be required for each food processing plant. Application for a license shall be on a form prescribed by the director and accompanied by a ten dollar annual license fee. Such application shall include the full name of the applicant for the license and the location of the food processing plant he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director. Upon the approval of the application by the director and compliance with the provisions of this act, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof. The provisions of this section shall not apply to food processing plants or food processors subject to and being inspected by the federal Department of Health, Education and Welfare.

License  
required—  
Application—  
Contents—  
Exemptions.

Sec. 5. If the application for renewal of any license provided for under this act is not filed prior to April 1st in any year, an additional fee of five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such additional fee shall not be charged if the applicant furnishes an affidavit certifying that he has not op-

Late filing for  
renewal—  
Penalty.

Food processing—Regulations.

erated a food processing plant or processed foods subsequent to the expiration of his license.

Denial, suspension or revocation of license—Grounds.

Sec. 6. The director may, subsequent to a hearing thereon, deny, suspend or revoke any license provided for in this act if he determines that an applicant has committed any of the following acts:

(1) Refused, neglected or failed to comply with the provisions of this act, the rules and regulations adopted hereunder, or any lawful order of the director.

(2) Refused, neglected or failed to keep and maintain records required by this act, or to make such records available when requested pursuant to the provisions of this act.

(3) Refused the department access to any portion or area of the food processing plant for the purpose of carrying out the provisions of this act.

(4) Refused the department access to any records required to be kept under the provisions of this act.

Rules and regulations—Hearing—Procedure.

Sec. 7. The adoption of any rules and regulations under the provisions of this act, or the holding of a hearing in regard to a license issued or which may be issued under the provisions of this act shall be subject to the applicable provisions of chapter 34.04 RCW, the Administrative Procedure Act, as enacted or hereafter amended.

Inspections—Right of access.

Sec. 8. The department shall have access for inspection purposes to any part, portion or area of a food processing plant, and any records required to be kept under the provisions of this act or rules and regulations adopted hereunder. Such inspection shall, when possible, be made during regular business hours or during any working shift of said food processing plant. The department may, however, inspect such food processing plant at any time when it has received information that an emergency affect-

ing the public health has arisen and such food processing plant is or may be involved in the matters causing such emergency: *Provided, however,* That the inspections authorized by this act do not apply to a food processing plant that is subject to and is being inspected by a federal agency.

Sec. 9. Any food processing plant in actual operation at the time of the effective date of this act or any seasonal food processing plant which has operated during any portion of the twelve months immediately preceding the effective date of this act, shall be granted a license, upon application and payment of the proper license fee, subject to meeting those immediate and absolute minimum requirements in this act or rules or regulations promulgated thereunder for the protection of the public health. The department may, however, grant such food processing plant such additional time as may be reasonably necessary, to allow for major renovations, improvements, or additions to said food processing plant, as required to meet the provisions of this act or rules and regulations adopted hereunder: *Provided,* That such extension of time shall not apply to the mandatory use of indicating and recording thermometers on retorts or other facilities or equipment used to process food under temperature changes.

Licenses for plants already operating.

Sec. 10. The provisions of this act shall not apply to establishments issued a permit or licensed under the provisions of:

Food processing plants—Exemptions.

- (1) Chapter 15.32 RCW, the Dairies and dairy products act;
- (2) Chapter 69.12 RCW, the Bakeries and bakery products act;
- (3) Chapter 69.16 RCW, the Macaroni and macaroni products act;
- (4) Chapter 69.20 RCW, the Confections act;
- (5) Chapter 69.24 RCW, the Egg and egg products act;

Food process-  
ing plants—  
Exemptions.

(6) Chapter 69.28 RCW, the Washington state honey act;

(7) Chapter 16.49 RCW, the Meat inspection act;

(8) Title 66 RCW, relating to alcoholic beverage control; and

(9) Chapter 69.30 RCW, the Sanitary control of shellfish act: *Provided*, That if any such establishments process foods not specifically provided for in the above entitled acts, such establishments shall be subject to the provisions of this act.

The provisions of this act shall not apply to restaurants or food service establishments.

Enforcement  
—Civil  
remedies.

Sec. 11. The department may use all the civil remedies provided for in chapter 69.04 RCW (The Uniform Washington Food, Drug, and Cosmetics Act) in carrying out and enforcing the provisions of this act.

Moneys—  
Disposition.

Sec. 12. All moneys received by the department under the provisions of this act shall be paid into the state treasury.

Effect on ex-  
isting liability.

Sec. 13. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the date this act becomes effective.

Warnings.

Sec. 14. Nothing in this act shall be construed as requiring the department to report for prosecution violations of this act when it believes that the public interest will best be served by a suitable notice of warning in writing.

Penalty.

Sec. 15. Any person violating any provision of this act or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent violation: *Provided*, That any offense committed more than five years after a previous conviction shall be considered a first offense.

Sec. 16. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy. Construction.

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. Severability.

Sec. 18. This act shall be known and designated as the Washington food processing act. Short title

Sec. 19. The term "this act" shall mean sections 1 through 18.

Passed the House April 21, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor May 3, 1967.

## CHAPTER 122.

[House Bill No. 150.]

### CORRECTIONAL INSTITUTION FOR WOMEN.

AN ACT relating to the department of institutions; providing for the establishment, operation and administration of an institution to be known as the Washington correctional institution for women; authorizing intergovernmental contracts; providing for reimbursement of certain expenses; amending section 72.68.080, chapter 28, Laws of 1959 and RCW 72.68.080; amending section 72.68.100, chapter 28, Laws of 1959 and RCW 72.68.100; and adding new sections to chapter 28, Laws of 1959 and to Title 72 and chapter 72.68 RCW.

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

Section 1. There is added to chapter 28, Laws of 1959 and to Title 72 RCW a new section to read as follows: New section.

There is hereby established under the supervision and control of the director of the department of

Correctional  
institution for  
women—  
Creation.

institutions, a correctional institution for the confinement, rehabilitation and reformation of female persons convicted of a felony and sentenced and committed to such institution for a term of confinement by the superior courts. Such institution shall be known as the Washington correctional institution for women.

Director of  
institutions—  
Designation of  
site—Discre-  
tion.

Sec. 2. The director of institutions is authorized and directed to designate and select suitable lands as a site for the Washington correctional institution for women, which may be acquired either by gift, purchase or condemnation. Prior to any contract for the purchase of real property, or acquiring such real property by condemnation, the director shall give preference to any and all offers to donate real property by any person or persons, federal agencies, or any political subdivision of the state. The director may accept or reject any and all offers for the donation of real property when, in his discretion, such land is deemed not suitable for the purposes and objects of such institution.

Call for bids  
for construc-  
tion—Contract  
for construc-  
tion.

Sec. 3. When title to the land selected by the director for the Washington correctional institution for women, has vested in the state, the director shall, upon the completion of architectural plans and specifications for such institution, publish a call for bids for the construction of such institution as provided by law and enter into a contract for the construction of such institution.

New section.

Sec. 4. There is added to chapter 28, Laws of 1959 and to Title 72 RCW, a new section to read as follows:

Superin-  
tendent—  
Appointment—  
Qualifications.

The superintendent of the Washington correctional institution for women shall be appointed by the director, and shall have such administrative and correctional experience and possess such qualifications as shall be determined by the state personnel

board, subject to advice and approval of the director.

Sec. 5. There is added to chapter 28, Laws of 1959 and to Title 72 RCW, a new section to read as follows: New section.

The superintendent, subject to the approval of the director, shall appoint such associate superintendents as shall be deemed necessary, who shall have such qualifications as shall be determined by the state personnel board subject to the advice and approval of the director. In the event the superintendent shall be absent from the institution, or during periods of illness or other situations incapacitating the superintendent from properly performing his duties, one of the associate superintendents of such institution as may be designated by the director shall act as superintendent during such period of absence, illness or incapacity. Associate superintendents.

Sec. 6. There is added to chapter 28, Laws of 1959 and to Title 72 RCW, a new section to read as follows: New section.

The superintendent shall have the following powers and duties: Superintendent—Powers and duties.

(1) Subject to the rules and regulations of the department, the superintendent shall be responsible for the supervision and management of the institution, the grounds and buildings, the subordinate officers and employees, and the prisoners committed, admitted or transferred to such institution and the custody of such persons until released or transferred as provided by law.

(2) Subject to the rules and regulations of the department and the state personnel board, to appoint all subordinate officers and employees.

(3) The superintendent shall be the custodian of all funds and valuable personal property of a convicted person as may be in her possession upon admission to the institution, or which shall be sent or

Correctional institution for women—Superintendent—Powers and duties.

brought to such person, or earned by her while in custody, or which shall be forwarded to the superintendent on behalf of a convicted person. All such funds shall be deposited in the personal account of the convicted person and the superintendent shall have authority to disburse moneys from such person's personal account for the personal and incidental needs of the convicted person as may be deemed reasonably necessary. When a convicted person is released from the confines of the institution either on parole, transfer, or discharge, all funds and valuable personal property in the possession of the superintendent belonging to such convicted person shall be delivered to her.

New section.

Sec. 7. There is added to chapter 28, Laws of 1959 and to Title 72 RCW, a new section to read as follows:

Vocational and educational programs.

The superintendent, subject to the approval of the director and the institutional industries commission, shall be authorized to establish such industrial, vocational and agricultural programs as would be most beneficial to the inmates of such institution.

New section.

Sec. 8. There is added to chapter 28, Laws of 1959 and to Title 72 RCW, a new section to read as follows:

Confinement of female felons.

All female persons convicted in the superior courts of a felony and sentenced to a term of confinement, shall be committed to the Washington correctional institution for women. Female persons sentenced to death shall be committed to the Washington correctional institution for women, notwithstanding the provisions of RCW 10.70.060, except that the death warrant shall provide for the execution of such death sentence at the Washington state penitentiary as provided by RCW 10.70.050, and the director of institutions shall transfer to the Washington state penitentiary any female offender sen-



tenced to death not later than seventy-two hours prior to the date fixed in the death warrant for the execution of the death sentence. The provisions of this section shall not become effective until the director of institutions certifies to the chief justice of the supreme court, the superior courts and the prosecuting attorney of each county that the facilities and personnel for the implementation of commitments are ready to receive persons committed to the Washington correctional institution for women under the provisions of this section.

Sec. 9. There is added to chapter 28, Laws of 1959 and to Title 72 RCW, a new section to read as follows:

New section.

The supervisor of the division of adult corrections and the superintendent, subject to the approval of the director, shall make, amend, and repeal rules and regulations for the administration, supervision, discipline, and security of the Washington correctional institution for women.

Rules and regulations.

Sec. 10. Section 72.68.080, chapter 28, Laws of 1959 and RCW 72.68.080 are each amended to read as follows:

RCW 72.68.080 amended.

All persons sentenced to prison by the authority of the United States or of any state or territory of the United States may be received by the department and imprisoned in the Washington state penitentiary or Washington state reformatory or the Washington correctional institution for women in accordance with the sentence of the court by which they were tried. The prisoners so confined shall be subject in all respects to discipline and treatment as though committed under the laws of this state.

Confinement of prisoners from other jurisdictions.

Sec. 11. Section 72.68.100, chapter 28, Laws of 1959 and RCW 72.68.100 are each amended to read as follows:

RCW 72.68.100 amended.

Confinement  
of federal  
prisoners—  
Contracts.

The director shall not enter into any contract for the care or commitment of any prisoner of the federal government or any other state unless there is vacant space and unused facilities in the Washington state penitentiary or reformatory or the Washington correctional institution for women.

New section.

Sec. 12. There is added to chapter 28, Laws of 1959 and to chapter 72.68 RCW, a new section to read as follows:

Western Inter-  
state Correc-  
tions Com-  
pact—Females.

The director is hereby authorized to contract for the care, confinement and rehabilitation of female prisoners of other states or territories of the United States, as more specifically provided in the Western Interstate Corrections Compact, as contained in chapter 72.70 RCW as now or hereafter amended.

New section.

Sec. 13. There is added to chapter 28, Laws of 1959, and to Title 72 RCW, a new section to read as follows:

Correctional  
institution for  
women—Site  
selection  
commission.

There is hereby established a site selection commission which is authorized and directed to designate a suitable site and/or facility for the location of the state correctional institution for women. The members of the site selection commission shall be composed of the director of institutions, director of central budget agency who shall serve in advisory capacity, and six additional members, three of which shall be appointed by the president of the senate from the senate membership and three by the speaker of the house from the membership of the house of representatives, not more than two members from either the senate or the house of representatives to be of the same political party. The members of the commission, as soon as may be convenient after their appointment, shall elect one of their number to serve as chairman. The site selection commission shall make a report of its designation of such site in writing and file such report on or

before September 1, 1967, with the secretary of the senate, the clerk of the house of representatives and the director of institutions.

As reimbursement for their expenses incurred while serving as members of the site selection commission, the legislative members thereof shall be entitled to the allowances provided in RCW 44.04.120, to be vouchered by them and paid from whichever of the department of institution's appropriations as the director of institutions shall deem most appropriate.

Passed the House April 29, 1967.

Passed the Senate April 29, 1967.

Approved by the Governor May 3, 1967.

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## CHAPTER 123.

[Engrossed Substitute House Bill No. 713.]

### HIGHWAYS—APPROPRIATIONS.

AN ACT relating to highways; and making appropriations for the operations and capital improvements of the state highway commission, the urban arterial board and the Washington toll bridge authority; making appropriations to the state treasurer for transfers to bond retirement funds; and declaring an emergency.

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

Section 1. The budget of the Washington state highway commission is hereby adopted and subject to the provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated from the motor vehicle fund to the state highway commission and are authorized to be disbursed for salaries, wages and other state highway commission expenses, for capital projects and for other specified purposes for the

Highway construction and operation—Appropriation.

Highway construction and operation—Appropriation.

biennium ending June 30, 1969: *Provided*, That none of this appropriation or other funds shall be allotted or used for general salaried increases based upon salary survey studies at any time prior to or in any increment percentage greater than that granted during the biennium to employees of departments or agencies as fixed by the budget director.

PROGRAM NO. 1,  
ADMINISTRATION AND PLANT OPERATIONS  
For the operations of the Washington state highway commission, department of highways, including the programs for the executive, general and engineering administration, and plant operations and maintenance ..... \$ 28,049,000

PROGRAM NO. 2,  
NONHIGHWAY REIMBURSABLE SERVICES  
For nonhighway reimbursable services to cities, counties and other governmental agencies ..... \$ 1,530,000

PROGRAM NO. 3,  
PLANNING, SURVEY AND RESEARCH  
For planning and surveys by the Washington state highway commission and for research and studies approved by the Washington state highway commission and the joint committee on highways..... \$ 6,908,000

PROGRAM NO. 4,  
PHYSICAL MAINTENANCE AND OPERATIONS  
For the maintenance and operation of state highways ..... \$ 34,169,000

PROGRAM NO. 5, STORES AND INVENTORIES  
For stores and inventories including pit and stockpile sites..... \$ 1,535,000

## PROGRAM NO. 6, TOLL FACILITIES

- |   |            |
|---|------------|
| (1) For operations and administration of toll facilities and for supervision of engineering studies on proposed new facilities.....   | \$ 361,709 |
| (2) For reimbursable services performed for the Washington toll bridge authority to carry out the provisions of RCW 47.60.180.....  | \$ 100,000 |
| (3) For the payment of principal and interest on Vernita toll bridge revenue bonds as the same shall come due but only to the extent that net revenues from said bridge are insufficient therefor ..... | \$ 200,000 |

Any expenditures from the appropriation for payment of principal and interest on the Vernita toll bridge revenue bonds are to be considered loans and are to be repaid to the motor vehicle fund from revenues, and tolls shall be continued for any additional length of time necessary for this purpose.

## PROGRAM NO. 7,

## STATE HIGHWAY CONSTRUCTION

For location, design, right of way and construction of state highways in accordance with priority programs and for expenditures on and adjacent to the state highway system to be reimbursed under project agreements executed under federal aid highway acts, and for emergencies arising from unforeseen damage to highways, structures and ferries, and for obligations incurred but not paid on July 1, 1967..... \$370,215,000

Highway construction and operation—Appropriation.

PROGRAM NO. 7A, STATE HIGHWAY CONSTRUCTION—URBAN AREAS

- (1) For location, design, right of way and construction of state highways in urban areas in accordance with sections 9 through 13 of chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session..... \$ 17,000,000
- (2) For location, design, right of way and construction of state highways in urban areas and to pay the expenses incurred in the printing, issuance and sale of bonds in accordance with sections 9 through 13 and 39 of chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session. This is a specific appropriation of the proceeds of bonds authorized by sections 36 through 43, chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session ..... \$ 42,000,000

PROGRAM NO. 8, CONSTRUCTION, NONSTATE HIGHWAYS

- (1) For the biennium ending June 30, 1969 and for obligations incurred but not yet paid for construction of city streets, county roads and other nonstate highways with special state interest including the approach roads to Western Washington State College, Central Washington State College, and Eastern Washington State College as authorized in sections 15 through 24, chapter 170, Laws of 1965, extraordinary session, to include \$50,000 for the approach road to Eastern

- Washington State College in addition to the sum authorized therefor in section 23, chapter 170, Laws of 1965, extraordinary session. . . . . \$ 38,747,000
- (2) For the biennium ending June 30, 1969 and for obligations incurred and not yet paid for construction of county roads in Adams, Franklin and Grant counties, not in excess of the unexpended balance of the 1965-1967 appropriation for this purpose contained in chapter 121, Laws of 1965. . . . . \$ 1,500,000

PROGRAM NO. 9, CAPITAL IMPROVEMENTS

For the biennium ending June 30, 1969 and for obligations incurred and not yet paid for highway office and maintenance buildings, equipment sheds and ferry and toll facilities, including docks, terminals and ferries . . . . . \$ 15,799,000

Of this appropriation, the following specified amounts shall be expended for the designated purposes:

- (1) Completion of the ferries authorized by chapter 56, Laws of 1965, extraordinary session, additional appropriation . . . . . \$ 1,500,000
- (2) Completion of the ferries authorized by chapter 56, Laws of 1965, extraordinary session, not in excess of the unexpended balance of the 1965-1967 appropriation for this purpose . . . . . \$ 1,832,000
- (3) Completion of Friday Harbor ferry terminal authorized by section 6, chapter 144, Laws of 1965,

Highway construction and operation—Appropriation.

extraordinary session, not in excess of the unexpended balance of the 1965-1967 appropriation for this purpose ..... \$ 210,000

(4) Completion of the new ferry for Point Defiance-Tahlequah as authorized by section 6, chapter 144, Laws of 1965, extraordinary session, not in excess of the unexpended balance of the 1965-1967 appropriation for this purpose.... \$ 350,000

(5) Construct Columbia Beach ferry terminal ..... \$ 550,000

PROGRAM NO. 10,

FEDERAL EMERGENCY RELIEF

For federal emergency relief..... \$ 1,500,000

Hood canal toll bridge—Appropriation.

Sec. 2. There is hereby appropriated from the Puget Sound Reserve Account in the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1969, the sum of two million seven hundred thousand dollars to carry out the provisions of section 3, chapter 9, Laws of 1961, extraordinary session and RCW 47.60.420.

Washington toll bridge authority—Revolving fund—Appropriation.

Sec. 3. There is hereby appropriated from the authority revolving fund to the Washington toll bridge authority for the biennium ending June 30, 1969, the sum of one hundred thousand dollars to carry out the provisions of RCW 47.60.180.

Spokane River toll bridge revenue bonds—Interest payment—Appropriation.

Sec. 4. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1969, the sum of two hundred thousand dollars to pay interest on the Spokane River toll bridge revenue bonds.

The authority shall transfer such amounts of the appropriation as may be necessary from time to time to the Spokane River toll bridge revenue bond



fund established by the authority to pay interest on the Spokane River toll bridge revenue bonds as the same shall come due but only to the extent that net revenues from said bridge are insufficient therefor.

Any expenditure from this appropriation is to be considered as a loan and is to be repaid to the motor vehicle fund from revenues, and tolls shall be continued for any additional length of time necessary for this purpose.

Sec. 5. There is hereby appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1969, the sum of seventeen million two hundred thousand dollars to carry out the provisions of sections 14 through 35 of chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session.

Urban  
arterial con-  
struction—  
Appropriation.

Sec. 6. There is hereby appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1969, the sum of thirty-four million three hundred thousand dollars to carry out the provisions of sections 14 through 35 and 48 of chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session. This is a specific appropriation of the proceeds of bonds authorized by sections 45 through 52, chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session.

Urban arterial  
bonds—  
Proceeds—  
Appropriation.

Sec. 7. There is hereby appropriated from the motor vehicle fund to the state treasurer for the biennium ending June 30, 1969, the sum of one million four hundred thousand dollars for transfer to the highway bond retirement fund for payment of interest on bonds as authorized by sections 36 through 43 of chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session.

Highway bond  
retirement  
fund—Trans-  
fer of sums to  
—Appropriation.

Urban arterial trust account —Transfer of sums—Appropriation.

Sec. 8. There is hereby appropriated from urban arterial trust account in the motor vehicle fund to the state treasurer for the biennium ending June 30, 1969, the sum of one million two hundred thousand dollars for transfer to the bond retirement fund for payment of interest on bonds as authorized by sections 45 through 52, chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session.

Emergency.

Sec. 9. 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, 1967.

Passed the Senate April 27, 1967.

Approved by the Governor May 3, 1967.

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CHAPTER 124.

[House Bill No. 965.]

STATUTE LAW COMMITTEE.

AN ACT relating to the statute law committee; amending section 1, chapter 157, Laws of 1951 as last amended by section 1, chapter 95, Laws of 1959, and RCW 1.08.001; and declaring an emergency.

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

RCW 1.08.001 amended.

Section 1. Section 1, chapter 157, Laws of 1951 as last amended by section 1, chapter 95, Laws of 1959 and RCW 1.08.001 are each amended to read as follows:

Statute Law Committee—Membership.

There is created a permanent statute law committee consisting of twelve lawyer members as follows: A lawyer member of the legislature, ex officio, designated by the speaker of the house of representatives with the concurrence of the president of the senate; the chairman of the senate judiciary com-

mittee, ex officio, or a member thereof who belongs to the same political party as the chairman, and one other member thereof who belongs to the other major political party, to be appointed by the chairman; the chairman of the house judiciary committee, ex officio, or a member thereof who belongs to the same political party as the chairman, and one other member thereof who belongs to the other major political party, to be appointed by the chairman; five lawyers admitted to practice in this state, designated by the board of governors of the Washington State Bar Association; a judge of the supreme court or a lawyer who has been admitted to practice in this state, recommended by the chief justice of the supreme court; and a lawyer member at large appointed by the governor. All such designations or appointments, shall except as provided in RCW 1.08.003, be made as above provided prior to April 1, 1959.

Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House April 28, 1967.

Passed the Senate April 28, 1967.

Approved by the Governor May 3, 1967.

CHAPTER 125.

[Engrossed House Bill No. 202.]

STATE ARTS COMMISSION.

AN ACT relating to the Washington state arts commission; amending section 43.46.020, chapter 8, Laws of 1965 and RCW 43.46.020; amending section 43.46.030, chapter 8, Laws of 1965 and RCW 43.46.030; and adding new sections to chapter 8, Laws of 1965 and to chapter 43.46 RCW.

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

New section

Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.46 RCW a new section to read as follows:

State arts commission. Development of arts and humanities.

The commission may develop, promote and administer any activity, project, or program within or without this state which is related to the growth and development of the arts and humanities in the state of Washington and may cooperate with any person or public or private agency to this end.

New section.

Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.46 RCW a new section to read as follows:

Executive secretary—Other employees.

The commission may select and employ a full time executive secretary, who shall receive no other salary and shall not be otherwise gainfully employed. Subject to the provisions of chapter 41.06 RCW, the commission may also employ such clerical and other assistants as may be reasonably required to carry out its functions and shall fix their compensation.

RCW 43.46.020 amended.

Sec. 3. Section 43.46.020, chapter 8, Laws of 1965 and RCW 43.46.020 are each amended to read as follows:

State arts commission—Membership.

There is hereby established a Washington state arts commission. The commission shall be composed of twenty-one members appointed by the governor. Two members shall be members of the legislature, one to be appointed from the senate and one to be

appointed from the house of representatives. The legislative members so appointed shall be from opposite major political parties. The remaining members shall be appointed representing the various categories of the arts including architecture, painting, sculpture, music, landscape architecture, crafts, literature, graphic arts, theatre arts and dance. The governor shall consider nominations for membership from architectural, art, music, literary and other cultural organizations. Members shall be selected where practicable from the various geographical areas of the state.

Sec. 4. Section 43.46.030, chapter 8, Laws of 1965 and RCW 43.46.030 are each amended to read as follows:

RCW 43.46.030  
amended.

Initial appointments shall be seven members for one year terms, seven members for two year terms and seven members for three year terms. The office of a legislative member shall become vacant whenever he ceases to be a member of the senate or house of representatives from which he was appointed. Subsequent appointments shall be for three year terms except appointments for vacancies which shall be for unexpired terms.

Members—  
Appointments.

Passed the House April 27, 1967.

Passed the Senate April 27, 1967.

Approved by the Governor May 3, 1967.

CHAPTER 126.

[House Bill No. 686.]

OUTDOOR RECREATIONAL AREAS AND FACILITIES—  
ACQUISITION—BOND ISSUE.

AN ACT relating to state government; authorizing the issuance and sale of state general obligation bonds to finance acquisition and development of outdoor recreational areas and facilities; specifying methods for the payment of such bonds; prescribing the manner in which the proceeds thereof shall be used; providing for submission of this act to a vote of the people; and adding a new chapter to Title 43 RCW, contingent upon their adoption and ratification thereof.

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

Outdoor recreational areas and facilities—  
Purpose.

Section 1. The state of Washington possesses unsurpassed natural wealth in the form of mountains, forests, and waters, ideal not only for recreation, but for supplying the special kind of spiritual regeneration that only close association with the outdoors can provide. As the state grows in population, this wilderness is increasingly threatened; prompt action is necessary to preserve it before much of it permanently disappears. Further, the physical expansion of our cities and towns has made it imperative that outdoor breathing space be set aside and permanently reserved for the people who live in them. Such breathing space may take the form of "green belts" especially planned to relieve the monotony of miles of uninterrupted urban or suburban development, or it may take the form of traditional parks. In any case, it must be acquired as soon as possible, while land is still available; and where appropriate, this land must be developed in order to meet the recreational needs of growing numbers of potential users.

General obligation bonds.

Sec. 2. For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state

finance committee is authorized to issue, at any time prior to January 1, 1975, general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the projects described in sections 7 and 8 of this act. These bonds shall be paid and discharged within twenty years of the date of issuance.

Sec. 3. The state finance committee is authorized to prescribe the form of the bonds, the time of sale of all or any portion of them, and the conditions of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value, nor shall they bear interest at a rate in excess of six percent per annum.

Bonds—Form  
and terms.

Sec. 4. The bonds shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to their due date under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

Pledge of  
credit of state  
—Payment  
before due  
date.

Sec. 5. The proceeds from the sale of bonds authorized by this act shall be deposited in the outdoor recreation account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the act and for payment of the expense incurred in the issuance and sale of the bonds.

Proceeds of  
bond sales—  
Use.

Sec. 6. The outdoor recreational bond redemption fund of 1967 is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state

Outdoor recre-  
ational bond  
redemption  
fund.

Outdoor recre-  
ational bond  
redemption  
fund.

treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements. The state treasurer shall thereupon deposit such amount in the outdoor recreational bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

Proceeds—  
Disposition—  
Allocation.

Sec. 7. The proceeds from the sale of bonds deposited in the outdoor recreation account of the general fund under the terms of section 5 of this act shall be administered by the interagency committee for outdoor recreation. All such proceeds shall be divided into two equal shares. One share shall be allocated for the acquisition and development of outdoor recreation areas and facilities on behalf of the state as the legislature may direct by appropriation. The other share shall be allocated to public bodies as defined in RCW 43.99.020 for the acquisition and development of outdoor recreational areas and facilities within the jurisdiction of such public bodies. The interagency committee for outdoor recreation is authorized to use or permit the use of any funds derived from the sale of bonds authorized under this act as matching funds in any case where federal or other funds are made available on a matching basis for projects within the purposes of this act.



Sec. 8. As used in this act, the phrase "acquisition and development of outdoor recreational areas and facilities" shall be liberally construed in accordance with the broad interpretation suggested by section 1 of this act. It shall include, but shall not be limited to, acquisition of fee simple or any lesser interests in land, and the development of outdoor areas and facilities for either a single recreational use or multiple recreational uses. The preservation of land or water areas in an unspoiled or undeveloped state shall be among the alternatives permissible under this act.

"Acquisition and development of outdoor recreational areas" defined.

Sec. 9. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

Additional sources of funds.

Sec. 10. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of municipal corporations.

Legal investment.

Sec. 11. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November 1968, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

Referendum.

Sec. 12. Upon adoption and ratification by the people as provided for in section 11 of this act, sec-

New chapter.

tions 1 through 10 herein shall constitute a new chapter in Title 43 RCW.

Passed the House April 28, 1967.

Passed the Senate April 28, 1967.

Approved by the Governor May 3, 1967.

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CHAPTER 127.

[House Bill No. 513.]

STATE HOSPITALS FOR MENTALLY ILL.

AN ACT relating to state hospitals for the mentally ill; amending section 71.02.410, chapter 25, Laws of 1959 and RCW 71.02.410; section 71.02.320, chapter 25, Laws of 1959 and RCW 71.02.320; section 71.02.230, chapter 25, Laws of 1959 and RCW 71.02.230; repealing section 71.02.420, chapter 25, Laws of 1959 and RCW 71.02.420; and repealing section 71.02.430, chapter 25, Laws of 1959 and RCW 71.02.430.

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

RCW 71.02.410 amended.

Section 1. Section 71.02.410, chapter 25, Laws of 1959 and RCW 71.02.410 are each amended to read as follows:

State hospitals for mentally ill. Charges—Computation.

Charges for hospitalization of patients in state hospitals are to be based on the actual cost of operating such hospitals for the previous year, taking into consideration the overhead expense of operating the hospital and expense of maintenance and repair, including in both cases all salaries of supervision and management as well as material and equipment actually used or expended in operation as computed by the department: *Provided*, That a schedule of differing hospitalization charges may be computed, including a schedule of charges for outpatient services, considering the costs of care, treatment and maintenance in accordance with the classification of mental illness, type and intensity of

treatment rendered, which may vary among and within the several state hospitals. Costs of transportation shall be computed by the department.

Sec. 2. Section 71.02.320, chapter 25, Laws of 1959 and RCW 71.02.320 are each amended to read as follows:

RCW 71.02.320  
amended.

Hospitalization charges are payable on the tenth day of each calendar month, for services rendered during the preceding month, and the department may make all necessary rules and regulations relative to the billing and collection of such charges.

Hospitalization  
charges—  
When payable  
—Rules and  
regulations.

Sec. 3. Section 71.02.230, chapter 25, Laws of 1959 and RCW 71.02.230 are each amended to read as follows:

RCW 71.02.230  
amended.

After a person has been found mentally ill under RCW 71.02.200, the court shall, after reasonable notice of the time, place and purpose of the hearing has been given to persons subject to liability under this section, inquire into the ability of the person's estate, or his spouse, parents of a minor person until the person attains the age of 21 years, or any combination thereof, to pay the charges for detention pending proceedings, and court costs. If the court finds that the patient's estate or above named relatives, or combination thereof, are able to pay such charges or any part thereof, an order to such effect shall be entered. If the court finds that neither the patient's estate nor above relatives can pay charges for detention pending proceedings or court costs, such costs shall be borne by the county. When a patient is a resident of another county, the committing county shall recover from the county of the patient's residence all costs and expenses of the patient's detention and commitment.

Hearing on  
ability to pay.

Sec. 4. Any person admitted or committed to a state hospital for the mentally ill under the provisions of Title 71 RCW or 72.23.070 RCW, or chapter

State hospitals for mentally ill—Liability for care.

10.76 RCW, and their estates and responsible relatives are liable for reimbursement to the state of the costs of hospitalization and/or outpatient services, as computed by the director of institutions, or his designee, in accordance with RCW 71.02.410: *Provided*, That such mentally ill person, and his or her estate, and the husband or wife of such mentally ill person and their estate shall be primarily responsible for reimbursement to the state for the costs of hospitalization and/or outpatient services; and, the parents of such mentally ill person and their estates, until such person has attained the age of 21 years, shall be secondarily liable.

Investigations—Determinations of ability to pay—Rules and regulations.

Sec. 5. The department of institutions is authorized to investigate the financial condition of each person liable under the provisions of this 1967 amendatory act, and is further authorized to make determinations of the ability of each such person to pay hospitalization charges and/or charges for outpatient services, in accordance with the provisions of this 1967 amendatory act, and, for such purposes, to set a standard as a basis of judgment of ability to pay, which standard shall be recomputed periodically to reflect changes in the costs of living, and other pertinent factors, and to make provisions for unusual and exceptional circumstances in the application of such standard.

In accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, the department shall adopt appropriate rules and regulations relating to the standards to be applied in determining ability to pay such charges, the schedule of charges pursuant to section 1 of this 1967 amendatory act, and such other rules and regulations as are deemed necessary to administer the provisions of this 1967 amendatory act.

Notice.

Sec. 6. In any case where determination is made that a person, or the estate of such person, is able to

pay all, or any portion of the monthly charges for hospitalization, and/or charges for outpatient services, a notice of finding of responsibility shall be personally served on such person or persons and the legal representative of such person. The notice shall set forth the amount the department has determined that such person, or his or her estate, is able to pay per month not to exceed the monthly costs of hospitalization, and/or costs of outpatient services, as fixed in accordance with the provisions of RCW 71.02.410, or as otherwise limited by the provisions of this 1967 amendatory act. The responsibility for the payment to the department of institutions shall commence thirty days after personal service of such notice and finding of responsibility which finding of responsibility shall cover the period from the date of admission of such mentally ill person to a state hospital, and for the costs of hospitalization, and/or the costs of outpatient services, accruing thereafter. An appeal may be made to the director of institutions, or his designee within thirty days from the date of posting of such notice and finding of responsibility, upon the giving of written notice of appeal to the director of institutions by registered or certified mail, or by personal service. If no appeal is taken, the notice and finding of responsibility shall become final. If an appeal is taken, the execution of notice and finding of responsibility shall be stayed pending the decision of such appeal. Appeals may be heard in any county seat most convenient to the appellant. The hearing of appeal may be presided over by a hearing examiner appointed by the director, and the proceedings shall be recorded either manually or by a mechanical device. At the conclusion of such hearing, the hearing examiner shall make findings of fact and his conclusions and recommended determination of responsibility. Thereafter, the director, or his designee, may either affirm, re-

Notice of findings—Effect—Appeal—Hearing on appeal—Judicial review.

Hospitals for mentally ill—Charges for care.

ject or modify the findings, conclusions and determination of responsibility made by the hearing examiner. Judicial review of the director's determination of responsibility in the superior court and the supreme court may be taken in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

Superior court judgment to enforce.

Sec. 7. Whenever any notice and finding of responsibility, or appeal therefrom, shall have become final, the superior court, wherein such person or persons reside or have property either real or personal, shall, upon application of the director of institutions enter a judgment in the amount of the accrued monthly charges for the costs of hospitalization, and/or the costs of outpatient services, and such judgment shall have and be given the same effect as if entered pursuant to civil action instituted in said court.

Modification or vacation of original order.

Sec. 8. The director, or his designee, upon application of the person responsible for payment of reimbursement to the state of the costs of hospitalization, and/or the costs of outpatient services, or the legal representative of such person, and, after investigation, or after investigation without application, the director, or his designee, if satisfied of the financial ability or inability of such person to reimburse the state in accordance with the original finding of responsibility, may, modify or vacate such original finding of responsibility and enter a new finding of responsibility. The determination to modify or vacate findings of responsibility shall be served and be appealable in the same manner and in accordance with the same procedures for appeals of original findings of responsibility.

Sec. 9. The provisions of this act shall not be construed as prohibiting or preventing the department of institutions from obtaining reimbursement

from any person liable under this act for the reimbursement of the state of the full amount of the accrued charges for the costs of hospitalization, and/or the costs of outpatient services, to the extent of the liability as provided by this act, from any property acquired subsequent to and regardless of the initial findings of responsibility.

Application to after acquired property.

Sec. 10. All persons admitted or committed to a state hospital under the provisions of Title 71 RCW or RCW 72.23.070, or chapter 10.76 RCW and their responsible relatives and their estates, whose ability to pay hospitalization charges has been determined under prior laws shall not be affected by the provisions of this act until a finding of responsibility shall have been made and become final in accordance with the provisions of this act.

Application to prior patients.

Sec. 11. Section 71.02.420, chapter 25, Laws of 1959 and RCW 71.02.420 and section 71.02.430, chapter 25, Laws of 1959 and RCW 71.02.430 are each repealed.

Repeal.

Passed the House April 25, 1967.

Passed the Senate April 24, 1967.

Approved by the Governor May 3, 1967.

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## CHAPTER 128.

[Engrossed Senate Bill No. 462.]

### TIDELANDS—USE BY UPLAND OWNERS.

AN ACT relating to public lands.

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

Section 1. The state department of fisheries is authorized to permit designated portions of the following described tidelands to be used by the upland owners thereof for the purpose of building and

Tidelands—Use by upland owners.

Tidelands—  
Use by upland  
owners.

maintaining docks: Tidelands of the second class owned by the state of Washington situated in front of, adjacent to, or abutting upon, the entire west side of lot 1, section 5, Township 34 North, Range 2 West, W. M., to the northernmost tip of said lot, and lots 2 and 3, section 8, Township 34 North, Range 2 West, W. M. (Cattle Point).

Passed the Senate April 28, 1967.

Passed the House April 28, 1967.

Approved by the Governor May 10, 1967.

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CHAPTER 129.

[Reengrossed Senate Bill No. 419.]

VACATION OF STREETS AND ALLEYS.

AN ACT relating to the vacation of streets and alleys; and amending section 35.79.030, chapter 7, Laws of 1965 and RCW 35.79.030.

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

RCW 35.79.030  
amended.

Section 1. Section 35.79.030, chapter 7, Laws of 1965 and RCW 35.79.030 are each amended to read as follows:

Cities and  
towns—Vacation  
of streets  
and alleys.

The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before such legislative authority. If the legislative authority determines to grant said petition or any part thereof, such city or town shall be authorized and



have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated: *Provided*, That such ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services: *Provided further*, That no city or town shall be authorized or have authority to vacate such street, or alley, or any parts thereof if any portion thereof abuts on a body of salt or fresh water unless such vacation be sought to enable the city, town, port district or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational, or educational purposes, or other public uses. This proviso shall not apply to industrial zoned property.

**Note:** See also section 1, chapter 123, Laws of 1967.

Passed the Senate April 28, 1967.

Passed the House April 27, 1967.

Approved by the Governor May 10, 1967.

CHAPTER 130.

[Engrossed Senate Bill No. 369.]

ELECTIONS—COUNTY FREEHOLDERS—VOTING DEVICES.  
AN ACT relating to elections; and adding a new section to chapter 9, Laws of 1965 and to Title 29 RCW.

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

New section.

Section 1. There is added to chapter 9, Laws of 1965 and to Title 29 RCW a new section to read as follows:

Elections—  
County free-  
holders, filing  
and ballots.

Not less than ten days before the time for filing declarations of candidacy for election as freeholders under Article XI, section 4, of the state Constitution, and after the county commissioners have determined the number of positions to be filled in either the legislative or county commissioner districts, the county auditor shall designate the positions to be filled by consecutive number, commencing with one. The positions to be designated shall be dealt with as separate offices for all election purposes, and each candidate shall file for one, but only one, of the positions so designated.

In the printing of ballots the positions of the names of candidates for each numbered position shall be changed as many times as there are candidates for the numbered position, following insofar as applicable the procedure provided for in RCW 29.30.040 for the rotation of names on primary ballots, the intention being that ballots at the polls will reflect as closely as practicable the rotation procedure as provided for herein.

New section.

Sec. 2. There is added to chapter [109] (Reengrossed House Bill No. 516), Laws of 1967 [extraordinary session] and to Title 29 RCW a new section to read as follows:

Voting devices and vote tally systems as defined in section 11, chapter [109] (Reengrossed House Bill

No. 516), Laws of 1967 [extraordinary session], shall be used only in primaries and elections, general or special, in counties of the second class as defined by RCW 36.13.010.

Elections—  
Voting devices  
—Application  
—Second class  
counties.

Passed the Senate April 30, 1967.

Passed the House April 30, 1967.

Approved by the Governor May 10, 1967.

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CHAPTER 131.

[Engrossed Senate Bill No. 122.]

LEGISLATIVE LOBBYING.

AN ACT relating to legislative lobbying; providing for the registration and regulation of lobbyists; and providing penalties.

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

Section 1. When used in this act:

(1) The term "contribution" includes a gift, subscription, loan, advance or deposit of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make a contribution, given with the intent of influencing the passage or defeat of any pending or proposed legislation;

Legislative  
lobbyists—  
Registration  
and regulation  
—Definitions.

(2) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure.

(3) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons. The term does not include a member or member-elect of either house of the state legislature;

(4) The term "legislation" means bills, resolu-

Legislative  
lobbyists—  
Regulation.

tions, amendments, nominations, and other matters pending or proposed in either house of the legislature.

Registration  
required—  
Statement—  
Contents.

Sec. 2. (1) Any person who shall be engaged for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington or the approval or veto of any legislation by the governor of the state of Washington shall register with the president of the senate and the speaker of the house before doing anything in furtherance of such object and shall give to such officers in writing and under oath a statement showing:

- (a) Name and business address;
- (b) Name and address of the person or persons by whom he is employed and in whose interest he appears or works and by whom he is compensated;
- (c) The duration of such employment;
- (d) Whether he is paid on a permanent basis with a lobbying assignment as a partial, temporary or incidental part of his duties, or whether his compensated employment is solely for lobbying purposes;
- (e) A written authorization from each person by whom he is so employed;
- (f) The general area or areas of his legislative interest.

(2) In addition, any person as described in subsection (1) above shall similarly file not later than sixty days after the adjournment of each regular and extraordinary session of the legislature a statement which shall contain the total of all contributions and expenditures made, incurred, or expended for the purposes described in this section exclusive of personal living and travel expenses: *Provided, however,* That when an extraordinary session follows immediately after a regular session such state-

ment shall be filed not later than sixty days after the adjournment of the extraordinary session.

(3) Each statement required by this section shall be made on forms agreed upon by the president of the senate and the speaker of the house, a duplicate copy of which shall be filed with and preserved by the secretary of state for a period of three years as a public record open to public inspection.

Sec. 3. The following activities shall not be deemed to require compliance with section 2 of this act:

Exempted activities.

(1) The activities or appearance of a person promoting or opposing the passage of any legislation or its approval or veto by the governor, in his own behalf and not as a representative, agent or employee of another person;

(2) Providing professional services in the drafting of legislative measures or in advising clients and rendering opinions as to the construction and effect of proposed or pending legislation, or in communicating with members of the legislature or the governor in connection therewith;

(3) Appearing or testifying before a committee of the legislature in support of or in opposition to any legislation;

(4) Giving testimony at committee hearings upon the request of the legislature or a committee or a member thereof;

(5) Giving testimony or contacting legislators by government employees as a part of their official duties; or

(6) News or feature reporting activities by working members of the press, radio, or television.

Sec. 4. No agreement to accomplish any purpose set forth in section 2 of this act shall be enforceable and no action shall be brought thereon where payment of all or any part of the compensation under

Unenforceable contracts.

Legislative  
lobbyists—  
Regulation.

said agreement depends in any manner upon the passage or defeat or executive approval or veto of any legislation, or upon any other contingency in connection with legislation: *Provided*, That this section shall not apply to those agreements made between attorney and client in connection with claims against the state of Washington.

Violations—  
Penalty.

Sec. 5. (1) Any person who:

- (a) Fails to file a statement required by section 2 of this act;
- (b) Fails to comply with any other provision of this act; or
- (c) Files a statement required by this act containing false information;

Shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five thousand dollars or imprisonment in the county jail for not more than twelve months, or by both such fine and imprisonment.

(2) Any person who wilfully files a false statement with knowledge of its falsity shall be guilty of a felony.

Any person convicted of a violation of this act shall be prohibited for a period of ten years from the date of such conviction from being registered as a lobbyist in either the senate or the house of representatives; and in addition thereto, shall be liable for damage caused by such violation to any person or persons adversely affected thereby including members and members-elect of the Washington state legislature.

Enforcement.

Sec. 6. The attorney general shall enforce the provisions of this act and shall prosecute, or may delegate to the appropriate prosecuting attorney the prosecution of all violations of this act: *Provided*,

That this section shall not preclude actions for the recovery of damages.

Passed the Senate April 30, 1967.

Passed the House April 29, 1967.

Approved by the Governor May 10, 1967.

## CHAPTER 132.

[Reengrossed Senate Bill No. 468.]

### PROPERTY TAX—SENIOR CITIZEN EXEMPTION.

AN ACT relating to revenue and taxation; providing a limited exemption from the property tax for certain senior citizens; adding new sections to chapter 84.36 RCW; repealing section 2, chapter 168, Laws of 1965 extraordinary session and RCW 84.36.126; and providing penalties.

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

Section 1. There is added to chapter 84.36 RCW a New section. new section to read as follows:

A person shall be exempt from any legal obligation to pay the first fifty dollars of real property taxes due and payable in any one year if the following conditions are met:

Property tax—  
Senior citizen  
exemption—  
Qualifications.

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the five calendar years preceding the year for which the exemption is claimed; or the property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the preceding calendar year and the person claiming the exemption must also have been a resident of the state of Washington for the last ten calendar years preceding the year for which the exemption is claimed.

(2) The person claiming the exemption must have owned, at the time of filing, in fee, by contract

Property tax—  
Senior citizen  
exemption—  
Qualifications.

purchase, or by deed of trust, the residence on which the property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community shall be deemed to be owned by each spouse.

(3) If the person claiming the exemption is a male, he must have been sixty-five years of age or older on February 15th of the year in which the exemption is claimed, or must have been, at the time of filing, totally disabled and as such retired under a public or private retirement plan.

(4) If the person claiming the exemption is a female, she must have been sixty-two years of age or older on February 15th of the year in which the exemption is claimed.

(5) No person who, during the preceding calendar year, has regularly occupied the residence on which the taxes have been imposed shall have received during the preceding calendar year any earnings of the type and amount which would cause any deduction from social security benefits for a recipient of such benefits pursuant to 42 U.S.C. 403: *Provided, however,* That this subsection shall not apply with respect to an occupant who is related to the person claiming the exemption and who is either a student under the age of twenty-five who is pursuing a full course of studies or who is making payments as a sharing of the expenses of maintaining the residence not in excess of one hundred dollars per month.

(6) The combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse shall not have been in excess of three thousand dollars for the preceding calendar year.

New section.

Sec. 2. There is added to chapter 84.36 RCW a new section to read as follows:

For the purposes of section 1 of this act:



(1) The term "residence" shall mean a single family dwelling, including the lot on which the dwelling stands. Definitions.

(2) The term "preceding calendar year" shall mean the calendar year preceding the year in which the property taxes for which the exemption is claimed are due and payable.

All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or, in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder, either before a notary public or the county assessor or his deputy in the county where the real property is located. Any person signing a false claim shall be subject to perjury.

Claims for exemption shall be made annually and filed between February 15 and April 30 of the year in which the taxes are payable and solely upon forms as prescribed and furnished by the department of revenue.

Sec. 3. Section 2, chapter 168, Laws of 1965 extraordinary session and RCW 84.36.126 are each hereby repealed. Repeal.

Passed the Senate April 26, 1967.

Passed the House April 25, 1967.

Approved by the Governor May 10, 1967.

CHAPTER 133.

[House Bill No. 979.]

PROPERTY TAX—LEVIES FOR SUPPORT OF COMMON SCHOOLS.

AN ACT relating to revenue and taxation; creating new sections; amending section 84.52.050, chapter 15, Laws of 1961 as amended by section 1, chapter 143, Laws of 1961 and RCW 84.52.050; and declaring an emergency.

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

Property tax—  
Levies for support of common schools, 1967, 1968.

Section 1. In each of the years 1967 and 1968 the state shall levy for collection in 1968 and 1969 respectively for the support of common schools of the state a tax of two mills upon the assessed valuation of all taxable property within the state adjusted to fifty percent of true and fair value of such property in money in accordance with the ratio fixed by the state department of revenue. Such levy shall be in addition to the levy of two mills for public assistance purposes as provided in RCW 74.04.150.

Disposition of proceeds.

Sec. 2. All property taxes levied by the state for the support of common schools shall be paid into the general fund of the state treasury as provided in RCW 84.56.280.

RCW 84.52.050 amended.

Sec. 3. Section 84.52.050, chapter 15, Laws of 1961 as amended by section 1, chapter 143, Laws of 1961 and RCW 84.52.050 are each amended to read as follows:

Limitation on taxation—  
Allocation of millage.

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty percent of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the

state shall not exceed two mills to be used exclusively for the public assistance program of the state; the levy by any county shall not exceed eight mills; the levy by or for any school district shall not exceed fourteen mills: *Provided*, That, in each of the years 1967 and 1968 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools; and in such years in which the state shall validly levy a property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed twelve mills: *Provided further*, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof: *Provided further*, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed ten mills; and the levy by or for any city or town shall not exceed fifteen mills: *Provided further*, That counties of the fifth class and under are hereby authorized to levy from eight to eleven mills for general county purposes and from seven to ten mills for county road purposes if the total levy for both purposes does not exceed eighteen mills: *Provided further*, That counties of the fourth and the ninth class are hereby authorized to

levy nine mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Emergency.

Sec. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 27, 1967.

Passed the Senate April 27, 1967.

Approved by the Governor May 10, 1967.

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CHAPTER 134.

[Engrossed House Bill No. 8.]

LEGISLATIVE COUNCIL.

AN ACT relating to the legislative council; amending section 2, chapter 36, Laws of 1947, as amended by section 1, chapter 206, Laws of 1955 and RCW 44.24.020; amending section 3, chapter 36, Laws of 1947 and RCW 44.24.030; amending section 4, chapter 36, Laws of 1947 and RCW 44.24.040; amending section 6, chapter 36, Laws of 1947, as last amended by section 2, chapter 206, Laws of 1955 and RCW 44.24.060; and amending section 7, chapter 36, Laws of 1947, as amended by section 3, chapter 206, Laws of 1955 and RCW 44.24.070; and amending section 1, chapter 36, Laws of 1947, as amended by section 1, chapter 148, Laws of 1965 extraordinary session and RCW 44.24.010.

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

RCW 44.24.020 amended.

Section 1. Section 2, chapter 36, Laws of 1947, as amended by section 1, chapter 206, Laws of 1955, and RCW 44.24.020 are each amended to read as follows:

The council shall have the following powers and duties:

Legislative  
council—  
Powers and  
duties.

(1) To perform, either through the council as a whole or through committees thereof all duties and functions customarily delegated to special interim legislative committees: *Provided*, That any appointments of committee chairmen shall be approved by not less than fifteen members of the council;

(2) To examine and study the administrative organization and procedures of the state government, its offices, boards, committees, commissions, institutions, and other state agencies and to make recommendations, where found advisable, directed to the elimination of unnecessary overlapping or duplication of functions, procedures and expenditures, and to the promotion of economy and efficiency in state government;

(3) To make such other studies and examinations of the state government and its state agencies as it may find advisable and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto: *Provided*, That no investigation shall be had or public hearing be held without prior approval of two-thirds of the membership of the council: *Provided further*, That any investigation or hearing once commenced may be terminated by a majority vote of the council;

(4) To receive messages and reports in person or in writing from the governor or any other state officials and to attend generally to any and all business addressed to or affecting the legislature during the interim between regular legislative sessions;

(5) To make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The council shall keep complete minutes of its meetings. The council shall make and distribute its biennial report to the members of the ensuing legisla-

Legislative council— Powers and duties.

ture at least ten days prior to the convening of the legislature in regular session; and

(6) To cooperate, act, and function with similar councils or committees of other states, with the council of state governments, and with other inter-state research organizations.

RCW 44.24.030 amended.

Sec. 2. Section 3, chapter 36, Laws of 1947 and RCW 44.24.030 are each amended to read as follows:

Additional powers—Subpoena—Oaths—Contempt—Witness fees.

In the discharge of any duty herein imposed, the council and its committees shall have the authority to examine and inspect all files, records and accounts of any state office, department, institution, board, commission or agency, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the council, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the council, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness who appears before the state legislative council by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the secretary and chairman of the council.

Sec. 3. Section 4, chapter 36, Laws of 1947 and RCW 44.24.040 are each amended to read as follows:

The first meeting of the state legislative council shall be held on the third Monday in June, 1947, and thereafter meetings shall be held throughout the legislative interim at such times and at such places as the council may determine. Committees of the council may meet at such additional times and in such places as may be convenient or necessary in carrying out their delegated duties.

Sec. 4. Section 6, chapter 36, Laws of 1947, as last amended by section 2, chapter 206, Laws of 1955 and RCW 44.24.060 are each amended to read as follows:

The members of the council shall be reimbursed for their expenses incurred while attending sessions of the council or meetings of any committees of the council or while engaged on other council business authorized by the council in accordance with the provisions of RCW 44.04.120. All expenses incurred by the council, including salaries of employees, shall be paid upon voucher forms as provided by the budget director and signed by the chairman or vice chairman of the council and attested by the secretary of said council, or by an alternate for the secretary who shall be a member of and selected by the executive committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the council.

Sec. 5. Section 7, chapter 36, Laws of 1947, as amended by section 3, chapter 206, Laws of 1955 and RCW 44.24.070 are each amended to read as follows:

The state legislative council shall have authority to make its own rules and regulations governing the conduct of its business not otherwise prescribed in

Legislative  
council—Rules  
and regula-  
tions—Term  
of office—  
Vacancies.

this chapter. The term of office of all council members shall be from the time of confirmation or election until (1) their successors have been appointed and confirmed or elected as provided in RCW 44.24.010, or until they cease to be members of the legislature. Vacancies on the council among the senate members of the council may be filled by appointment by the remaining senate members. Vacancies on the council among the members of the house of representatives may be filled by appointment by the remaining house members. All such vacancies shall be filled from the same political party as that of the member whose seat was vacated. The council may appoint not more than twelve additional legislators as special members in the same ratio as membership of the respective parties in the house and senate, to serve on council committees for designated periods of time, and such special members shall be entitled to reimbursement on the same basis as council members for expenses incurred while on council business. All of the minutes, records, and files of the council shall be delivered over by the council to the speaker of the house of representatives or to the president of the senate at the convening of each regular or special session of the legislature, which minutes, records, and files shall be held subject to the order of the senate and house of representatives, and shall thereafter be redelivered to the members of the council forthwith, but in no event later than five days after adjournment sine die of the legislature.

RCW 44.24.010  
amended.

Sec. 6. Section 1, chapter 36, Laws of 1947, as amended by section 1, chapter 148, Laws of 1965 extraordinary session and RCW 44.24.010 are each amended to read as follows:

Creation—  
Appointment  
of members.

There is hereby created a "state legislative council" hereinafter referred to as the council, which shall consist of fifteen senators and sixteen repre-



sentatives from the legislature of the state of Washington, including the president pro tem of the senate and the speaker of the house of representatives, said council to be appointed by the president of the senate and the speaker of the house of representatives at least ten days before the close of the 1947 session of the legislature, and at least ten days before the close of each regular session thereafter. The president of the senate and the speaker of the house of representatives shall prepare their lists of appointees so that the whole membership of the council shall include at least one individual from each United States congressional district within the state and so that the minority political party in each house shall have seven members on the council. The said lists of appointees shall be subject to confirmation as to the senate members by the senate and as to the house members by the house of representatives. In the event of a failure to appoint council members within the time above stated, or in the event of a refusal by either senate or house of representatives to confirm appointments on the council, then the members on the council from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Passed the House April 28, 1967.

Passed the Senate April 27, 1967.

Approved by the Governor May 10, 1967.

CHAPTER 135.

[Engrossed House Bill No. 133.]

WATER DISTRICTS.

AN ACT relating to water districts; authorizing the leasing out of real property; amending section 1, chapter 111, Laws of 1963 and RCW 57.08.065; and adding a new section to chapter 57.08 RCW.

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

New section.

Section 1. There is added to chapter 57.08 RCW a new section to read as follows:

Water districts  
—Lease of  
surplus prop-  
erty—Limita-  
tions.

A water district may lease out real property which it owns or in which it has an interest and which is not immediately necessary for its purposes upon such terms as the board of water commissioners deem proper: *Provided*, That no such lease shall be made until the water district has first caused notice thereof to be published twice in a newspaper in general circulation in the water district, the first publication to be at least fifteen days and the second at least seven days prior to the making of such lease, which notice shall describe the property proposed to be leased out, to whom, for what purpose, and the rental to be charged therefor. A hearing shall be held pursuant to the terms of the said notice, at which time any and all persons who may be interested shall have the right to appear and to be heard.

No such lease shall be for a period longer than twenty-five years, and each lease of real property shall be secured by a bond conditioned to perform the terms of such lease with surety satisfactory to the commissioners, in a penalty not less than the rental for one-sixth of the term: *Provided*, That the penalty shall not be less than the rental for one year where the term is one year or more. In a lease, the term of which exceeds five years, and when at the option of the commissioners, it is so stipulated in the

lease, the commission shall accept, with surety satisfactory to it, a bond conditioned to perform the terms of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder) and in every such case the commissioners shall require of the lessee, another or other like bond to be delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term so that there will always be in force a bond securing the performance of the lease, and the penalty in each bond shall be not less than the rental for one-half the period covered thereby, but no bond shall be construed to secure the furnishing of any other bond.

The commissioners may accept as surety on any bond required by this section, either an approved surety company or one or more persons satisfactory to the commissioners, or in lieu of such bond may accept a deposit as security of such property or collateral or the giving of such other form of security as may be satisfactory to the commissioners.

Sec. 2. The authority granted in section 1 hereof shall not be exercised by the board of water commissioners unless such property is declared by resolution of the board of commissioners to be property for which there is a future need by the district and for the use of which provision is made in the comprehensive plan of the water system of the district as the same may be amended from time to time.

Prerequisites.

Sec. 3. Section 1, chapter 111, Laws of 1963 and RCW 57.08.065 are each amended to read as follows:

RCW 57.08.065 amended.

In addition to the powers now given water districts by law, they shall also have power to es-

Water districts  
—Additional  
powers—  
Operation of  
mutual sewer  
and water  
system.

tablish, maintain and operate a mutual water and sewer system or a separate sewer system within their water district area in the same manner as provided by law for the doing thereof in connection with water supply systems.

In addition thereto, a water district constructing, maintaining and operating a sanitary sewer system may exercise all the powers permitted to a sewer district under RCW Title 56, including, but not limited to, the right to compel connections to the district's system, liens for delinquent sewer connection charges or sewer service charges, and all other powers presently exercised by or which may be hereafter granted to such sewer districts: *Provided*, That no water district shall proceed to exercise the powers herein granted to establish, maintain, construct and operate any sewer system without first obtaining written approval and certification of necessity so to do from the state of Washington pollution control commission and department of health. Any comprehensive plan for a system of sewers or addition thereto or betterment thereof shall be approved by the same county and state officials as are required to approve such plans adopted by a sewer district.

Passed the House April 26, 1967.

Passed the Senate April 26, 1967.

Approved by the Governor May 10, 1967.

## CHAPTER 136.

[Engrossed House Bill No. 222.]

## FLOOD CONTROL—STATE ASSISTANCE.

AN ACT relating to the control of flood waters, and the protection of life and property therefrom; authorizing contributions by the state of Washington to its political subdivisions for flood control projects; authorizing the appointment of a county-wide advisory committee; amending section 7, chapter 153, Laws of 1961 and RCW 86.15.070; authorizing the fixing and disposition of rates and charges for services; authorizing financing by issuance of revenue bonds; and adding new sections to chapter 86.15 RCW.

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

Section 1. Economic development and growth of the state is dependent on the control of flood waters. The legislature declares, in the exercise of its sovereign and police powers, that the purpose of this act is to provide for contributions of funds for assisting political subdivisions of the state in the protection of lands from inundation; the protection of public highways; the control of storm drainage; the maintenance of stream channels and water courses; and the protection of life and property.

Flood control  
—State assist-  
ance—Purpose.

It is the intent of the legislature that funds be provided to political subdivisions of the state to assist in the development of those flood control improvements and projects, which cannot be reasonably and practicably financed through the normal methods of financing available to such political subdivisions.

Sec. 2. There is hereby established in the state treasury a fund to be known as the flood control contribution fund. Expenditures shall be expended from this fund only in accordance with the provisions herein provided.

Flood control  
contribution  
fund—Crea-  
tion—Expen-  
ditures.

Sec. 3. Funds shall be expended and contributions made to a political subdivision of the state from the flood control contribution fund only after:

Requirements.

Flood control  
—Require-  
ments for  
state contribu-  
tions.

(1) The project for which the funds are to be used has been approved by the state supervisor of flood control in accordance with the regulatory provisions of chapter 86.16 RCW.

(2) Engineering studies and plans have been made and filed with the county engineer of the county in which the project is located, or the county engineers of all counties in which the project is located, if it is located in more than one county.

(3) The estimate of cost of acquisition of necessary lands, rights of way and construction of the project or improvements, together with adequate supporting data have been completed and filed with the state supervisor of flood control.

(4) A comprehensive plan for the area involved has been completed and filed with the state supervisor of flood control.

(5) The political subdivision desiring a contribution has made an application for a contribution to the state supervisor of flood control showing the estimated cost of the project and the requested contribution.

(6) Federal funds are available for contribution for payment of a portion of the cost of the project.

The director of the department of conservation is authorized to determine when these conditions have been met and to request *the state auditor to issue the proper warrant for the state's contribution*. Contributions to a political subdivision for a specific project shall not exceed fifty percent of the cost of acquisition of necessary lands and rights of way, and construction of the project or works of improvement.

Construction.

Sec. 4. This legislative proposal shall be complete authority for the accomplishment of purposes hereby authorized, and shall be liberally construed to accomplish its purposes.

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.

Severability.

Sec. 6. Section 7, chapter 153, Laws of 1961 and RCW 86.15.070 are each amended to read as follows:

RCW 86.15.070 amended.

The board may appoint a county-wide advisory committee, which shall consist of not more than fifteen members. The board also may appoint an advisory committee for any zone or combination of two or more zones which committees shall consist of not more than five members. Members of an advisory committee shall serve without pay and shall serve at the pleasure of the board.

Advisory committee.

Sec. 7. There is added to chapter 153, Laws of 1961 and to chapter 86.15 RCW, a new section to read as follows:

New section.

The board may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits from a flood control improvement: *Provided*, That the service charge shall be uniform for the same class of benefits or service. In classifying services furnished or benefits received the board may in its discretion consider the character and use of land and its water runoff characteristics and any other matters which present a reasonable difference as a ground for distinction. Service charges shall be applicable to a zone or participating zones. The disposition of all revenue from service charges shall be in accordance with RCW 86.15.130.

Establishment of rates and charges—Rules and regulations.

Sec. 8. There is added to chapter 153, Laws of 1961 and to chapter 86.15 RCW, a new section to read as follows:

New section.

Flood control  
 —Revenue  
 bonds—  
 Authority—  
 Terms—Form.

The board may authorize the issuance of revenue bonds to finance any flood control improvement. Such bonds may be issued by the board in the same manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to counties. Such bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones.

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.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

Passed the House April 21, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor May 10, 1967, with the exception of a certain item in Section 3 which was vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"This bill provides for financial contributions by the state to assist local units of government with flood control projects. Section 3 authorizes the director of the Department of Conservation to determine when certain statutory conditions for financial aid have been fulfilled. This section also provides that the director shall request "the state auditor to issue" the proper warrant for the state's financial contribution. Under the Budget and Accounting Act, the state auditor no longer performs the function of issuing warrants. This function is performed by the state treasurer.



"I am certain that the legislature did not intend to alter established procedures under the Budget and Accounting Act. Therefore, I have vetoed the words:

'the state auditor to issue'  
which appear on lines 22 and 23 of page 2 of the bill in order to make this enactment consistent with the Budget and Accounting Act.

"The remainder of Engrossed House Bill No. 222 is approved."

DANIEL J. EVANS,  
Governor.

## CHAPTER 137.

[Engrossed Substitute House Bill No. 77.]

AN ACT relating to eminent domain; providing for allowance of costs and fees in connection therewith; amending sec-

### EMINENT DOMAIN.

tion 2, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.020; amending section 4, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.040; and adding new sections to chapter 125, Laws of 1965 extraordinary session and to chapter 8.25 RCW.

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

Section 1. Section 2, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.020 are each amended to read as follows:

RCW 8.25.020 amended.

There shall be paid by the condemnor in respect of each parcel of real property acquired by eminent domain or by consent under threat thereof, in addition to the fair market value of the property, a sum equal to the various expenditures actually and reasonably incurred by those with an interest or interests in said parcel in the process of evaluating the condemnor's offer to buy the same, but not to exceed a total of two hundred dollars. In the case of multiple interests in a parcel, the division of such sum shall be determined by the court or by agreement of the parties.

Eminent domain—Damages—Cost of appraisal—Limitation.

Sec. 2. Section 4, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.040 are each amended to read as follows:

RCW 8.25.040 amended.

Eminent do-  
main—Dam-  
ages—Moving  
costs—Limita-  
tion.

Any person or organization whose real property or interest therein is acquired by eminent domain, or by consent under threat thereof, is entitled to be reimbursed by the agency or person acquiring such property or interest therein, as provided in this chapter, for the reasonable costs which he actually and necessarily incurred as a result of the acquisition in moving his personal property from the real property acquired, such costs to include dismantling, removing, packing, loading, transporting, unpacking and temporary storage not to exceed sixty days, but not a devaluation of such personal property incurred in or caused by such moving: *Provided*, That the amount of reimbursement for transportation shall not exceed the cost of moving one hundred miles from the point from which such person or organization is displaced. In no event shall the amount of reimbursement exceed the sum of five hundred dollars for removal of personal property in the case of an individual or a family, or sum of ten thousand dollars for removal of personal property in the case of a business concern (including the operation of a farm) or a nonprofit organization, or the sum of the two when both such removals are required.

New section.

Sec. 3. There is added to chapter 125, Laws of 1965 extraordinary session and to chapter 8.25 RCW a new section to read as follows:

Additional  
damages—  
Attorney's  
fees.

If a trial is held for the fixing of the amount of compensation to be awarded to the owner or party having an interest in the property being condemned and if the condemnee has offered to stipulate to an order of immediate possession of the property being condemned, the court may award the condemnee reasonable attorney's fees and reasonable expert witness fees actually incurred in the event of any of the following:

(1) If condemnor fails to make any written offer in settlement to condemnee at least thirty court days prior to commencement of said trial; or

(2) If the judgment awarded as a result of the trial exceeds by ten percent or more the highest written offer in settlement submitted to those condemnees appearing in the action by condemnor at least thirty days prior to commencement of said trial; or

(3) If, in the opinion of the trial court, condemnor has shown bad faith in its dealings with condemnee relative to the property condemned.

In no event may any offer in settlement be referred to or used during the trial for any purpose in determining the amount of compensation to be paid for the property.

Sec. 4. There is added to chapter 125, Laws of 1965 extraordinary session and to chapter 8.25 RCW a new section to read as follows: New section.

The provisions of chapter 125, Laws of 1965 extraordinary session and chapter 8.25 RCW, as amended and added to by this 1967 amendatory act, shall apply to all proceedings regulated by chapters 8.04, 8.08, 8.12, 8.16, 8.20 and 8.24 RCW as fully as though they were set forth in each of such chapters. Application.

Passed the House April 23, 1967.

Passed the Senate April 21, 1967.

Approved by the Governor May 11, 1967.

## CHAPTER 138.

[Engrossed House Bill No. 387.]

## PARTICIPATION IN WORLD EXPOSITION OF 1970.

AN ACT to promote the commerce and economic development of the state; creating a commission to study the feasibility of state participation in the World Exposition of 1970; prescribing powers and duties; and providing for the payment of certain expenses of the commission.

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

Purpose.

Section 1. The 1962 world fair held in Seattle resulted in the influx of thousands of visitors from all over the world and aided in promoting the state and its large variety of products and its great trade potential. It also served to strengthen the social, cultural, and economic ties between the state and its Pacific Rim neighbor, Japan. In 1970 Japan will host a world exposition. Recent experience has proven that participation in such events benefits all those concerned. The feasibility and desirability of participation by the state of Washington in the 1970 world exposition should be thoroughly studied before the 1969 regular session of the legislature.

World fair  
commission—  
Creation—  
Members.

Sec. 2. There is hereby created the world fair commission to consist of nine members to be selected prior to the adjournment of the fortieth session of the legislature as follows: Three by the governor, of whom one shall be the director of the department of commerce and economic development and who shall be designated by the governor as chairman of the commission, two senators (being one from the senate majority and one from the senate minority) by the president of the senate, who shall also be a member, and two representatives (being one from the house majority and one from the house minority) by the speaker of the house of representatives, who shall also be a member, to serve until January 6, 1969. The commission shall

serve without compensation but shall receive while on commission business their necessary expenses therefor as provided for in RCW 43.03.050 and 43.03.060, and shall meet at such time as it is called by the governor or by the chairman of the commission.

Sec. 3. The commission shall make complete studies and investigations concerning the feasibility and desirability of state participation in the world exposition of 1970. The commission shall file a report of its conclusions and recommendations regarding participation by the state of Washington in such world exposition to the 1969 legislature. The commission shall, in the event that it deems participation desirable, include in its report ways and means whereby the state's participation in the world exposition of 1970 may be implemented, and shall prepare the legislation necessary therefor. Copies of said report shall be submitted to the governor, the president of the senate and the speaker of the house of representatives by November 1, 1968. The commission may employ such staff and personnel as is necessary to carry out its duties.

Powers and  
duties.

Sec. 4. The expenses of the commission incurred under this act shall be paid by the director of commerce and economic development as a proper charge to the state trade fair fund. This amount is not to exceed the sum of forty thousand dollars or as much thereof as may be necessary for the fiscal biennium ending June 30, 1969.

Expenses—  
Sources—  
Limitations.

Passed the House April 27, 1967.

Passed the Senate April 26, 1967.

Approved by the Governor May 11, 1967.

CHAPTER 139.

[Reengrossed House Bill No. 946.]

POLLUTION CONTROL—TAX CREDITS—RESTORATION OF RESOURCES—PENALTIES.

AN ACT relating to air and water pollution control; providing certain tax credits and exemptions for air and water pollution control facilities; providing certain damages for injury to or for destruction or reduction in quality of the state's natural resources; defining crimes and prescribing penalties; and adding new sections to chapter 216, Laws of 1945 and to chapter 90.48 RCW; authorizing the levying of money penalties by the water pollution control commission; and providing for recovery of moneys for damages to resources of the state.

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

Pollution control—Tax credits—Definitions.

Section 1. Unless a different meaning is plainly required by the context, the following words as hereinafter used in this act shall have the following meanings:

(1) "Facility" shall mean an "air pollution control facility" or a "water pollution control facility" as herein defined: (a) "Air pollution control facility" includes any treatment works, control devices and disposal systems, machinery, equipment, structures, property or any part or accessories thereof, installed or acquired for the primary purpose of reducing, controlling or disposing of industrial waste which if released to the outdoor atmosphere could cause air pollution. "Air pollution control facility" shall not mean any motor vehicle air pollution control devices used to control the emission of air contaminants from any motor vehicle. (b) "Water pollution control facility" includes any treatment works, control device or disposal system, machinery, equipment, structures, property or any accessories thereof installed or acquired for the primary purpose of reducing, controlling or disposing of sewage and industrial waste which if released to

a water course could cause water pollution: *Provided*, That the word "facility" shall not be construed to include any control device, machinery, equipment, structure, disposal system or other property installed or constructed for a municipal corporation or for the primary purpose of connecting any commercial establishment with the waste collecting facilities of public or privately owned utilities.

(2) "Industrial waste" shall mean any liquid, gaseous, radioactive or solid waste substance or combinations thereof resulting from any process of industry, manufacture, trade or business, or from the development or recovery of any natural resources.

(3) "Treatment works" or "control device" shall mean any machinery, equipment, structure or property which is installed, constructed or acquired for the primary purpose of controlling air or water pollution and shall include, but shall not be limited to such devices as precipitators, scrubbers, towers, filters, baghouses, incinerators, evaporators, reservoirs, aerators used for the purpose of treating, stabilizing, incinerating, holding, removing or isolating sewage and industrial wastes.

(4) "Disposal system" shall mean any system containing treatment works or control devices and includes but is not limited to pipelines, outfalls, conduits, pumping stations, force mains, solids handling equipment, instrumentation and monitoring equipment, ducts, fans, vents, hoods and conveyors and all other construction, devices, appurtenances and facilities used for collecting or conducting, sewage and industrial waste to a point of disposal, treatment or isolation except that which is necessary to manufacture of products.

(5) "Certificate" shall mean a pollution control tax exemption and credit certificate for which application has been made not later than December 31,

Pollution  
control—Tax  
credits—  
Definitions.

1969: *Provided*, That with respect solely to a facility required to be installed in an industrial, manufacturing, waste disposal, utility, or other commercial establishment which is in operation or under construction as of the effective date of this act, such application will be deemed timely made if made within one year after the effective date of specific requirements for such facility promulgated by the appropriate control agency.

(6) "Appropriate control agency" shall mean the state water pollution control commission; or the operating local or regional air pollution control agency within whose jurisdiction a facility is or will be located, or the state air pollution control board, where the facility is not or will not be located within the area of an operating local or regional air pollution control agency, or where the state air pollution control board has assumed jurisdiction.

(7) "Commission" shall mean the state tax commission.

Application  
for tax credit  
certificate—  
Filing—Con-  
tents.

Sec. 2. An application for a certificate shall be filed with the commission in such manner and in such form as may be prescribed by the commission. The application shall contain estimated or actual costs, plans and specifications of the facility including all materials incorporated or to be incorporated therein and a list describing, and showing the cost, of all equipment acquired or to be acquired by the applicant for the purpose of pollution control, together with the operating procedure for the facility, or a time schedule for the acquisition and installation or attachment of the facility and the proposed operating procedure for such facility.

Certificate—  
Issuance.

Sec. 3. A certificate shall be issued by the commission within thirty days after approval of the application by the appropriate control agency. Such approval shall be given when it is determined that



the facility is designed and is operated or is intended to be operated primarily for the control, capture and removal of pollutants from the air or for the control and reduction of water pollution and that the facility is suitable, reasonably adequate, and meets the intent and purposes of chapter 70.94 RCW or chapter 90.48 RCW, as the case may be, and it shall notify the commission of its findings within thirty days of the date on which the application was submitted to it for approval. In making such determination, the appropriate control agency shall afford to the applicant an opportunity for a hearing: *Provided*, That if the local or regional air pollution control agency fails to act or if the applicant feels aggrieved by the action of the local or regional air pollution control agency, such applicant may appeal to the state air pollution control board pursuant to rules and regulations established by that board.

Sec. 4. The commission may adopt such rules and regulations as it deems necessary for the administration of this act subject to the provisions of RCW 34.04.020 through 34.04.060. Such rules and regulations shall not abridge the authority of the appropriate control agency as provided in this act or any other law.

Rules and regulations.

Sec. 5. (1) The original acquisition of a facility by the holder of a certificate shall be exempt from sales tax imposed by chapter 82.08 RCW and use tax imposed by chapter 82.12 RCW when the due date for payment of such taxes is subsequent to the effective date of the certificate: *Provided*, That the exemption of this section shall not apply to servicing, maintenance, repairs, and replacements of parts after a facility is complete and placed in operation.

Sales tax exemption—  
Alternative tax credit.

(2) Subsequent to the effective date of this act the holder of the certificate may, in lieu of accepting the tax exemption provided for in this section, elect to take a tax credit in the total amount of the ex-

Pollution  
control—Tax  
credits.

emption for the facility covered by such certificate against any future taxes to be paid pursuant to chapters 82.04, 82.12 and 82.16 RCW: *Provided*, That on and after the effective date of this act if such person elects to take a tax credit for a facility under this subsection he may not take further credit under RCW 82.04.435.

Application  
for determi-  
nation of cost  
—Credit.

Sec. 6. (1) On and after the effective date of this act, an application for a determination of the cost of an existing or newly completed pollution control facility may be filed with the commission in such manner and in such form as may be prescribed by the commission. The application shall contain the final cost figures for the installation of the facility and reasonable supporting documents and other proof as required by the state tax commission. In the event such facility is not already covered by a certificate issued for the purpose of authorizing the tax exemption or credit provided for in this act, the commission shall seek the approval of the facility from the appropriate control agency. The commission shall determine the final cost of the pollution control facility and issue a supplement to the existing certificate or an original certificate stating the cost of the pollution control facility: *Provided*, That the cost of an existing pollution control facility shall be the depreciated value thereof at the time of application filed pursuant to this section.

(2) When the operation of a facility has commenced and a certificate pertaining thereto has been issued, a credit may be claimed against taxes imposed pursuant to chapters 82.04, 82.12 and 82.16 RCW. The amount of such credit shall be two percent of the cost of a facility covered by the certificate for each year the certificate remains in force. Such credits shall be cumulative and shall be subject only to the following limitations:

(a) No credit exceeding fifty percent of the taxes payable under chapters 82.04, 82.12 and 82.16 RCW shall be allowed in any reporting period;

(b) The net commercial value of any materials captured or recovered through use of a facility shall, first, reduce the credit allowable in the current reporting period and thereafter be applied to reduce any credit balance allowed and not yet utilized: *Provided*, That for the purposes of this act the determination of "net commercial value" shall not include a deduction for the cost or depreciation of the facility.

(c) The total cumulative amount of such credits allowed for any facility covered by a certificate shall not exceed fifty percent of the cost of such facility.

(d) The total cumulative amount of credits against state taxes authorized by this act shall be reduced by the total amount of any federal investment credit or other federal tax credit actually received by the certificate holder applicable to the facility. This reduction shall be made as an offset against the credit claimed in the first reporting period following the allowance of such investment credit, and thereafter as an offset against any credit balance as it shall become available to the certificate holder.

(3) Applicants and certificate holders shall provide the commission with information showing the net commercial value of materials captured or recovered by a facility and shall make all pertinent books and records available for examination by the commission for the purposes of determining the credit provided by this act.

Sec. 7. Nothing in this act shall be deemed to affect the application of credits pursuant to RCW 82.04.435 accumulated prior to the effective date of this act.

Application—  
Prior credits.

Pollution control—Tax credits—Modification or replacement of facility.

Sec. 8. If subsequent to the issuance of a certificate or supplement for a facility, a determination is made to modify or replace such facility, the holder thereof may file an application for a new certificate or supplement covering such modified or replacement facility in accordance with the procedures set forth in this act for original certificates and supplements thereto. After the issuance by the commission of any new certificate or supplement, all subsequent tax exemptions and credits for the modified or replacement facility shall be based thereon.

Certificate or notice of denial—Mailing.

Sec. 9. The commission shall send a certificate or supplement when issued, by certified mail to the applicant. Notice of the commission's refusal to issue a certificate or supplement shall likewise be sent to the applicant by certified mail.

Revision of local findings by state control commission—When.

Sec. 10. The water pollution control commission or the state air pollution control board, after notice to the commission and the applicant and after affording the applicant an opportunity for a hearing, shall, on its own initiative or on complaint of the local or regional air pollution control agency in which an air pollution control facility is located, or is expected to be located, revise the prior findings of the appropriate control agency whenever any of the following appears:

(1) The certificate or supplement thereto was obtained by fraud or misrepresentation, or the holder of the certificate has failed substantially without good cause to proceed with the construction, reconstruction, installation or acquisition of a facility or without good cause has failed substantially to operate the facility for the purpose specified by the appropriate control agency in which case the commission shall modify or revoke the certificate. If the certificate and/or supplement are revoked, all applicable taxes from which an exemption has been secured under this act or against which the credit

provided for by this act has been claimed shall be immediately due and payable with the maximum interest and penalties prescribed by applicable law. No statute of limitations shall operate in the event of fraud or misrepresentation.

(2) The facility covered by the certificate or supplement thereto is no longer operated primarily for the purpose of the control or reduction of water pollution or the control, capture, and removal of pollutants from the air, as the case may be, or is no longer suitable or reasonably adequate to meet the intent and purposes of chapter 70.94 RCW or chapter 90.48 RCW, in which case the certificate shall be modified or revoked.

(3) Upon the date of mailing by certified mail to the certificate holder of notice of the action of the commission modifying or revoking a certificate or supplement, the certificate or supplement shall cease to be in force or shall remain in force only as modified.

Sec. 11. Any aggrieved person may appeal to the superior court in the county in which the facility is located. Such appeal from the commission, the water pollution control commission or the state air pollution control board shall be governed by the terms of chapter 34.04 RCW. Appeal.

Sec. 12. If any phrase, clause, subsection or section of this act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid. Severability.

Sec. 13. There is added to chapter 216, Laws of 1945 and to chapter 90.48 RCW a new section to read as follows: New section

Any person who violates any of the provisions of this chapter, or fails to perform any duty imposed by this chapter, or violates an order or other determination of the commission or the director made pursuant to the provisions of this chapter, including the conditions of a waste discharge permit issued pursuant to RCW 90.48.160, and in the course thereof causes the death of, or injury to, fish, animals, vegetation or other resources of the state, or otherwise causes a reduction in the quality of the state's waters below the standards set by the commission, thereby damaging the same, shall be liable to pay the state damages in an amount equal to the sum of money necessary to restock such waters, replenish such resources, and otherwise restore the stream, lake or other water source to its condition prior to the injury, as such condition is determined by the commission. Such damages shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington in the superior court of the county in which such damages occurred: *Provided*, That if damages occurred in more than one county the attorney general may bring action in any of the counties where the damages occurred. Any money so recovered by the attorney general shall be transferred to either the state game fund for the department of fisheries to use for food fish or shellfish management purposes and propagation, or to any other agency of the state having jurisdiction over the resource damaged and for which said moneys were recovered, as appropriate: *Provided*, That the agency receiving such money shall utilize not less than one-half of said money on activities or projects within the county where the action was brought by the attorney general. No action shall be authorized under this section against any person operating in compliance with the conditions of a waste discharge permit issued pursuant to RCW 90.48.160.

Sec. 14. There is added to chapter 216, Laws of 1945 and to chapter 90.48 RCW a new section to read as follows:

Every person who:

(1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.160, or

(2) Conducts a commercial or industrial operation without a waste discharge permit as required by RCW 90.48.160, or

(3) Violates the provisions of RCW 90.48.080, shall incur, in addition to any other penalty as provided by law, a penalty in the amount of one hundred dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the director of the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The director may, upon written application therefor, received within fifteen days, and when deemed in the best interest to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as he in his discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. If the amount of such penalty is not paid to the commission within fifteen

New section.

Violations—  
Penalties.

days after receipt of notice imposing the same, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of such application, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

Passed the House April 28, 1967.

Passed the Senate April 28, 1967.

Approved by the Governor May 11, 1967.

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CHAPTER 140.

[Engrossed House Bill No. 978.]

STATE PROPERTY TAX—DISTRIBUTION TO SCHOOL DISTRICTS.

AN ACT relating to education; amending section 2, chapter 154, Laws of 1965 extraordinary session as amended by section 1, chapter 171, Laws of 1965 extraordinary session and RCW 28.41.130; creating new sections; adding a new section to chapter 28.48 RCW; and declaring an emergency and providing an effective date.

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

New section.

Section 1. There is added to chapter 28.48 RCW a new section to read as follows:

Property tax  
—Support of  
public schools  
—Distribution.

In each calendar year in which the state shall collect a property tax for the support of common schools, the superintendent of public instruction shall distribute the proceeds of such tax to each



school district of the state operating a program approved by the state board of education, in the manner provided in this section.

Except as hereinafter provided, the amount to be distributed to each school district in each year shall be a fraction of the total amount available for distribution, the numerator of which fraction shall be the assessed valuation of all taxable property in such school district adjusted to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state department of revenue, and the denominator of which fraction shall be the aggregate assessed valuation of taxable property in all school districts entitled to a distribution under this section adjusted as to the property in each such district to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state department of revenue: *Provided*, That each nonhigh school district shall receive only three-fifths of the amount otherwise distributable to a school district as provided above and the remaining two-fifths of such amount shall be distributed to the high school district fund of the county in which the nonhigh school district is located: *Provided further*, That each union high school district shall receive only two-fifths of the amount otherwise distributable to a school district as provided above, and the remaining three-fifths of such amount shall be distributed to the component districts within each union high school district in proportionate amounts based upon the respective aggregate assessed valuations of taxable property in such component districts adjusted to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state department of revenue.

Property tax  
 —Support of  
 public schools  
 —Distribution.

The superintendent of public instruction shall make the distribution of funds authorized in this section on or before the tenth day of March, 1968, and on or before the tenth day of each month thereafter by prorating the funds available on such distribution dates to the school districts entitled thereto.

“Assumed  
 moneys,”  
 defined—  
 Reduction of  
 excess levies.

Sec. 2. For purposes of this section the term “assumed money” means the difference between

(1) The amount of revenues which would be produced by a levy of fourteen mills multiplied by the assessed valuation of taxable property within a school district adjusted to twenty-five percent of the true and fair value thereof, such adjustment to be made by use of the indicated county ratio as determined by the state department of revenue; and

(2) The amount of revenues which would be produced by a levy of fourteen mills multiplied by the assessed valuation of taxable property within the school district.

In many school districts all or a portion of the excess tax levies for maintenance and operation purposes authorized for collection in the calendar year 1968 were intended to increase revenues available to the school district so as to compensate for assumed money considered in calculating the distribution of money to the school district pursuant to RCW 28.41.130.

The legislature recognizes that the distribution of money to school districts under section 1 of this 1967 amendatory act could not have been anticipated by a school district at the time its excess tax levy was authorized. Therefore, there may be a duplication between excess tax levies authorized to be collected in the calendar year 1968 and funds distributable to a school district under section 1 of this 1967 amendatory act. Funds to be distributed to school districts under section 1 of this 1967 amenda-

tory act are intended to relieve excess levies and provide funds to a school district to compensate for assumed money.

To avoid such duplication and to relieve excess levies, each school district authorized by the electors prior to July 1, 1967 to impose an excess tax levy for maintenance and operation purposes for collection in the calendar year 1968, should reduce its actual excess levy so as to reduce the revenues from such excess levy by the amount of the assumed money, or by the amount to be distributed to the school district pursuant to section 1 of this 1967 amendatory act, whichever is less.

With respect to each school district which was authorized by the electors of the district prior to July 1, 1967 to impose an excess tax levy for maintenance and operation purposes, the state superintendent shall determine the amount of assumed money which was taken into account by the district in setting the level of the excess levy. If the state superintendent finds that any district has not reduced its excess levy in accordance with this section he shall withhold from the amount otherwise distributable to the district under section 1 of this 1967 amendatory act an amount equal to the surplus revenues which will accrue to the district by reason of the imposition of an excess levy greater than that contemplated by this section: *Provided*, That in the event of an unforeseen emergency, in the nature of either an unavoidable cost to a district or an unexpected variation in anticipated revenues of a district, the state superintendent during the calendar year 1968 is authorized to restore all or a portion of the funds which otherwise would be withheld under this section.

Sec. 3. Section 2, chapter 154, Laws of 1965 extraordinary session as amended by section 1, chapter

RCW 28.41.130  
amended.

171, Laws of 1965 extraordinary session and RCW 28.41.130 are each amended to read as follows:

Support of  
public schools  
—Allocation  
of state funds.

From those funds made available by the legislature for the current use of the common schools, other than the proceeds of the state property tax, the state superintendent of public instruction shall distribute annually as provided in RCW 28.48.010 to each school district of the state operating a program approved by the state board of education, an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted student enrolled, based upon one full school year of one hundred eighty days:

(1) Eighty-five percent of the amount of revenues which would be produced by a levy of fourteen mills on the assessed valuation of taxable property within the school district adjusted to twenty-five percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: *Provided*, That in each of the calendar years 1968 and 1969 the funds otherwise distributable under this section to any school district which is collecting property taxes based upon a levy of less than five-sixths of the maximum levy permissible for the district for such year under RCW 84.52.050 shall be reduced by an amount equal to the difference between the proceeds of the actual school district tax levy in the district and the proceeds which five-sixths of such maximum permissible levy for the district would produce irrespective of any delinquencies: *Provided, further*, That the funds otherwise distributable under this section to any school district for any year other than the calendar years 1968 and 1969 shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW

84.52.050 would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28.45 RCW: *Provided*, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28.45 RCW shall be reduced by five percent; and

(3) Net receipts from those funds received pursuant to Title 20, sections 236 through 244, United States Code, in the following specified percentages:

School year 1965-66 .....	40%
School year 1966-67 .....	55%
School year 1967-68 .....	70%
School year 1968-69 and thereafter ....	85%

Net receipts are gross receipts of the district less the cost to the district of processing the records and claims required for the administration of Title 20, sections 236 through 244, United States Code; and

(4) Eighty-five percent of the maximum receipts collectible from the high school district fund pursuant to chapter 28.44 RCW; and

(5) Public utility district funds distributed to school districts pursuant to RCW 54.28.090, in the following specified percentages:

School year 1965-66 .....	40%
School year 1966-67 .....	55%
School year 1967-68 .....	70%
School year 1968-69 and thereafter ....	85%

(6) Federal forest revenues distributed to school districts pursuant to RCW 36.33.110, in the following specified percentages:

School year 1965-66 .....	40%
School year 1966-67 .....	55%
School year 1967-68 .....	70%
School year 1968-69 and thereafter ....	85%

(7) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Emergency.

Sec. 4. This 1967 amendatory act is necessary for the support of the state government and its existing institutions and shall take effect on July 1, 1967: *Provided*, That year-end adjustments in state support at the close of the 1966-67 school year shall be made under the provisions of chapter 28.41 RCW as such chapter existed immediately prior to the effective date of this 1967 amendatory act.

Severability.

Sec. 5. If any provision of this 1967 amendatory act, or its application to any persons or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 27, 1967.

Passed the Senate April 27, 1967.

Approved by the Governor May 11, 1967.

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CHAPTER 141.

[House Bill No. 980.]

DEBT ADJUSTING.

AN ACT relating to debt adjusting; amending sections 6 and 8, chapter 201, Laws of 1967; and declaring an emergency and making an effective date.

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

New section.

Section 1. Section 6, chapter 201, Laws of 1967 is amended to read as follows:

Debt adjusting  
—Licensing.

The director shall issue a license to an applicant if the following requirements are met:

(1) The application is complete and the applicant has complied with section 3 of this act.

(2) Neither an individual applicant, nor any of the applicant's members if the applicant is a partnership or association, nor any of the applicant's officers or directors if the applicant is a corporation:

(a) Has ever been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other like offense, or has been disbarred from the practice of law; (b) has participated in a violation of this act or of any valid rules, orders or decisions of the director promulgated under this act; (c) has had a license to engage in the business of debt adjusting revoked or removed for any reason other than for failure to pay licensing fees in this or any other state; or (d) is an employee or owner of a collection agency, or process serving business.

(3) An individual applicant is at least twenty-one years of age, a citizen of the United States, and a resident of this state for at least one year.

(4) An applicant which is a partnership, corporation, or association is authorized to do business in this state.

(5) An individual applicant for an original license as a debt adjuster has passed an examination administered by the director, which examination may be oral or written, or partly oral and partly written, and shall be practical in nature and sufficiently thorough to ascertain the applicant's fitness. Questions on bookkeeping, credit adjusting, business ethics, agency, contracts, debtor and creditor relationships, trust funds and the provisions of this act may be included in the examination.

Sec. 2. Section 8, chapter 201, Laws of 1967 is New section.  
amended to read as follows:

By contract a licensee may charge a reasonable Fees—  
Limitations—  
Refunds.  
fee for debt adjusting services, which fee may not

Debt adjusting  
—License  
fees.

exceed fifteen percent of the total debts reported to and listed with the licensee by the debtor and/or the debtor's listed creditors. The licensee may require an initial payment by the debtor of an amount not to exceed twenty-five dollars which initial payment shall be part of the total allowable fee contracted for, and may not otherwise take or receive for services performed for any one person more than fifteen percent of the amount received by it at any one time from or on behalf of that person.

In the event of cancellation or default on performance of the contract by the debtor prior to its successful completion, the licensee may collect in addition to fees previously received, six percent of that portion of the remaining indebtedness listed on said contract which was due when the contract was entered into, but not to exceed seventy-five dollars.

A licensee shall not be entitled to retain any fee until notifying all creditors listed by the debtor that the debtor has engaged the licensee in a program of debt adjusting.

Emergency.

Sec. 3. This 1967 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 June 8th, 1967.

Passed the House April 27, 1967.

Passed the Senate April 28, 1967.

Approved by the Governor May 11, 1967.



CHAPTER 142.

[Engrossed House Bill No. 207.]

CAPITAL BUDGET AND APPROPRIATIONS.

AN ACT adopting the capital budget; making appropriations for capital improvements; authorizing certain projects; and declaring an emergency. Capital budget and appropriations.

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

Section 1. That a capital budget is hereby adopted and subject to the provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1969, out of the several funds hereinafter named:

FOR THE CAPITOL COMMITTEE

	Reappropriations		
Construction, remodeling, and furnishing of capitol office buildings, parking facilities, Governor's Mansion, such other buildings and facilities as necessary for the legislature and for such other state agencies as may be necessary			
State Building Construction Account .....	\$ 5,233,877	.....	.....

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	From the Capitol Purchase and Development Account	From the Capitol Building Construction Account	From the General Fund
Acquire land and buildings, repair buildings, provide drainage facilities, make other improvements, East Capitol Site .....	.....	.....	\$ 100,000
Modernization of electrical distribution system .....	.....	.....	373,485
Remodel and repair capitol buildings, offices and facilities, including \$10,000 for relocation expenses related to renovation of mansion.....	.....	.....	265,000

Remodel and repair greenhouse.....	.....	45,000	
Clean, tuckpoint and seal Legislative building and dome.....	.....	245,000	
Paint exterior of General Administration building .....	.....	25,000	
Construct new Public Assistance building .....	.....	4,450,649	
Repair and improve campus lighting..	.....	56,920	
Develop parking facilities, Capitol area .....	2,000,000	.....	
Develop Capitol Lake recreational facilities .....	40,000	.....	
Repairs and improvements to Capitol Lake area .....	20,000	.....	
	<hr/>	<hr/>	<hr/>
Total (\$7,621,054) .....	\$ 2,060,000	\$ 5,561,054	

FOR THE STATE PATROL

	Reappropriations From the State Patrol Highway Account	From the State Patrol Highway Account	From the General Fund
Construct and equip scale houses including site acquisition and improvements to existing sites (\$396,870)...	\$ 271,870	\$ 125,000	.....
Construct district headquarters for East King County .....		280,000	.....
Construct State Patrol Academy.....			\$ 812,000
Construct communications center.....		599,550	.....
Construct detachment offices at Bellingham and Okanogan.....			235,000
Construct addition to and remodel Tacoma office .....			30,000
Pave additional parking and storage areas and enclose with fencing at Supply Building, Olympia Headquarters .....			5,000
Replace auxiliary power plants.....			23,500
Replace radio relay facility.....			30,000
Preplanning for schematic plans for projects in 1969-1971 biennium.....			3,990
	<hr/>	<hr/>	<hr/>
Total (\$2,415,910) .....	\$ 271,870	\$ 1,004,550	\$ 1,139,490

FOR THE DEPARTMENT OF CIVIL DEFENSE

		From the General Fund
Remodel space in Student Union building, Washington State University for emergency operating center.....	.....	\$ 17,573

## FOR THE MILITARY DEPARTMENT

	Reappropriations From the General Fund		From the General Fund
Renovate and expand headquarters at Camp Murray .....	.....	.....	\$ 125,078
Remodel and modernize armories at Olympia, Aberdeen, Centralia, Port Orchard and Bremerton.....	.....	.....	290,630
Install gas pumps and storage tanks at 11 armories .....	.....	.....	15,400
Pave roads and parking areas at Top- penish and Port Orchard.....	.....	.....	13,000
Construct, repair, remodel buildings and improve facilities and purchase land .....	.....	.....	64,000
Preplanning for schematic plans for projects in 1969-1971 biennium.....	.....	.....	13,048
Construct, repair, remodel buildings and improve facilities.....	\$ 58,275	.....	.....
<b>Total (\$579,431) .....</b>	<b>\$ 58,275</b>	<b>.....</b>	<b>\$ 521,156</b>

## FOR THE DEPARTMENT OF INSTITUTIONS—HEADQUARTERS

	Reappropriations	From the CEP & RI Account	From the General Fund
Roof repairs, parking area repairs, road repairs and other minor repairs to buildings at various institutions C.E.P. and R.I. Account (\$425,000) ..	\$ 25,000	\$ 400,000	.....
Repair or replace electric, water, steam and sewer lines, boilers and install emergency generators at various in- stitutions .....	.....	.....	2,000,000
Preplanning for schematic plans for projects in 1969-1971 biennium at various institutions .....	.....	.....	258,503
<b>Total (\$2,683,503) .....</b>	<b>\$ 25,000</b>	<b>\$ 400,000</b>	<b>\$2,258,503</b>

## FOR THE PENITENTIARY

	Reappropriations		From the General Fund
Construct new power house and elevated water storage tank (\$950,- 000) .....	.....	.....	\$ 150,000
C.E.P. and R.I. Account.....	\$ 800,000	.....	.....
<b>Total (\$950,000) .....</b>	<b>\$ 800,000</b>	<b>.....</b>	<b>\$ 150,000</b>

FOR THE REFORMATORY

	Reappro- priations	From the General Fund
Renovation of Utilities		
State Building and Higher Education		
Construction Account .....	\$ 342,000	
Construct Chapel		
State Building and Higher Education		
Construction Account .....	137,500	
Replace windows and remodel shower facilities in cellhouses No. 1 and 2..		\$ 188,232
Replace Guard Tower No. 11.....		35,000
Total (\$702,732) .....	\$ 479,500	\$ 223,232

FOR THE WASHINGTON CORRECTION CENTER

	Reappro- priations	
Construct and equip correctional insti- tution		
C.E.P. and R.I. Account.....	\$ 20,000	

FOR THE WOMEN'S CORRECTION CENTER

	Reappro- priations	From the General Fund
Construct and equip new women's cor- rectional institutions .....		
State Building and Higher Education Construction Account .....	\$2,143,642	\$1,936,659
Total (\$4,080,301) .....	\$2,143,642	\$1,936,659

FOR THE CLEARWATER HONOR CAMP

		From the General Fund
Equipment for new adult honor camp..		\$ 20,329

FOR THE CASCADIA JUVENILE RECEPTION-DIAGNOSTIC CENTER

	Reappro- priations	From the General Fund
Convert staff residence to girls' resi- dential hall and equip (\$66,500)..		
C.E.P. and R.I. Account.....	\$ 33,800	\$ 32,700
Construct and equip two new diagnos- tic cottages .....		384,000
Total (\$450,500) .....	\$ 33,800	\$ 416,700

FOR THE MAPLE LANE SCHOOL

	Reappropriations	From the General Fund
Construct and equip two residential units, demolish Spruce and Hawthorne cottages (\$426,501).....		\$ 92,000
State Building and Higher Education Construction Account .....	\$ 334,501	
Total (\$426,501) .....	\$ 334,501	\$ 92,000

FOR THE GREEN HILL SCHOOL

	Reappropriations	From the General Fund
Provide Perimeter Lighting		
C.E.P. and R.I. Account.....	\$ 32,000	
Install Fencing .....		\$ 60,000
Construct and equip treatment security building and renovate isolation unit. ....		727,870
Total (\$819,870) .....	\$ 32,000	\$ 787,870

FOR THE ECHO GLEN CHILDREN'S CENTER

	Reappropriations	
Construct and equip new juvenile institution		
Juvenile Correctional Institutional Building Construction Account...	\$ 200,000	

FOR THE GROUP HOMES

	Reappropriations	From the General Fund
Construct and equip group homes (\$504,326) .....		\$ 139,226
C.E.P. and R.I. Account.....	\$ 88,500	
State Building and Higher Education Construction Account .....	276,600	
Total (\$504,326) .....	\$ 365,100	\$ 139,226

FOR THE CEDAR CREEK YOUTH CAMP

	Reappropriations	
Construct sewage treatment facility (\$32,500)		
C.E.P. and R.I. Account.....	\$ 1,000	

Renovate Water System			
State Building Construction Account	31,500	.....	.....
Total (\$32,500)	\$ 32,500	.....	.....

FOR THE MISSION CREEK YOUTH CAMP			
	Reappropriations		
Construct and equip dormitory wing			
C.E.P. and R.I. Account.....	\$ 7,630	.....	.....

FOR THE INDIAN RIDGE YOUTH CAMP			
	Reappropriations		From the General Fund
Construct and equip new youth camp (\$795,386)	.....	.....	\$ 126,755
State Building and Higher Education Construction Account	\$ 668,631	.....	.....
Total (\$795,386)	\$ 668,631	.....	\$ 126,755

FOR THE NASELLE YOUTH CAMP			
			From the General Fund
Equipment for new juvenile youth camp	.....	.....	\$ 74,077

FOR THE SCHOOL FOR THE BLIND			
	Reappropriations		From the General Fund
Complete physical education building General Fund	\$ 3,000	.....	.....
Major roof repairs and water proofing exterior of buildings.....	.....	.....	\$ 60,000
Total (\$63,000)	\$ 3,000	.....	\$ 60,000

FOR THE SCHOOL FOR THE DEAF			
	Reappropriations		From the General Fund
Construct and equip Superintendent's residence (\$39,000)	.....	.....	\$ 5,000
C.E.P. and R.I. Account.....	\$ 34,000	.....	.....
Expansion of girls' dormitory (\$87,000)	.....	.....	10,000
C.E.P. and R.I. Account.....	77,000	.....	.....
Total (\$126,000)	\$ 111,000	.....	\$ 15,000

FOR WESTERN HOSPITAL

	Reappropriations	From the General Fund
Renovate utilities (\$487,940).....		\$ 223,440
State Building and Higher Education Construction Account .....	\$ 228,000	
C.E.P. and R.I. Account.....	36,500	
Renovate and equip laundry building..		152,255
Total (\$640,195) .....	\$ 264,500	\$ 375,695

FOR NORTHERN HOSPITAL

	From the General Fund
Replace Commissary elevator.....	\$ 40,193

FOR EASTERN HOSPITAL

	Reappropriations	From the General Fund
Renovate utilities (\$169,000).....		\$ 110,000
C.E.P. and R.I. Account.....	\$ 59,000	
Install fire escapes.....		20,000
Total (\$189,000) .....	\$ 59,000	\$ 130,000

FOR LAKELAND VILLAGE

	Reappropriations	From the General Fund
Repair entrance to Administration building		
C.E.P. and R.I. Account.....	\$ 12,000	
Install fire escapes		
C.E.P. and R.I. Account.....	9,800	
Repair, remodel toilets and shower facilities in residence halls.....		\$ 100,000
Construct fire escapes on Oak Hall....		25,000
Renovate utilities		
State Building Construction Account	5,450	
Total (\$152,250) .....	\$ 27,250	\$ 125,000

FOR THE RAINIER SCHOOL

	Reappropriations	From the General Fund
Construct and equip Laundry building addition (\$316,126) .....		\$ 43,113

State Building and Higher Education			
Construction Account .....	\$ 273,013	.....	.....
Renovate heating and ventilation facilities .....			90,000
<b>Total (\$406,126) .....</b>	<b>\$ 273,013</b>	<b>.....</b>	<b>\$ 133,113</b>

FOR THE YAKIMA VALLEY SCHOOL

	Reappropriations		From the General Fund
Install water softener system			
C.E.P. and R.I. Account.....	\$ 22,000	.....	.....
Construct and equip three wings for 270 additional beds; remodel kitchen (\$2,329,317).....			\$ 355,284
State Building and Higher Education Construction Account .....	1,974,033	.....	.....
<b>Total (\$2,351,317) .....</b>	<b>\$1,996,033</b>	<b>.....</b>	<b>\$ 355,284</b>

FOR THE FIRCREST SCHOOL

	Reappropriations		From the General Fund
Construct and equip halfway house (\$360,093)			
C.E.P. and R.I. Account.....	\$ 158,793	.....	.....
General Fund .....	201,300	.....	.....
Construct and equip Activities building (\$552,700) .....			\$ 70,000
State Building and Higher Education Construction Account .....	482,700	.....	.....
Construct and equip Care and Therapy building .....			2,844,280
Replace Redwood Hall Phase I.....			2,250,000
<b>Total (\$6,007,073) .....</b>	<b>\$ 842,793</b>	<b>.....</b>	<b>\$5,164,280</b>

FOR THE INTERLAKE SCHOOL

			From the General Fund
Equipment .....			\$ 249,843

FOR THE OLYMPIC CENTER

	Reappropriations		From the General Fund
Acquire and remodel former Harrison Memorial Hospital (\$816,640) .....			\$ 711,479



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C.E.P. and R.I. Account.....	\$ 48,791	.....	.....
State Building Construction Account	56,370	.....	.....
Renovate and equip to provide 25 bed capacity for temporary residential and diagnostic care of the mentally retarded .....			125,000
Total (\$941,640) .....	\$ 105,161	.....	\$ 836,479

FOR THE BOARD OF EDUCATION

	Reappropriations	From the Driver Education Account	
Public School Building Construction (\$35,827,396)			
Public School Building Construction Account .....	\$28,133,236	.....	.....
Common School Construction Fund.	7,694,160	.....	.....
Community College Construction, to satisfy the intent of section 75 of chapter 8, Laws of 1967, Extraordinary Session			
Public School Building Construction Account .....	2,538,038	.....	.....
Construct driver's school demonstration course .....		\$ 40,000	.....
Total (\$38,405,434) .....	\$38,365,434	\$ 40,000	.....

FOR THE BOARD OF COMMUNITY COLLEGES

	Reappropriations	From the Community College Capital Projects Account	
Community College Construction			
Public School Building Construction Account .....	\$ 9,300,676	.....	.....
Community College Construction, Repairs, Remodeling, Equipment and other Capital Improvements: <i>Provided</i> , That not to exceed \$7,285,096 shall be available to satisfy the intent of section 78 of chapter 8, Laws of 1967, Extraordinary Session, as follows: for Seattle Community College, \$5,912,275; for Bellevue Community College, \$1,106,680; for Clover Park Community College, \$172,141; for Edmonds Community College,			

\$94,000: *Provided*, That the foregoing sums shall not be available to any college unless the full amount of local funds which had been voted and sold as of the effective date of chapter 8, Laws of 1967, Extraordinary Session, are made available to the college by the school district previously responsible for the college: *Provided*, That \$2,500,000 shall be available for allocation by the Board for Community Colleges for completion of projects previously authorized by the Board of Education and for other community college projects according to priority of need: *Provided*, That \$250,000 shall be available for Walla Walla Community College for materials and equipment: *Provided*, That if any of the projects specified herein qualify for federal funds, the state funds not required may be allocated by the Board for Community Colleges, with the approval of the Governor, for other community college projects according to priority of need.....

	.....	.....	.....	\$10,035,096
Total (\$19,335,772) .....	\$9,300,676	.....	.....	\$10,035,096

FOR THE UNIVERSITY OF WASHINGTON

	Reappropriations	From the University of Washington Building Account	From the General Fund
Construct and equip Architecture building			
State Building and Higher Education Construction Account .....	\$1,960,000	.....	.....
Construct and equip Physics-Atmospheric Sciences building			
State Building and Higher Education Construction Account .....	2,275,000	.....	.....
Construct and equip Art building wing (\$990,000)			
State Building and Higher Education Construction Account .....	750,000	.....	.....
University of Washington Building Account .....	.....	\$ 240,000	.....

Renovate Forestry building and construct pulp and paper teaching facility			
State Building and Higher Education Construction Account .....	2,290,000	.....	.....
Construct and equip large classroom and Auditoria building			
State Building and Higher Education Construction Account .....	2,600,000	.....	.....
Construct Hanford Graduate Center facility			
State Building and Higher Education Construction Account .....	500,000	.....	.....
Construct and equip health sciences expansion (\$14,100,000)			\$4,500,000
State Building and Higher Education Construction Account .....	9,600,000	.....	.....
Complete Padelford Hall (Arts and Sciences office building)			
University of Washington Building Account .....	297,981	.....	.....
Marine Sciences building Unit I			
University of Washington Building Account .....	123,755	.....	.....
Construct Fisheries wing			
University of Washington Building Account .....	801,405	.....	.....
Construct Scientific Stores addition			
University of Washington Building Account .....	250,000	.....	.....
Construct and equip Undergraduate Library (\$3,351,589)			
University of Washington Building Account .....	2,651,589	700,000	.....
Construct and equip Engineering Classroom and Library building			
University of Washington Building Account .....	2,248,220	.....	.....
Construct and equip Chemical Engineering Building			
University of Washington Building Account .....	205,000	.....	.....
Mental Retardation and Child Development Center			
University of Washington Building Account (\$2,633,034) .....	833,034	1,800,000	.....

Construct and equip Zoology (Biology Unit II) building			
University of Washington Building Account (\$2,710,727) .....	1,560,727	1,150,000	.....
Construct and equip teaching wing, Oceanography building			
University of Washington Building Account (\$558,157) .....	121,157	437,000	.....
Expand Power Plant			
University of Washington Building Account (\$3,550,000) .....	50,000	3,500,000	.....
Tunnels and Utilities			
University of Washington Building Account (\$1,951,470) .....	333,470	1,618,000	.....
Minor repairs and betterments (\$2,509,777) .....	509,777	2,000,000	.....
Remodel Communications building to provide Far Eastern Library.....		450,000	.....
Construct and equip Physics building wing .....		2,000,000	.....
Preplanning for schematic plans for projects in 1969-1971 biennium.....			300,000
			<hr/>
Total (\$48,656,115) .....	\$29,961,115	\$13,895,000	\$4,800,000

FOR WASHINGTON STATE UNIVERSITY

	Reappropriations	From the Washington State University Building Account	From the General Fund
Complete Sloan Hall Addition			
Washington State University Building Account .....	\$ 110,000	.....	.....
Construct and equip Administration building			
Washington State University Building Account .....	1,800,000	.....	.....
Construct and equip Johnson Hall Annex addition (computer center) (\$407,000)			
Washington State University Building Account .....	177,000	\$ 230,000	.....
Construct and equip Research Laboratory building and boiler plant—Wenatchee (\$634,085)			
Washington State University Building Account .....	299,085	.....	.....
General Fund .....	335,000	.....	.....

Construct and equip Water Research building			
Washington State University Building Account .....	47,000	.....	.....
Nuclear Reactor Facilities (\$800,000)			
Washington State University Building Account .....	300,000	500,000	.....
Land Development and improvements at outlying research units			
Washington State University Building Account .....	32,000	.....	.....
Construct and equip Research and Laboratory building—Puyallup			
State Building and Higher Education Construction Account.....	1,334,782	.....	.....
Remodel buildings and improve facilities (\$2,797,000) .....			\$ 694,000
Washington State University Building Account .....	853,000	1,250,000	.....
Extend Utilities (\$1,293,630)			
Washington State University Building Account .....	371,000	922,630	.....
Construct and equip Physical Education building .....		2,123,567	.....
Construct Design Disciplines building, Phase I .....		2,469,875	.....
Construct and equip Cleveland Hall addition .....		565,300	.....
Controlled Environment Laboratories relocation .....		417,525	.....
Relocate KWSC-AM transmitter antenna .....		121,900	.....
Construct and equip Meats Laboratory building .....		265,000	.....
Construct Agricultural Engineering building addition .....		534,275	.....
Construct General Storage building... ..		298,655	.....
Construct Farm Service and Chemical Storage building .....		84,725	.....
Acquire and develop land to replace Wawawii and Whitlow property: <i>Provided</i> , That the proceeds from said property shall be deposited in the Washington State University Building Account .....		75,000	.....

Preplanning for schematic plans for projects in 1969-1971 biennium.....	.....	.....	140,940
Complete Todd Hall addition Washington State University Building Account .....	191,000	.....	.....
Total (\$16,543,259) .....	\$5,849,867	\$9,858,452	\$ 834,940

FOR EASTERN WASHINGTON STATE COLLEGE

	Reappropriations	From the Eastern Washington State College Capital Projects Account	From the General Fund
Construct and equip Music-Speech building, Creative Arts, Phase I State Building and Higher Education Construction Account .....	\$1,374,979	.....	.....
Construct and equip General Classroom building State Building and Higher Education Construction Account .....	881,000	.....	.....
Construct new Heating Plant and extend utilities State Building and Higher Education Construction Account .....	1,499,875	.....	.....
Construct and equip classroom addition to Martin Hall Eastern Washington State College Capital Projects Account.....	436,821	.....	.....
Construct and equip Industrial Arts building Eastern Washington State College Capital Projects Account.....	275,729	.....	.....
Remodel Hargreaves Library building Eastern Washington State College Capital Projects Account.....	169,959	.....	.....
Complete construction of Woodward Field facilities .....	.....	\$ 75,000	.....
Remodel buildings, extend utilities, develop and improve facilities, and parking lots (\$1,332,815).....	.....	408,000	\$ 867,417
Eastern Washington State College Capital Projects Account.....	57,398	.....	.....
Purchase land (\$116,645).....	.....	100,000	.....
Eastern Washington State College Capital Projects Account.....	16,645	.....	.....
Preplanning for schematic plans for projects in 1969-1971 biennium.....	.....	.....	69,230

Construct new Library			
Eastern Washington State College			
Capital Projects Account.....	314,519	.....	.....
Total (\$6,546,572) .....	\$5,026,925	\$ 583,000	\$ 936,647

## FOR CENTRAL WASHINGTON STATE COLLEGE

	Reappropiations	From the Central Washington State College Capital Projects Account	From the General Fund
Purchase Land (\$400,000)			
State Building and Higher Education Construction Account .....	\$ 300,000	.....	.....
Central Washington State College Capital Projects Account.....	100,000	.....	.....
Construct and equip Fine and Applied Arts building			
State Building and Higher Education Construction Account .....	2,883,728	.....	.....
Construct and equip Language and Literature building			
State Building and Higher Education Construction Account .....	1,235,910	.....	.....
Construct and equip Science building, Unit I			
Central Washington State College Capital Projects Account.....	1,390,000	.....	.....
Construct and equip Administration building, Unit I			
Central Washington State College Capital Projects Account.....	650,000	.....	.....
Construct and equip Health Center building, Unit I and II (\$405,000)			\$ 255,000
Central Washington State College Capital Projects Account.....	150,000	.....	.....
Extend Utilities .....		\$ 637,000	.....
Remodel buildings, improve facilities and campus, and obtain equipment (\$1,203,332) .....		262,282	941,050
Preplanning for schematic plans for projects in 1969-1971 biennium.....			84,500
Total (\$8,889,470) .....	\$6,709,638	\$ 899,282	\$1,280,550

FOR THE FOURTH WASHINGTON STATE COLLEGE

	From the General Fund
Land acquisition and preplanning for new state college.....	\$ 905,000

FOR WESTERN WASHINGTON STATE COLLEGE

	Reapprop- riations	From the Western Washington State College Capital Projects Account	From the General Fund
Construct and equip Science-Math- Computer Center annex to Science building			
Western Washington State College Capital Projects Account .....	\$1,618,000	.....	.....
Construct and equip Classroom-Faculty Offices addition			
State Building and Higher Education Construction Account .....	1,704,000	.....	.....
Construct and equip Library building addition			
State Building and Higher Education Construction Account .....	1,167,000	.....	.....
Remodel college buildings and improve facilities			
Western Washington State College Capital Projects Account.....	350,000	.....	.....
Utilities expansion and modernization (\$1,016,697) .....	.....	.....	\$ 970,000
Western Washington State College Capital Projects Account.....	46,697	.....	.....
Land Acquisition (\$605,000)			
Western Washington State College Capital Projects Account .....	10,000	\$595,000	.....
Construct and equip addition to Arts building			
Western Washington State College Capital Projects Account (\$340,- 757) .....	220,000	120,757	.....
Construct and equip Maintenance building			
Western Washington State College Capital Projects Account.....	249,900	.....	.....
Science-Math-Computer Center, Phase II—Equipment .....	.....	325,000	.....
Fairhaven Unit Academic facilities....	.....	262,120	.....



Capital improvements to buildings and grounds and construct Maintenance Service and Storage building (\$900,000) .....	410,000	490,000
Preplanning for schematic plans for projects in 1969-1971 biennium.....	.....	82,511
<b>Total (\$8,620,985) .....</b>	<b>\$5,365,597</b>	<b>\$1,712,877</b>
		<b>\$1,542,511</b>

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

	<b>Reappropriations</b>	
Construct new wing to Museum building: <i>Provided</i> , That the sum appropriated herein or so much thereof as is necessary shall not be expended unless such sum is matched in any equal amount from private contribution and other sources collected on or before January 1, 1969. State Building and Higher Education Construction Account .....	\$ 339,000	.....

**FOR THE AERONAUTICS COMMISSION (DEPARTMENT OF TRANSPORTATION)**

		<b>From the General Fund</b>
Repair and improve emergency airports .....	.....	\$ 50,000

**FOR THE PARKS AND RECREATION COMMISSION**

	<b>From the Outdoor Recreation Account</b>	<b>From the Parks and Parkways Account</b>	<b>From the General Fund</b>
Purchase and develop park sites, develop boat moorages, group camp facilities, historical sites and markers and archaeological investigations (\$3,645,447)			
Reappropriations .....	\$1,017,459	.....	.....
New appropriations .....	2,136,776	.....	\$ 491,212
Construct, repair and improve park facilities, including but not limited to trailer dumps, erosion control, preservation, sanitation and water systems (\$1,431,032) .....	.....	\$ 300,000	1,131,032
Develop park facilities at Bayview state park .....	.....	.....	150,000

Develop and improve parking areas and other facilities at Peace Arch Park.. .. .	.....	.....	25,000
Acquisition of Everett Jetty Park.....	.....	.....	25,000
Preplanning for schematic plans for projects in 1969-1971 biennium.....	.....	.....	120,592
Total (\$5,397,071) .....	\$3,154,235	\$ 300,000	\$1,942,836

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

	Reappropriations From the Outdoor Recreation Account	From the Outdoor Recreation Account	
Acquisition and development of recreational facilities—for allocation to agencies other than state agencies (\$6,593,102) .....	\$2,561,449	\$4,031,653	.....

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

			From the General Fund
Construct tourist information centers at Blaine, Clarkston, Oroville and Megler .....	.....	.....	\$ 97,997

FOR THE DEPARTMENT OF FISHERIES

	Reappropriations From the General Fund	Reappropriations From the State Building Construction Account	From the General Fund
Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatcheries, Fishway and Fish Facilities, Purchase Land, Emergency Repairs to Structures (\$1,690,500).....	\$ 21,250	.....	\$1,669,250
Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatcheries, Fishway and Fish Facilities, Purchase Land, Emergency Repairs to Structures (100% Reimbursable) (\$395,000) .....	.....	.....	395,000
Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatcheries, Fishway and Fish Facilities, Purchase Land, Emergency Repairs to Structures (50% Reimbursable) (\$1,231,750) .....	152,000	.....	1,079,750

Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatcheries, Fishway and Fish Facilities, Purchase land, Emergency Repairs to Structures .....	24,000	.....	.....
Emergency Repairs at Hatcheries.....	5,000	.....	.....
Projects for improvements in fishing industry under Federal Program Public Law 88-309 .....	17,500	.....	.....
Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatcheries, Fishway and Fish Facilities, Purchase Land, Emergency Repairs to Structures .....	.....	\$ 18,000	.....
<b>Total (\$3,381,750) .....</b>	<b>\$ 219,750</b>	<b>\$ 18,000</b>	<b>\$3,144,000</b>

FOR THE DEPARTMENT OF GAME

	Reappropriations From the Outdoor Recreation Account	From the Outdoor Recreation Account	From the Game Fund
Purchase and develop land (\$2,609,774)	\$ 558,379	\$1,451,395	\$ 600,000
Repairs and replacement of Fish and Game Protective facilities .....	.....	.....	200,000
Construct and equip Fish and Game Protective facilities (100% reimbursable) .....	.....	.....	1,000,000
Construct or purchase and improve headquarters buildings, hatcheries facilities, rearing ponds, game range facilities, and brooder houses and pens .....	.....	.....	783,950
<b>Total (\$4,593,724) .....</b>	<b>\$ 558,379</b>	<b>\$1,451,395</b>	<b>\$2,583,950</b>

FOR THE DEPARTMENT OF NATURAL RESOURCES

	Reappropriations	From the Fund Designated	From the General Fund
Rights-of-way acquisition, construct honor camp bridges and culverts, timber access road construction, construct scaling stations, lookout towers and improvements to five protective facilities (\$1,415,996)			
General Fund .....	\$ 47,000	.....	\$1,108,996
Forest development account.....	10,000	.....	.....
Resources Management Account....	.....	\$ 250,000	.....

Construct packing shed for large nursery stock .....	.....	.....	41,000
Water development, road construction, land clearing and leveling of agricultural lands, and range improvements			
Resources Management Account....	.....	130,500	.....
Construct and equip Clearwater Honor Camp			
State Building and Higher Education Construction Account .....	500,000	.....	.....
Acquire land for recreational areas in forested and waterfront locations			
Outdoor Recreation Account.....	206,175	443,482	.....
	<hr/>	<hr/>	<hr/>
Total (\$2,737,153) .....	\$ 763,175	\$ 823,982	\$1,149,996

FOR THE DEPARTMENT OF AGRICULTURE

			<b>From the General Fund</b>
Construct machine shed at Moxee City quarantine station .....	.....	.....	\$ 3,850

Sec. 2. Upon the effective date of a constitutional amendment specifically authorizing the establishment of a state building authority (SJR 17) and pursuant to the provisions of chapter 162, Laws of 1967, the following several projects and the funding thereof in the following several amounts, or so much thereof as shall be sufficient to accomplish the purposes herein specified, are hereby specifically approved:

FOR THE UNIVERSITY OF WASHINGTON

Law school center .....	\$ 5,100,000
Psychology building .....	\$ 3,500,000
Performing arts building.....	\$ 3,700,000
Computer center addition .....	\$ 1,300,000
Electrical engineering addition .....	\$ 650,000

FOR WASHINGTON STATE UNIVERSITY

Agricultural sciences building.....	\$ 3,934,775
Physical sciences building.....	\$ 3,148,630

FOR WESTERN WASHINGTON STATE COLLEGE

Additional instructional facilities.....	\$ 1,883,500
Physical education building.....	\$ 490,000
Administration building .....	\$ 1,650,000

FOR CENTRAL WASHINGTON STATE COLLEGE

Instructional center .....	\$ 3,009,500
Library addition .....	\$ 2,070,000

FOR EASTERN WASHINGTON STATE COLLEGE	
Health and physical education building.....	\$ 1,125,000
Classroom building .....	\$ 1,500,000
Radio-television building .....	\$ 500,000
Drama building .....	\$ 800,000
Art building .....	\$ 1,090,000
FOR THE FOURTH STATE COLLEGE	
Construction Phase I .....	\$15,000,000

*Provided*, That this section shall have no force and effect and shall become null and void unless the constitutional amendment proposed in Senate Joint Resolution No. 17 shall be approved and ratified by the electors at a general election held in November, 1967.

Sec. 3. For the purpose of providing funds for the payment of the cost of planning the capital improvements and capital projects of certain state institutions of higher education included in chapter [148], Laws of 1967, extraordinary session, (Senate Bill No. 532) pending the availability of funds therein appropriated for such purposes from the state building and higher education construction account or the availability of such funds from the state building authority, there is hereby appropriated to each of such institutions of higher education of the state of Washington the following designated amounts, or so much thereof as shall be sufficient to accomplish such purpose:

Planning certain capital improvements and capital projects—Appropriations for—Limitations.

For Washington State University, from the Washington State University Building Account, the sum of \$364,000; for the University of Washington, from the University of Washington Building Account, the sum of \$141,668; for Eastern Washington State College, from the Eastern Washington State College Capital Projects Account, the sum of \$100,300; for Central Washington State College, from the Central Washington State College Capital Projects Account, the sum of \$101,590; for Western Washing-

Planning certain capital improvements and capital projects—Appropriations for—Limitations.

ton State College, from the Western Washington State College Capital Projects Account, the sum of \$99,997.

Any expenditures from the above appropriations are to be considered as loans from the Washington State University Building Account, the University of Washington Building Account, the Eastern Washington State College Capital Projects Account, the Central Washington State College Capital Projects Account, and the Western Washington State College Capital Projects Account, respectively, and each of said accounts shall be reimbursed for such expenditures as follows:

(1) If the constitutional amendment specifically authorizing the establishment of a state building authority (SJR 17) pursuant to chapter 162, Laws of 1967 is approved and ratified by the electors at an election held in November, 1967, such reimbursements shall be made from any funds of the state building authority which may be available for such purpose;

(2) If the constitutional amendment specifically authorizing the establishment of a state building authority (SJR 17) pursuant to chapter 162, Laws of 1967, is not approved and ratified by the electors at an election held in November, 1967, or if the funds of the state building authority are not for any reason available for such purposes, then such reimbursements to such accounts shall be made from the state building and higher education construction account at such time as funds become available in such account for the appropriations made under said chapter [148], Laws of 1967 extraordinary session (Senate Bill No. 532).

“Capital improvements” and “capital projects” defined.

Sec. 4. The words “capital improvements” or “capital projects” used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and

initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

Sec. 5. Before a capital project shall begin or an obligation incurred or contract entered into, the Budget Director, with the approval of the Governor, shall first allot funds therefor or so much as may be necessary from the appropriations made herein.

Prerequisites.

Sec. 6. Additional Federal or other receipts and gifts and grants in excess to those estimated in the budget may be allotted by the Governor for capital projects included in the Capital Budget. In addition, the Governor may receive and allot any Federal funds made available for capital outlay at any one of the five institutions of higher education: *Provided*, That if any of the projects contained in this act qualify for such Federal funds, the amount of state funds not required are hereby appropriated to projects in the 1969-1971 capital program for that institution to be designated by the Governor on the basis of priority in the program and funds available on the advice of the governing board of the institution.

Allotment of federal funds and grants—Effect on budgeted items.

Sec. 7. To effectively carry out the provisions of this act, the Governor may assign responsibility for planning, engineering and construction and other related activities to any appropriate agency.

Governor—Delegation.

Sec. 8. Reappropriations shall be limited to the unexpended balances remaining at June 30, 1967, in the current appropriation for each project.

Reappropriations—Limitations.

Sec. 9. The Governor, through the Budget Director may authorize the transfer of funds appropriated for a capital project which are in excess of the amount required for the completion of such project, to other capital projects in this act for which there are insufficient appropriations: *Provided*, That no

Surplus funds—Transfers—Limitations.

such transfer shall be used to expand the capacity of any facility beyond that anticipated by the appropriation: *Provided, further,* That although such transfers may be made between institutions of the department of institutions they shall not be made between different departments, commissions, or institutions of higher learning.

Capital budget  
—Contract let-  
ting—Notice,  
bidding, etc.,  
requirements.

Sec. 10. Any capital improvement or capital project for construction, repair, or maintenance authorized by this act, unless constructed pursuant to the provisions of chapter 39.04 RCW, shall be done by contract after public notice and competitive bid: *Provided,* That this section shall not apply to the acquisition of sites, easements, or rights of way; nor to contracts for architectural or engineering services; nor to emergency repairs nor to any improvement or project costing less than twenty-five hundred dollars, nor to portions of projects involving inmate labor at a state institution.

Emergency.

Sec. 11. This act is necessary for the immediate preservation of the public peace, health and safety, for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 30, 1967.

Passed the Senate April 30, 1967.

Approved by the Governor May 11, 1967.



CHAPTER 143.

[Engrossed House Bill No. 208.]

BUDGET AND APPROPRIATIONS.

AN ACT adopting the budget; making appropriations for the operation of state agencies for the fiscal biennium beginning July 1, 1967, and ending June 30, 1969; making supplemental appropriations; and declaring an emergency.

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

Section 1. That a budget is hereby adopted and subject to the provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages and other expenses of the agencies and officers of the state and for other specified purposes for the fiscal biennium beginning July 1, 1967, and ending June 30, 1969, out of the several funds of the state hereinafter named.

Budget—  
Appropriations  
—State  
government.

STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution.....	\$ 918,962
General Fund Appropriation for public utility district excise tax distribution.....	\$ 7,038,720
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution .....	\$ 283,654
Liquor Excise Tax Fund Appropriation for Liquor excise tax distribution.....	\$ 11,252,000
Motor Vehicle Excise Fund Appropriation for motor vehicle excise tax distribution.....	\$ 14,800,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution .....	\$ 94,674,421
Liquor Board Revolving Fund Appropriation for liquor profits distribution.....	\$ 28,985,000

STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for forest reserve fund distribution.....	\$ 13,196,363
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Budget—Ap-  
propriations—  
State govern-  
ment.

General Fund Appropriation for federal flood control funds distribution .....	\$	18,800
General Fund Appropriation for federal grazing fees distribution .....	\$	13,661

STATE TREASURER—BOND RETIREMENT AND INTEREST

Highway Bond Retirement Fund Appropriation	\$	23,850,241
Public School Building Bond Redemption Fund of 1949 Appropriation .....	\$	5,102,420
Public Schools Building Bond Redemption Fund of 1955 (1965 Refunded) Appropriation.....	\$	4,497,076
Public Schools Building Bond Redemption Fund of 1957 Appropriation .....	\$	9,202,600
Public School Building Bond Redemption Fund of 1959 Appropriation .....	\$	4,670,282
Public School Building Bond Redemption Fund of 1961 Appropriation .....	\$	6,972,388
Public School Building Bond Redemption Fund of 1963 Appropriation .....	\$	8,097,260
Public School Building Bond Redemption Fund of 1965 Appropriation .....	\$	2,697,550
University of Washington Bond Redemption Fund Appropriation .....	\$	2,159,603
Washington State University Bond Retirement Fund Appropriation .....	\$	809,594
Central Washington State College Bond Retirement Fund Appropriation .....	\$	329,133
Eastern Washington State College Bond Retirement Fund Appropriation .....	\$	331,300
Western Washington State College Bond Retirement Fund Appropriation .....	\$	427,426
Institutional Building Bond Redemption Fund of 1949 Appropriation .....	\$	2,550,720
Institutional Building Bond Redemption Fund of 1957 Appropriation .....	\$	3,374,130
State Building Construction Bond Redemption Fund Appropriation .....	\$	8,297,633
State Building and Higher Education Construction Bond Redemption Fund Appropriation..	\$	2,717,175
Juvenile Correctional Institution Building Bond Redemption Fund Appropriation.....	\$	607,960
General Administration Bond Retirement Fund Appropriation .....	\$	720,189
War Veterans' Compensation Bond Retirement Fund Appropriation .....	\$	8,940,832
World Fair Bond Redemption Fund Appropriation .....	\$	1,480,000
Outdoor Recreational Bond Redemption Fund Appropriation .....	\$	323,378

## STATE LEGISLATURE

## General Fund Appropriation

Senate Expenses and salaries of members...	\$	339,064
House of Representatives Expenses and salaries of members .....	\$	875,000
Joint Senate and House Expenses.....	\$	55,000
Joint Committee on Education.....	\$	134,883
Legislative Council .....	\$	260,730
Legislative Budget Committee.....	\$	265,987

General Fund Appropriation for legislative interim committees duly constituted by the legislature: *Provided*, That expenditures for each committee shall not exceed the amounts designated herein as follows: Interim Fisheries Committee, \$5,000; Interim Committee on Game and Game Fish, \$5,000; Joint Interim Committee on Facilities and Operations, \$35,000; Joint Committee on Nuclear Energy, \$30,000; Joint Committee on Governmental Cooperation, \$30,000; Interim Committee on Insurance, \$35,000; Senate Code of Ethics Board, \$5,000; House of Representatives Code of Ethics Board, \$5,000 .....

\$ 150,000

## Motor Vehicle Fund Appropriation

Joint Committee on Highways.....	\$	60,000
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## PERMANENT STATUTE LAW COMMITTEE

General Fund Appropriation: *Provided*, That legislators are to be provided upon request with a copy of the administrative code.....

\$ 302,553

## MUNICIPAL CODE COMMITTEE

Liquor Board Revolving Fund Appropriation, from monies otherwise allocable to cities and towns pursuant to RCW 66.08.210: *Provided*, That any portion remaining unexpended on April 1, 1969 shall revert to the cities' and towns' share and shall be divided as provided in RCW 66.08.210 .....

\$ 50,000

## TEMPORARY ADVISORY COUNCIL ON PUBLIC HIGHER EDUCATION

General Fund Appropriation.....	\$	100,000
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## SUPREME COURT

General Fund Appropriation: *Provided*, That \$172,153 shall be available solely for appeal cost for indigents pursuant to chapter 10.01 RCW .....

\$ 1,498,205

## LAW LIBRARY

General Fund Appropriation.....	\$	266,444
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Budget—Ap-  
propriations—  
State govern-  
ment.

COURT ADMINISTRATOR

General Fund Appropriation.....	\$	138,997
General Fund Appropriation for Superior Court Judges' travel and conferences.....	\$	6,000
General Fund Appropriation for Superior Court Judges .....	\$	1,480,450
General Fund Appropriation Judges' Retirement Fund Contributions.....	\$	204,800
Additional Judges' Retirement Fund Contri- butions in accordance with RCW 2.12.070..	\$	214,566

JUDICIAL COUNCIL

General Fund Appropriation.....	\$	48,340
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OFFICE OF THE GOVERNOR

General Fund Appropriation Executive Operations .....	\$	542,043
Investigation and Emergency Purposes—to be distributed on vouchers approved by the Governor .....	\$	16,000
Extradition Expenses to carry out the provi- sions of RCW 10.34.030 providing for the return of fugitives when approved by the Governor (including prior claims).....	\$	60,000
Mansion Maintenance .....	\$	34,000
Office of Economic Opportunity.....	\$	308,376
Office of Economic Opportunity, for support of Head Start projects approved for Federal funds, not to exceed 10% of the cost of such projects and for administration, not to exceed \$25,000 .....	\$	750,000

SPECIAL APPROPRIATIONS TO THE GOVERNOR

General Fund Appropriation Governor's Emergency, to be allocated for the carrying on of the critically necessary work of any agency: <i>Provided</i> , That \$350,000 may be allotted for surveys and installations by the Governor: <i>Provided</i> , That not to exceed \$400,000 may be allocated for payments of tort claims in accordance with RCW 4.92- .160 and 4.92.170 .....	\$	2,000,000
For continuing salary adjustments made Feb- ruary 1, 1967, and for the purpose of fully implementing, effective January 1, 1968, the salary survey findings adopted by the State Personnel Board on December 7, 1966, and subsequent revisions thereto, and employee benefits, including classified and exempt positions, to be allotted to those agencies whose employees are all or in part within		

the present system of the State Personnel Board .....	\$ 28,382,789
Council of State Governments.....	\$ 26,500
<b>LIEUTENANT GOVERNOR</b>	
General Fund Appropriation.....	\$ 44,158
<b>SECRETARY OF STATE</b>	
General Fund Appropriation: <i>Provided</i> , That \$450,000 shall be available only for initiative and referendum, voters' and candidates' pamphlet, and related legal and other advertising purposes .....	\$ 1,195,975
<b>STATE TREASURER</b>	
General Fund Appropriation.....	\$ 481,245
General Fund—Investment Reserve Account Appropriation .....	\$ 212,322
<b>STATE AUDITOR</b>	
General Fund Appropriation	
State Auditor .....	\$ 1,301,983
Payment for supplies and services furnished in previous biennium .....	\$ 100,000
Criminal cost bills.....	\$ 18,000
Motor Vehicle Fund Appropriation.....	\$ 89,216
<b>ATTORNEY GENERAL</b>	
General Fund Appropriation.....	\$ 1,282,033
<b>CENTRAL BUDGET AGENCY</b>	
General Fund Appropriation.....	\$ 1,467,208
General Fund Appropriation to carry out the provisions of RCW 79.44 relating to assessments against state-owned lands: <i>Provided</i> , That any expenditure from this appropriation on behalf of an agency which is financed by other than General Fund moneys shall be repaid to the General Fund from any balances in the fund or funds which finance such agency and no appropriation shall be necessary to effect such repayment.....	\$ 100,000
General Fund Appropriation to carry out the provisions of RCW 41.40.370 relating to employers' contributions to state employees' retirement .....	\$ 2,000
<b>PLANNING AND COMMUNITY AFFAIRS AGENCY</b>	
General Fund Appropriation.....	\$ 3,210,909
Motor Vehicle Fund Appropriation to assist metropolitan municipal corporations to make the planning, engineering, financial and feasibility studies incident to the preparation of a	

Budget—Appropriations—State government.

comprehensive public transportation plan; it is the intent of the legislature, in providing for these studies, to promote future savings in the construction, reconstruction, repair and betterment of public highways, county roads, bridges, and city streets.....	\$	250,000
Motor Vehicle Excise Fund Appropriation.....	\$	82,400

CAPITOL COMMITTEE

General Fund—Capitol Building Construction Account Appropriation .....	\$	10,000
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BOARD AGAINST DISCRIMINATION

General Fund Appropriation.....	\$	263,624
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DEPARTMENT OF PERSONNEL

Personnel Service Revolving Fund Appropriation .....	\$	1,700,799
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STATE EMPLOYEES' RETIREMENT SYSTEM

Retirement System Expense Fund Appropriation .....	\$	960,941
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PUBLIC PENSION COMMISSION

General Fund Appropriation: <i>Provided</i> , That \$70,000 shall be available solely to carry out the studies authorized in chapter 160, Laws of 1967 (SB 69): <i>Provided further</i> , That the commission shall furnish a written summary of such studies to the forty-first legislature not later than November 15, 1968.....	\$	136,000
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FINANCE COMMITTEE

General Fund—Investment Reserve Account Appropriation .....	\$	105,154
Motor Vehicle Fund Appropriation.....	\$	36,600
General Fund—Public School Building Construction Account Appropriation.....	\$	33,580
General Fund—State Building and Higher Education Construction Account Appropriation..	\$	32,875
General Fund—Outdoor Recreation Account Appropriation .....	\$	5,075
General Fund—Local Government Sewerage Construction and Improvement Account Appropriation .....	\$	25,000
General Fund—Common School Building Construction Account Appropriation .....	\$	22,000

DEPARTMENT OF REVENUE

General Fund Appropriation: *Provided*, That funds received as reimbursements pursuant to chapter 84.41 RCW are hereby appropriated

to the Department of Revenue in excess of this amount, and such funds as are contracted to be paid into the General Fund prior to June 30, 1969, may be allotted in advance of receipts: <i>Provided further</i> , That \$100,000 shall be available solely for a management survey of assessors' office procedures and requirements to develop a manual and standards for improved organization and procedures .....	\$ 8,788,723
<b>TAX APPEALS BOARD</b>	
General Fund Appropriation.....	\$ 150,000
<b>UNIFORM LAW COMMISSION</b>	
General Fund Appropriation.....	\$ 6,079
<b>DEPARTMENT OF GENERAL ADMINISTRATION</b>	
General Fund Appropriation.....	\$ 5,017,249
<b>DEPARTMENT OF INSTITUTIONS—HEADQUARTERS</b>	
General Fund Appropriation.....	\$ 10,331,998
General Fund—Transfer to Probation Service Account .....	\$ 100,000
General Fund—Probation Service Account Appropriation for grants to counties for juvenile probation services.....	\$ 100,000
General Fund Appropriation to carry out the provisions of RCW 72.33.800 through 72.33-.820 .....	\$ 300,000
<b>PRESIDENTIAL ELECTORS</b>	
General Fund Appropriation.....	\$ 500
<b>INSURANCE COMMISSIONER</b>	
General Fund Appropriation .....	\$ 1,608,284
<b>ACCOUNTANCY BOARD</b>	
General Fund Appropriation .....	\$ 106,877
<b>AERONAUTICS COMMISSION (DEPARTMENT OF TRANSPORTATION)</b>	
General Fund Appropriation.....	\$ 58,500
General Fund—Aircraft Search and Rescue, Safety and Education Account Appropriation .....	\$ 90,000
General Fund—Aeronautics Account Appropriation .....	\$ 149,420
<b>ATHLETIC COMMISSION</b>	
General Fund Appropriation.....	\$ 22,000

Budget—Appropriations—State government.

<b>CEMETERY BOARD</b>	
General Fund—Cemetery Account Appropriation .....	\$ 13,600
<b>HORSE RACING COMMISSION</b>	
Racing Commission Fund Appropriation: <i>Provided</i> , That if there are more than 306 racing days during the 1967-1969 biennium, the governor is hereby authorized to allocate such additional funds as may be required.....	\$ 715,000
<b>BOARD OF INDUSTRIAL INSURANCE APPEALS</b>	
Accident Fund Appropriation.....	\$ 737,420
Medical Aid Fund Appropriation.....	\$ 737,420
<b>LIQUOR CONTROL BOARD</b>	
Liquor Board Revolving Fund Appropriation..	\$ 19,477,170
<b>PHARMACY BOARD</b>	
General Fund Appropriation.....	\$ 235,825
<b>PUGET SOUND PILOTAGE COMMISSION</b>	
General Fund—Puget Sound Pilotage Account Appropriation .....	\$ 7,000
<b>POLLUTION CONTROL COMMISSION</b>	
General Fund Appropriation.....	\$ 3,910,015
<b>UTILITIES AND TRANSPORTATION COMMISSION</b>	
Public Service Revolving Fund Appropriation.	\$ 3,895,814
<b>BOARD FOR VOLUNTEER FIREMEN</b>	
Volunteer Firemen's Relief and Pension Fund Appropriation .....	\$ 34,090
<b>DEPARTMENT OF CIVIL DEFENSE</b>	
General Fund Appropriation: <i>Provided</i> , That \$22,850 shall be available solely to carry out the provisions of chapter 203, Laws of 1967 (HB 5) .....	\$ 1,533,141
<b>DEPARTMENT OF LABOR AND INDUSTRIES</b>	
General Fund Appropriation.....	\$ 11,387,983
General Fund—Electrical License Account Appropriation .....	\$ 1,456,710
Accident Fund Appropriation.....	\$ 2,939,279
Medical Aid Fund Appropriation.....	\$ 8,349,492
<b>MILITARY DEPARTMENT</b>	
General Fund Appropriation.....	\$ 2,127,220
Armory Fund Appropriation.....	\$ 552,577
<b>DEPARTMENT OF TRANSPORTATION</b>	
General Fund Appropriation.....	\$ 300,000



DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation: <i>Provided</i> , That \$14,200 shall be available solely for the processing of notary public commissions.....	\$ 1,284,825
General Fund Appropriation for the Medical Disciplinary Board .....	\$ 40,647
General Fund Appropriation for the Chiropractic Disciplinary Board.....	\$ 11,000
Motor Vehicle Fund Appropriation.....	\$ 8,727,462
Highway Safety Fund Appropriation.....	\$ 7,908,625
General Fund—Commercial Automobile Driver Training Schools Account Appropriation....	\$ 3,340
General Fund—Park and Parkways Account Appropriation .....	\$ 50,000
General Fund—Marine Fuel Tax Refund Account Appropriation .....	\$ 50,000
General Fund—Optometry Account Appropriation .....	\$ 20,787
General Fund—Opticians' Account Appropriation .....	\$ 8,854
General Fund—Real Estate Commission Account Appropriation .....	\$ 883,586
General Fund—Architects' License Account Appropriation .....	\$ 74,265
General Fund—Professional Engineers' Account Appropriation .....	\$ 148,445
General Fund—Sanitarians' Licensing Account Appropriation .....	\$ 5,677
General Fund—Board of Psychological Examiners Appropriation .....	\$ 9,445

STATE PATROL

General Fund Appropriation.....	\$ 55,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation .....	\$ 24,110,929

VEHICLE EQUIPMENT SAFETY COMMISSION

Motor Vehicle Fund—State Patrol Highway Account Appropriation .....	\$ 5,000
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LAW ENFORCEMENT OFFICERS' TRAINING COMMISSION

General Fund Appropriation.....	\$ 125,000
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TRAFFIC SAFETY COMMISSION

General Fund Appropriation: <i>Provided</i> , That not to exceed \$40,000 from state sources may be advanced in anticipation of receipt of federal funds: <i>Provided further</i> , That such advance shall be deducted from the initial allotment of federal funds to the state.....	\$ 2,879,363
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Budget—Appropriations—State government.

BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation..... \$ 354,633

DEPARTMENT OF INSTITUTIONS—  
ADULT CORRECTIONAL INSTITUTIONS AND  
PROBATION AND PAROLE SERVICES

General Fund Appropriation: *Provided*, That not more than \$2,363,639 may be allotted for Probation and Parole Services unless and to the extent that the workload exceeds the estimate contained in the budget: *Provided further*, That not more than \$19,590,141 may be allotted for adult correctional institutions unless and to the extent that the institutional population exceeds the estimate contained in the budget ..... \$ 21,953,780

DEPARTMENT OF INSTITUTIONS—  
JUVENILE REHABILITATION

General Fund Appropriation..... \$ 19,735,815

DEPARTMENT OF INSTITUTIONS—JUVENILE  
DELINQUENCY PREVENTION AND CONTROL

General Fund Appropriation..... \$ 1,029,763

VETERANS' REHABILITATION COUNCIL

General Fund Appropriation..... \$ 575,034

DEPARTMENT OF INSTITUTIONS—VETERANS' HOMES

General Fund Appropriation..... \$ 3,364,607

DEPARTMENT OF PUBLIC ASSISTANCE

General Fund Appropriation: *Provided*, That \$47,940,899 shall be available exclusively for administration including salaries, wages and operations ..... \$313,009,459

General Fund Appropriation to be used exclusively to provide assistance to aged individuals 65 and over in institutions for mental diseases, of which \$1,711,730 is the federal share and \$954,306 is the state share: *Provided*, that federal receipts in excess of those herein estimated may be received and allotted by the governor, but in the event that receipts shall be less than those estimated, the appropriation shall be reduced accordingly.... \$ 2,666,036

The Department of Public Assistance is hereby directed to administer the programs for which funds are herein appropriated in such a manner as to strictly comply with the existing statutes relating to public assistance, to adjust assistance payment if necessary,

and to effect all economies possible in the administration of such programs during the 1967-69 biennium in order that expenditures for said biennium shall not exceed the funds herein appropriated: *Provided*, That payments to applicants or recipients from this appropriation shall not be increased due to increased costs of living unless funds are available: *Provided*, That the Department shall not pay increased rates for supplies or services unless it has been clearly determined that adequate funds are available to provide for the increased rates during the remainder of the biennium: *Provided*, That no payments of general assistance shall be made from this appropriation unless the applicant or recipient for general assistance has resided in the State of Washington for three out of the last four years immediately preceding the date of application: *Provided*, That the Director may make payments of emergency general assistance to an applicant or recipient notwithstanding the residence provision above for a period of not to exceed ninety days if a denial of assistance would cause undue hardship: *Provided*, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and personal incidentals shall not exceed fifty percent of the amount which would be paid to such recipient if he were living in his own home: *Provided*, That where a dependent child lives with his mother and a stepfather or an adult male person assuming the role of a spouse to the mother although not legally married to her, the amount of the grant shall be computed after consideration is given to the income and resources of the stepfather or such adult male person and the State Department of Public Assistance shall determine if the stepfather or such adult male person is able to support the child either wholly or in part; said determination shall be based upon a standard which takes into account the stepfather's or such adult male person's income, resources, and expenses under regulations set forth by the Department of Public Assistance; a natural father is not relieved of any legal obligation to support his children by the liability for their support imposed upon

Budget—  
Appropriations  
—State gov-  
ernment.

their stepfather or adult male person by this proviso: *Provided*, That all the various vendors shall be required to furnish adequate, documented evidence of the cost of providing their particular services, care or supplies, in the form, to the extent and at such times that the Department of Public Assistance may determine; the designated purpose of such information is the evaluation and justification of vendor rates in order to establish rates and fees that are substantiated by vendor costs; the decision of the Department of Public Assistance on such rates and fees shall be final: *Provided*, That no payments of public assistance shall be made under this appropriation to or on behalf of any person who qualifies for public assistance solely because of RCW 74.04.005, paragraph 12 E: *Provided*, That if any part of this act shall be found to be in conflict with Federal requirements which are a prescribed condition to the allocation of Federal funds to the State, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules and regulations under this act shall meet Federal requirements which are a necessary condition to the receipt of Federal funds by the State.

General Fund Appropriation for medical services and supplies not in excess of the unexpended balance of the 1965-1967 appropriation or allotment for this purpose..... \$ 300,000

DEPARTMENT OF INSTITUTIONS—SCHOOLS  
FOR THE SENSORY HANDICAPPED

General Fund Appropriation..... \$ 3,549,240

WESTERN INTERSTATE COMMISSION FOR  
HIGHER EDUCATION

General Fund Appropriation..... \$ 45,000

COMPACT FOR EDUCATION

General Fund Appropriation..... \$ 31,000

SUPERINTENDENT OF PUBLIC INSTRUCTION  
(Including Board of Education)

General Fund Appropriations  
Office of the Superintendent of Public In-  
struction and Board of Education, including

\$100,000 for the Pacific Science Center and \$125,000 for Handicapped Research.....	\$ 2,561,831
To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958) .....	\$ 7,025,844
Education of Indian Children.....	\$ 230,000
Assistance to Blind Students (RCW 28.76.130)	\$ 32,640
Grants to Teachers of the Handicapped.....	\$ 200,000
School lunch and school milk programs.....	\$ 7,700,000
Adult Basic Education.....	\$ 500,000
Civil Defense Education.....	\$ 100,000
Cerebral Palsy Center.....	\$ 325,000
Allocation to Intermediate Districts and County Superintendents of Schools: <i>Pro- vided</i> , That any county wherein the office of county superintendent has been abol- ished pursuant to RCW 28.19.190 shall re- ceive an allotment from this appropriation commensurate with the amount said county would have received had the office of county superintendent not been abolished	\$ 1,192,125
Elementary and Secondary Education Act of 1965 .....	\$ 42,233,428
Distribution to counties for school districts:	
Handicapped children—excess costs.....	\$ 28,048,088
Adult Education .....	\$ 1,281,264
State Institutions .....	\$ 4,222,907
General Fund Appropriation for General Ap- portionment: <i>Provided</i> , That it is the intent of the legislature to provide salary improve- ments for all district personnel in average amounts of seven percent in 1967-68 and an additional five percent in 1968-69 over the average level for 1966-67, said 1966-67 level being exclusive of adjustments made pursuant to chapter 4, Laws of 1967, plus related OASI and retirement costs; the estimated cost of these improvements for the K-12 program being \$64,413,944, of which \$57,538,078 is contained in this appropriation for disburse- ment during 1967-69 and \$6,875,872 is to be appropriated by the Forty-First Legislature for disbursement in July and August, 1969, under the provisions of chapter 162, Laws of 1965, Extraordinary Session: <i>Provided</i> , That the Superintendent of Public Instruction shall distribute not to exceed \$1,500,000 so as to guarantee that no non-certificated employee receives a reduction in salary below the level established for him pursuant to chapter 4,	

Budget—  
Appropriations  
—State gov-  
ernment.

Laws of 1967: *Provided*, That the weighting schedule to be used in computing the apportionment of funds for each district for 1967-69 shall be based on the following factors:

1. Each full time student enrolled.. 1.0
2. Each student, grades 7-12, an added ..... .3
3. Each full time student enrolled in an approved vocational class in grades 7 through 12, an added 1.0
4. Each identified culturally disadvantaged child receiving an approved program, an added..... .1
5. A factor, established by the Superintendent of Public Instruction, designed to reimburse each district for costs resulting from staff education and experience greater than the minimums in the average salary schedule in use by Washington school districts.
6. For school districts enrolling fewer than 250 students in grades 9-12 and for non-high districts which are judged remote and necessary by the State Board of Education and which enroll fewer than 100 students, weighting factors submitted by the Superintendent of Public Instruction to the Fortieth Legislature:

*Provided*, That every district shall be entitled to receive an amount sufficient to guarantee one hundred percent of the total general fund revenue per enrolled pupil, excluding special levy revenue, which said district realized under the provisions of the state distribution formula during the school year 1966-67, for the following school years and upon the following conditions:

(1) For school year 1967-68, if such district has voted a special levy of at least five mills for operation and maintenance purposes collectible in 1967 and a similar levy collectible in 1968; and

(2) For school year 1968-69, if such district has satisfied the requirements of item (1) above and has in addition voted a special levy of at least five mills for operation and maintenance purposes collectible in 1969.....

\$517,914,252

General Fund Appropriation to be distributed in accordance with chapter [140], Laws of 1967, Extraordinary Session (HB 978) . . . . .	\$ 42,100,000
General Fund Appropriation for a pilot study in summer school programs: <i>Provided</i> , That the Superintendent of Public Instruction shall allocate not to exceed said amount to the Seattle School District No. 1 for approved pilot summer school programs which in such Superintendent's judgment will provide an acceptable study designed to test the advisability of year around usage of school district buildings and facilities. . . . .	\$ 230,000
General Fund—Driver Education Account Appropriation . . . . .	\$ 4,127,399
General Fund Appropriation of mobile home excise tax to be distributed in accordance with chapter [149], Laws of 1967 Extraordinary Session, (SB 255) . . . . .	\$ 1,195,740

## BOARD FOR COMMUNITY COLLEGES

## General Fund Appropriations

For administrative expenses of the board. . . . .	\$ 300,000
For disbursement by Community Colleges: <i>Provided</i> , That such disbursements shall be in accordance with budgets approved by the State Board for Community Colleges and as allotted under chapter 43.88 RCW . . . . .	\$ 65,176,758

## VOCATIONAL-TECHNICAL SCHOOLS

General Fund Appropriation for distribution to Vocational-Technical schools: <i>Provided</i> , That the budget director shall divide this appropriation in two parts on or about May 15, 1967, the one part to be allotted to the Superintendent of Public Instruction for his distribution to those vocational-technical schools which elect to remain under the administrative jurisdiction of local common school districts and the other part to be allotted to the board for community colleges for its distribution to those vocational-technical schools which elect to become subject to the administrative jurisdiction of such board as a part of the comprehensive community college system created by Chapter 8, Laws of 1967, Extraordinary Session (SHB 548), such division to be predicated on the ratio which the full-time enrollment of each vocational-technical school bears to the total full-time enrollment of all vocational-technical schools	\$ 7,836,768
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COORDINATING COUNCIL FOR OCCUPATIONAL  
EDUCATION

General Fund Appropriation..... \$ 28,281,130

TEACHERS' RETIREMENT SYSTEM

Teachers' Retirement Fund Appropriation.... \$ 581,404

General Fund Appropriation

Contribution to Teachers' Retirement Funds \$ 46,035,614

UNIVERSITY OF WASHINGTON

General Fund Appropriation..... \$107,966,585

Motor Vehicle Excise Fund Appropriation.... \$ 266,000

Accident Fund Appropriation ..... \$ 250,000

Medical Aid Fund Appropriation..... \$ 250,000

WASHINGTON STATE UNIVERSITY

General Fund Appropriation..... \$ 55,591,746

EASTERN WASHINGTON STATE COLLEGE

General Fund Appropriation..... \$ 12,033,202

CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation..... \$ 15,110,771

WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation..... \$ 16,656,048

FOURTH STATE COLLEGE

General Fund Appropriation..... \$ 500,000

HIGHER EDUCATION FACILITIES COMMISSION

General Fund Appropriation: *Provided*, That  
not to exceed \$50,000 shall be from state  
sources ..... \$ 100,315

EDUCATIONAL TELEVISION COMMISSION

General Fund Appropriation..... \$ 2,175

STATE LIBRARY

General Fund Appropriation..... \$ 4,922,818

ARTS COMMISSION

General Fund Appropriation: *Provided*, That  
not to exceed \$71,840 shall be from state  
sources ..... \$ 171,840

WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation..... \$ 154,007

EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation..... \$ 118,805

STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation..... \$ 88,837

General Fund—State Capitol Historical Associ-  
ation Museum Account Appropriation..... \$ 34,000

COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund Appropriation..... \$ 78,000



DEPARTMENT OF HEALTH

General Fund Appropriation: *Provided*, That \$250,000 shall be transferred by the liquor control board from its receipts into the general fund prior to July 1, 1968: *Provided further*, That not to exceed \$4,268,569 may be expended for tuberculosis hospitalization and control: *Provided further*, That it is the intent of the legislature that Firland Sanatorium be closed at the earliest practicable date, in accordance with chapter 54, Laws of 1967, (HB 476): *Provided further*, That not more than \$210,000 shall be used to pay for services in connection with the maintenance and operation of Artificial Kidney Centers upon the basis of appropriate contracts, including contracts with the Division of Vocational Rehabilitation, and vouchers for services..... \$ 18,622,928

General Fund Appropriation for the treatment of alcoholism and for carrying out the purposes of RCW 70.96.085..... \$ 889,500

DEPARTMENT OF INSTITUTIONS—MENTAL HOSPITALS  
 General Fund Appropriation..... \$ 34,222,242

DEPARTMENT OF INSTITUTIONS—SCHOOLS FOR THE MENTALLY RETARDED  
 General Fund Appropriation..... \$ 29,481,663

DEPARTMENT OF INSTITUTIONS—OLYMPIC CENTER  
 General Fund Appropriation: *Provided*, That at least 25 beds be made available for temporary residential and diagnostic care of the mentally retarded, beginning no later than July 1, 1968 ..... \$ 1,508,958

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
 General Fund—Outdoor Recreation Account  
 Appropriation: *Provided*, that additional funds may be received and allotted pursuant to Section 8 of this act when such additional funds are for other than the administrative expenses of the committee..... \$ 272,016

PARKS AND RECREATION COMMISSION  
 General Fund—Park and Parkways Account  
 Appropriation ..... \$ 6,504,965  
 Motor Vehicle Fund Appropriation for maintenance of vehicular roads, highways and bridges within state parks..... \$ 300,000

DEPARTMENT OF COMMERCE AND ECONOMIC  
DEVELOPMENT

General Fund Appropriation..... \$ 2,461,667

OCEANOGRAPHIC COMMISSION

General Fund Appropriation..... \$ 150,000

DEPARTMENT OF WATER RESOURCES

General Fund Appropriation: *Provided*, That \$340,000 of this appropriation shall be available solely for studies of the impact of Columbia River diversion, water resources, and criteria for allocation of state funds for flood protection: *Provided further*, That an amount not to exceed \$709,425 may be used to carry out the provisions of chapter [136], Laws of 1967, Extraordinary Session, (HB 222)..... \$ 3,300,617

General Fund—Reclamation Revolving Account Appropriation ..... \$ 366,655

General Fund—Weather Modification Board Revolving Account Appropriation..... \$ 3,000

Basic Data Fund Appropriation..... \$ 60,000

CANAL COMMISSION

General Fund Appropriation..... \$ 108,403

General Fund—Harbor Improvement Account Appropriation ..... \$ 20,000

DEPARTMENT OF FISHERIES

General Fund Appropriation..... \$ 9,997,513

General Fund—Lewis River Hatchery Account Appropriation ..... \$ 28,220

DEPARTMENT OF GAME

Game Fund Appropriation: *Provided*, That not more than \$30,000 shall be expended for payment of game animal damages and expense ..... \$ 13,335,200

DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation..... \$ 9,017,294

General Fund—Contingency Forest Fire Suppression Account Appropriation..... \$ 449,986

General Fund—Forest Development Account Appropriation ..... \$ 976,211

General Fund—Resource Management Cost Account Appropriation ..... \$ 10,650,742

DEPARTMENT OF AGRICULTURE

General Fund Appropriation..... \$ 3,194,505

General Fund—Commercial Feed Account Appropriation ..... \$ 185,814

General Fund—Commission Merchants' Account Appropriation .....	\$	139,860
General Fund—Egg Inspection Account Appropriation .....	\$	221,577
General Fund—Feed and Fertilizer Account Appropriation .....	\$	11,384
General Fund—Fertilizer, Agricultural Mineral and Lime Account Appropriation.....	\$	115,073
General Fund—Nursery Inspection Account Appropriation .....	\$	117,248
General Fund—Seed Inspection Account Appropriation .....	\$	258,339
Grain and Hay Inspection Fund Appropriation.	\$	2,758,860

EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation.....	\$	96,993
Unemployment Compensation Administration Fund .....	\$	26,769,359
Administrative Contingency Fund.....	\$	100,000

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of the several funds indicated, for the period from the effective date of this act to June 30, 1969, except as otherwise provided.

Additional budget—Appropriations—Miscellaneous.

SPECIAL APPROPRIATION TO THE GOVERNOR

General Fund Appropriation for travel and incidental expenses of designated representatives to May 1967 meeting of Compact for Education .....	\$	2,500
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COURT ADMINISTRATOR

General Fund Appropriation for Superior Court Judges to be expended for OASI contributions due in excess of previous estimates for the period ending June 30, 1967.....	\$	6,400
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LEGISLATIVE COUNCIL

General Fund Appropriation: <i>Provided</i> , That \$15,000 shall be available solely for expenses resulting from the appointment of special members to the Council: <i>Provided</i> , That \$10,000 shall be available solely for the preparation of a legislative code of ethics.....	\$	25,000
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ATTORNEY GENERAL

General Fund Appropriation to carry out additional duties imposed by the provisions of chapter 8, Laws of 1967, Extraordinary Session .....	\$	20,000
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STADIUM COMMISSION	
General Fund Appropriation.....	\$ 25,000
BOARD FOR COMMUNITY COLLEGES	
General Fund Appropriation.....	\$ 15,000
BELATED CLAIMS	
To reimburse General Fund for Expenditures from Appropriation for Belated Claims to be disbursed on vouchers approved by the State Auditor:	
GENERAL FUND—Architects License Account Appropriation .....	\$ 222.50
GENERAL FUND—Commercial Feed Account Appropriation .....	\$ 5.82
GENERAL FUND—Commission Merchants Account Appropriation .....	\$ 85.26
GENERAL FUND—Contingency Forest Fire Suppression Account Appropriation.....	\$ 1,799.25
GENERAL FUND—Egg Inspection Account Appropriation .....	\$ 46.44
GENERAL FUND—Fertilizer, Agricultural Mineral and Lime Account Appropriation....	\$ 13.43
GENERAL FUND—Nursery Inspection Account Appropriation .....	\$ 36.03
GENERAL FUND—Parks and Parkways Account Appropriation .....	\$ 3,507.24
GENERAL FUND—Real Estate Commission Account Appropriation .....	\$ 26.00
GENERAL FUND—Reclamation Revolving Account Appropriation .....	\$ 940.62
GENERAL FUND—Seed Account Appropriation.....	\$ 22.58
GENERAL FUND—C.E.P. and R.I. Account Appropriation .....	\$ 6.32
GENERAL FUND—State Capitol Vehicle Parking Account Appropriation .....	\$ 7.98
GENERAL FUND—Driver Education Account Appropriation .....	\$ 53,519.16
GENERAL FUND—State Building Construction Account Appropriation .....	\$ 3,032.16
AUTHORITY REVOLVING FUND Appropriation...	\$ 83.63
GAME FUND Appropriation.....	\$ 12,191.25
GRAIN AND HAY INSPECTION FUND Appropriation .....	\$ 134.29
HIGHWAY SAFETY FUND Appropriation.....	\$ 740.77
MOTOR VEHICLE FUND Appropriation.....	\$ 3,386.39
STATE PATROL HIGHWAY ACCOUNT FUND Appropriation .....	\$ 12,750.35
PUBLIC SERVICE REVOLVING FUND Appropriation .....	\$ 386.07

FOREST ASSESSMENT FUND Appropriation . . . .	\$	102.42
STATE FOREST NURSERY FUND Appropriation..	\$	520.66
ACCIDENT FUND Appropriation.....	\$	847.28
MEDICAL AID FUND Appropriation.....	\$	73.63

REFUNDS

General Fund Appropriation for refunds, to be disbursed on vouchers approved by the State Auditor, as follows:

MRS. AXEL KROGSTAD

Refund for purse seine license and gill net license . . . . .	\$	180.00
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LESTER STRITMATTER, Attorney for Melvin Butterfield, Defendant,

Refund of bail . . . . .	\$	123.25
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Sundry Claims for refund of Commercial Clam Digging Licenses:

CARL BRUMLEY . . . . .	\$	5.00
JERRY HOUSE . . . . .	\$	5.00
HENRY NIEMI . . . . .	\$	5.00
LEWIS GREENMAN . . . . .	\$	5.00
VIVIAN GREENMAN . . . . .	\$	5.00
FRED ELLCEY . . . . .	\$	5.00

SUNDRY CLAIMS

General Fund Appropriation for relief of various individuals, firms and corporations for sundry reasons to be disbursed on vouchers approved by the State Auditor as follows:

G. W. MUTCHLER in full settlement for medical costs for injuries sustained by his daughter, MARGO MUTCHLER . . . . .	\$	34.82
BENJAMIN F. MONK for services rendered to welfare patients for October, 1966. . . . .	\$	282.00
MARVIN E. LINDBERG in full settlement for injuries sustained at Washington State University on February 6, 1962. . . . .	\$	3,000.00
G. F. LUGER for services rendered to welfare patients, for August, September, October, and November, 1966 . . . . .	\$	1,105.80
EUGENE C. BOND for services rendered to welfare patients, for August, September, October and November, 1966. . . . .	\$	16,214.00
J. W. WALLEN for services rendered to welfare patients for September, 1966. . . . .	\$	127.50
WILLIAM V. KING for services rendered to welfare patients for August and September, 1966 . . . . .	\$	272.50
RICHARD X. MAGUIRE for services rendered to welfare patients for December, 1966. . . . .	\$	282.25

DEACONESS HOSPITAL, Spokane, in full settlement for services rendered to welfare patients for October and November, 1962....	\$	1,866.40
FATHER JEROME L. TONER to reimburse for travel, while a member of State Board Against Discrimination .....	\$	400.00
FORT WRIGHT COLLEGE for water furnished to Washington National Guard installation...	\$	190.89
OMA COOK in full settlement for loss of personal property caused by patients at Western State Hospital.....	\$	48.32
DONALD DOMAN, JR., in full settlement for loss of personal property caused by patients at Western State Hospital.....	\$	19.22
VIGGO THOMSEN in full settlement for loss of personal property caused by inmates of Washougal Honor Camp.....	\$	113.07
JAMES MANZELLA in full settlement for loss of personal property caused by a student at Maple Lane School.....	\$	20.80
STANLEY O. SHENEFELT in full settlement for loss of personal property caused by patient at Western State Hospital.....	\$	2.06
ROBERT STORER in full settlement for damage caused by an inmate from Spruce Canyon.	\$	361.99
JUNIOR A. PELHAM in full settlement for damage caused by inmates from Fort Worden..	\$	225.00
EDWARD F. RILEY Retirement Pay .....	\$	640.00
YAKIMA VALLEY MEMORIAL HOSPITAL for services rendered to mentally ill.....	\$	1,452.00
KING COUNTY HOSPITAL for services rendered to mentally ill .....	\$	9,493.28
SYBIL FOSTER for refund of moneys paid into Judges' Retirement Fund by Harry E. Foster, deceased, as full settlement.....	\$	1,488.99
JOE SHABAZ for full settlement of damages caused while in the performance of duty in the Washington State Senate.....	\$	135.00
A. BURALLI in full settlement for loss of business income .....	\$	25,000.00
General Fund Appropriation for reimbursement of travel expense while serving with the Washington Air National Guard for the following individuals:		
MICHAEL D. GRAVES .....	\$	95.95
BENJAMIN H. SEBASTIAN.....	\$	95.95
ELDON E. DAVIS.....	\$	95.95
FRANCIS G. GRAY .....	\$	95.95
THEODORE H. MCINTYRE.....	\$	95.95

HOLLIS R. BUSEY .....	\$	91.95
RICHARD G. WALES .....	\$	91.95
JOHN C. EPLER .....	\$	91.95
GEORGE W. MAYBAY .....	\$	91.95
General Fund Appropriation for reimbursement of travel and expenses while serving on legislative interim committee:		
MRS. ALICE VINCENT .....	\$	4.25
J. DAVID ANDREWS .....	\$	37.00
CHARLES F. WARNER .....	\$	37.00
DAVID E. WILLIAMS .....	\$	25.00
JOHN H. HALE .....	\$	25.00
JACK L. CHRISTENSON .....	\$	25.00
General Fund Appropriation to the Department of Public Assistance and to be paid by the Department of Public Assistance to various hospitals in full settlement of services ren- dered to welfare patients for periods 7/1/65 to 2/28/66 and 7/1/66 to 11/30/66, and to be paid on vouchers approved by the De- partment of Public Assistance.....	\$	269,816.99
Motor Vehicle Fund Appropriation for relief of various individuals and corporations to be disbursed on vouchers approved by the State Auditor as follows:		
DONALD DRAKE to reimburse for damages in- curred in the performance of duty.....	\$	1,430.00
FLOYD M. MULLIGAN in full settlement for damages to automobile on July 15, 1966...	\$	170.00
RALPH SHERRILL in full settlement of damages sustained on State Highway.....	\$	42.90
UNION PACIFIC RAILROAD in full settlement of services rendered to State Highway De- partment prior to 1961.....	\$	19,538.77
NORTHERN PACIFIC RAILROAD in full settlement of services rendered to State Highway De- partment prior to 1961.....	\$	21,038.79
GREAT NORTHERN RAILROAD in full settlement of services rendered to State Highway De- partment prior to 1961.....	\$	2,584.13
CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD in full settlement for services rendered to State Highway Department prior to 1961.....	\$	1,214.43
JOE GILCHRIST for refund of Gasoline Tax...	\$	40.35
Motor Vehicle Excise Fund Appropriation for refunds to be disbursed on vouchers ap- proved by the State Auditor as follows:		
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, transfer of funds to the Pub-		

lic Service Revolving Fund for reimbursement for costs incurred in collecting excise tax in accordance with chapter 152, Laws of 1945 .....	\$	1,056.99
Game Fund Appropriation to be disbursed on vouchers approved by the State Auditor EANRIE T. GUGLIEMELLI in full settlement for damage caused by wildlife.....	\$	500.00

CRIMINAL COSTS

General Fund Appropriation reimbursing counties for various cost bills in felony cases:		
TREASURER, King County.....	\$	12,165.95
TREASURER, Pierce County.....	\$	1,042.90
TREASURER, Spokane County.....	\$	312.75

TRANSFER

General Fund Appropriation to General Fund— Tort Claims Account (Fosbre v. State of Washington, Supreme Court No. 38555) ...	\$	157,443.30
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Budget—Appropriations—Counties, cities and towns.

Sec. 3. There is hereby appropriated from the general fund the sum of \$25,000,000 for distribution to counties, cities, and towns, as follows: *Provided*, That population data employed in such distribution shall be determined by the State Planning and Community Affairs Agency:

(1) The state treasurer shall distribute to the counties in four equal quarterly payments on the last day of September, December, March, and June of the fiscal year 1967-68 the sum of \$1,000,000 in accordance with the following formula: to each county according to the proportion which its population bears to the total population of all counties in the state.

(2) The state treasurer shall distribute to the counties in four quarterly payments on the last day of September, December, March and June of fiscal year 1968-69 so much of the sum of \$2,000,000 as shall be sufficient to meet the requirements of the following factors: *Provided*, That any sum remaining from such \$2,000,000 shall be added to the sum available for distribution provided in subsection (3) of this section:



(a) The state treasurer shall determine the amount which would be distributed to each county if distributed in the proportion which its population bears to the total population of all counties in the state;

(b) The department of revenue shall certify to the state treasurer each county whose assessed valuation on taxable property is not less than twenty-three percent of true and fair value as determined by the then current indicated ratio of the department of revenue;

(c) The state treasurer shall distribute funds under this subsection (2) in accordance with the determination of paragraph (a) only to those counties certified as provided in paragraph (b).

(3) The state treasurer shall distribute to the cities and towns in four equal quarterly payments on the last day of September, December, March, and June of fiscal year 1967-68 the sum of \$11,000,000, and in four equal quarterly payments on the last day of September, December, March, and June of fiscal year 1968-69 the sum of \$11,000,000 plus any sum remaining from the amount authorized to be distributed to counties under subsection (2) of this section, in accordance with the following factors:

(a) One-fourth to all cities and towns;

(b) One-fourth to cities of 20,000 or more population;

(c) One-fourth to cities and towns maintaining police departments of five or more full time equivalent positions for fully paid persons engaged in police work, exclusive of any clerical positions;

(d) One-fourth to cities and towns maintaining fire departments of five or more full time equivalent positions for fully paid persons engaged in fire fighting, exclusive of any clerical personnel.

Each city or town shall share in the amount distributed under each factor in the proportion which

its population bears to the total population of all cities and/or towns receiving funds under that factor. The state treasurer shall determine eligibility as to police and fire departments by reference to the approved and adopted municipal budgets which shall be submitted to him at such time and in such manner as he may prescribe.

Budget—Appropriation—King County Hospital.

Sec. 4. (1) There is appropriated to the state treasurer from the general fund the sum of \$4,180,000, to be distributed to the King County Board of Commissioners in the manner provided herein for the continuing operation of King County Hospital as a teaching resource for the University of Washington: *Provided*, That no portion of such appropriation may be expended except pursuant to the terms of a management contract entered into between the Board of Trustees of King County Hospital and the Board of Regents of the University of Washington with respect to the said hospital, approved by the King County Board of Commissioners and the state budget director, and providing, among other things, as follows: That major hospital institutional policies, title to all real and personal properties, and ultimate fiscal and program controls are to remain vested in the Board of Trustees of King County Hospital, subject to the terms of such contract; that the Board of Regents of the University of Washington shall be responsible for providing for the rendering of all medical services in the hospital; that overall management of the hospital shall be under the direction of the Board of Regents of the University of Washington through a hospital administrator who will be appointed by the Board of Regents subject to approval of the Board of Trustees of the hospital; that all non-medical personnel except senior administrative staff shall be employees of King County Hospital; and that the management controls to be delegated by contract to the Board of Regents

of the University of Washington and executed through the Hospital Administrator shall include:

1. The preparation and execution of an overall operating budget including estimated revenues and expenditures;

2. The provision of budgetary controls over operational expenditures;

3. The provision of cost finding, cost accounting, and management information systems and procedures;

4. The provision of procedures and controls for patient accounting, billing, and collections; and

5. The appointment, promotion, termination, transfer, and training of all hospital personnel.

The budget director shall notify the state treasurer of the execution and approval of such contract and thereafter the appropriation hereby made to the state treasurer shall be distributed to the Board of King County Commissioners in eight equal installments, commencing on the 1st day of July, 1967, and on the 1st day of each succeeding quarter of each year of the biennium thereafter; and *Provided further*, That the Board of Regents of the University of Washington shall, on or before January 1, 1969, submit to the Legislature of the State of Washington a report of the operations of King County Hospital under the provisions of this section, which report shall include the recommendations of the Regents for the management and financing of King County Hospital during the fiscal biennium ending June 30, 1971, and future biennia.

(2) Income received by all county hospitals from patients after July 1, 1967, for services rendered prior to that date shall be considered as available to the county hospitals for the current 1967-69 cost of the operation of the hospitals.

Sec. 5. There is hereby appropriated from the General Fund the sum of \$10,000,000, or so much

Budget—Appropriation—Emergency needs.

thereof as may be necessary for allocation to state agencies, departments and institutions to meet any catastrophe, disaster or unforeseen or unanticipated condition or circumstance or abnormal change of condition or circumstance affecting the functions of the state agency, department or institutions: *Provided*, That no expenditure shall be made herefrom except such as shall be certified by the Governor as meeting the requirements hereof and has been approved by a sixty percent majority each of the Legislative Budget Committee and the Legislative Council.

Terms defined.

Sec. 6. The word "agency" used herein shall mean and include every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board and commission, except as otherwise provided in this act.

The phrase "agencies headed by elective officials" used herein shall mean those executive offices or departments of the state which are directly supervised, administered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it shall not include those boards, commissions, or committees on which one or more of the above-named elected officials serve.

Powers and duties of budget director.

Sec. 7. In order to carry out the provisions of these appropriations and the state budget, the budget director, with the approval of the governor, may:

(1) Allot all or any portion of the funds herein appropriated, or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in

reserve available for subsequent allotment: *Provided*, That the budget director shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; Washington State Apple Advertising Commission; Washington State Fruit Commission; Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of chapter 15.66 RCW; the legislative branch of state government including the legislative council, the legislative budget committee, the statute law committee, and any legislative interim committee; or the judicial branch of state government: *Provided, however*, That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revision of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1967; for the sole purpose of

authorizing agencies to order goods, supplies or services for delivery after July 1, 1967: *Provided*, That no expenditures may be made from the appropriations contained in section 1 until after July 1, 1967.

Federal funds  
—Receipt and  
allotment.

Sec. 8. Except as otherwise provided in this act, any receipts from federal or other sources or from gifts or grants in excess of those estimated in the budget may be received and allotted by the governor but in the event that receipts shall be less than those estimated in the budget from any source the appropriation shall be limited to the amount actually received and allotments made as provided in section 4. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or the legislature shall be used to support regular programs instead of using appropriated funds.

Refunds.

Sec. 9. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

Governor's  
emergency  
appropriation.

Sec. 10. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the budget director may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriations shall be necessary to effect such repayment.

Appropriations  
of surplus  
sums—  
Limitations.

Sec. 11. In addition to the amounts appropriated in this act for revenue for distribution and bond retirement and interest, 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.

Sec. 12. Amounts received by an agency as reimbursements pursuant to RCW 43.09.210 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 budget director 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. Such services may include, but shall not be limited to, a messenger service and data processing service bureau in the Department of General Administration and further centralized payroll and vendor payment processing in the Central Budget Agency.

Payments for services between agencies—Construction.

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.

Emergency.

Passed the House April 30, 1967.

Passed the Senate April 30, 1967.

Approved by the Governor May 11, 1967.

## CHAPTER 144.

[Engrossed Senate Bill No. 261.]

## CITIES AND TOWNS—COUNTIES—IRRIGATION DISTRICTS—POWERS.

AN ACT relating to local government; providing rules and procedures for the sale or disposition of certain county, city, irrigation district or other political subdivision properties; levying an excise tax on city-owned parking facilities; providing for certain city, town and county planning procedures; empowering counties to construct, maintain, improve, operate and control certain recreational facilities and make reasonable regulations and charges for the use thereof; authorizing the issuance and sale of bonds for construction and development of public parks in conjunction with off-street parking space and facilities by cities and towns; regulating purchases, leases or contracts for public works by counties; establishing a county purchasing department; prescribing their powers, duties and functions; creating a county equipment and revolving fund; amending section 35.41.010, chapter 7, Laws of 1965 and RCW 35.41.010; amending section 35.63.100, chapter 7, Laws of 1965 and RCW 35.63.100; amending section 35.86.010, chapter 7, Laws of 1965 and RCW 35.86.010; amending section 35.86.020, chapter 7, Laws of 1965 and RCW 35.86.020; amending section 35.86.070; chapter 7, Laws of 1965 and RCW 35.86.070; amending section 36.32.240, chapter 4, Laws of 1963 and RCW 36.32.240; amending section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 97, Laws of 1967 and RCW 36.32.250; amending section 36.34.020, chapter 4, Laws of 1963 and RCW 36.34.020; amending section 1, chapter 82, Laws of 1931, as amended by section 1, chapter 43, Laws of 1933 and RCW 87.03.135; adding new sections to chapter 4, Laws of 1963 and to chapter 36.32 RCW; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.68 RCW.

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

RCW 36.34.020  
amended.

Section 1. Section 36.34.020, chapter 4, Laws of 1963 and RCW 36.34.020 are each amended to read as follows:

Whenever the board of county commissioners desires to dispose of any county property except:

- (1) When selling to a governmental agency;



(2) When personal property to be disposed of is to be traded in upon the purchase of a like article;

Counties—Disposition of county property—Notice—Exemptions.

(3) When the value of the property to be sold is less than five hundred dollars;

(4) When the board by a resolution setting forth the facts has declared an emergency to exist; it shall publish notice of its intention so to do once each week during two successive weeks in three different legal newspapers published in the county, or if there are less than three in as many legal newspapers as are published in the county.

Sec. 2. Any municipality may sell, lease or convey any real property located in an area zoned to permit the operation of retail business, when such property is no longer needed for the use or purposes of the municipality, to any private corporation or association established to develop and maintain free public parking facilities. "Municipality" as used in sections 2 through 5 of this 1967 amendatory act, means any city with a population over three hundred thousand and any municipal corporation or other political subdivision located within the boundaries of such city.

Municipalities—Disposition of property corporation formed to provide free public parking.

Sec. 3. Before any municipality may sell, lease or convey any real property located in an area zoned to permit the operation of retail business, it shall post in a conspicuous place on such property and publish in the official newspaper for the county in which such property is located for fifteen days prior to such sale, lease or conveyance a notice giving the legal description of such property and disclosing an intention to sell, lease or convey such property; and it shall offer in its notice, and shall give, the first right of purchase or lease of the whole or any part of such property to any private corporation or association (1) established to develop and maintain free public parking facilities and (2) which agrees to dedicate such property for free public parking.

Publication of notice.

Municipality—  
Disposition of  
property—  
Compensation.

Sec. 4. A sale, lease or conveyance to such corporation or association may be made for such consideration and on such terms and conditions as the municipality deems appropriate: *Provided*, That the price charged such corporation or association shall not be in excess of the fair market value of such property: *Provided further*, That all deeds, leases and other instruments of conveyance shall incorporate a reversion to the municipality of the property or property interest so deeded, leased or conveyed, in the event that such property should no longer be used as a free public parking facility.

Exemption.

Sec. 5. The provisions of section 3 of this 1967 amendatory act shall not apply to any sale, lease or conveyance to the federal government or to any agency thereof, or to the state or any agency, county, city, town or other political subdivision of this state.

RCW 35.86.070  
amended.

Sec. 6. Section 35.86.070, chapter 7, Laws of 1965 and RCW 35.86.070 are each amended to read as follows:

Taxation—  
Free public  
parking.

Such cities and/or their lessees shall pay to the county treasurer an annual excise tax for the privilege of operating a city-owned parking facility equal to the amounts which would be paid upon real property devoted to the purpose of off-street parking were it in private ownership. This section shall only apply to parking facilities acquired under this chapter.

RCW 87.03.135  
amended.

Sec. 7. Section 1, chapter 82, Laws of 1931 as amended by section 1, chapter 43, Laws of 1933 and RCW 87.03.135 are each amended to read as follows:

Irrigation  
districts—  
Disposition of  
property—  
Notice.

Any irrigation district shall have power to sell or lease any real estate or personal property owned by such district, whenever the board of directors shall, by unanimous vote, determine that such property is not necessary or needed for the use of the district.

No sale or lease of such property shall be made until notice thereof shall be given by publication at least twenty days before the date of said sale or lease of said property in some newspaper of general circulation in the county where the property or part thereof is located, if there be one, and if there be none, then in some newspaper of general circulation published in an adjoining county, said publication to be made at least once a week during three consecutive weeks before the day fixed for the making of such sale or lease, and shall contain notice of intention of the board of directors to make such sale or lease and state the time and place at which proposals for such sale or lease will be considered and at which the sale or lease will be made: *Provided*, That the provisions of this section relating to publication of notice shall not apply when the value of the property to be sold or leased is less than five hundred dollars. Any such property so sold or leased shall be sold or leased to the highest and best bidder. The provisions of this section shall not apply to the sale of lands acquired by an irrigation district through its purchase of said lands for the nonpayment of its irrigation assessments.

Sec. 8. Section 35.63.100, chapter 7, Laws of 1965 and RCW 35.63.100 are each amended to read as follows:

RCW 35.63.100  
amended.

The commission may recommend to its council or board the plan prepared by it as a whole, or may recommend parts of the plan by successive recommendations; the parts corresponding with geographic or political sections, division or subdivisions of the municipality, or with functional subdivisions of the subject matter of the plan, or in the case of counties, with suburban settlement or arterial highway area. It may also prepare and recommend any amendment or extension thereof or addition thereto.

Cities and  
towns—  
Planning  
commissions—  
Restrictions—  
Recommendations—  
Hearings.

Before the recommendation of the initial plan to

the municipality the commission shall hold at least one public hearing thereon, giving notice of the time and place by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality.

The council may adopt by resolution or ordinance and the board may adopt by resolution the plan recommended to it by the commission, or any part of the plan, as the comprehensive plan.

A true copy of the resolution of the board adopting or embodying such plan or any part thereof or any amendment thereto shall be certified by the clerk of the board and filed with the county auditor. A like certified copy of any map or plat referred to or adopted by the county resolution shall likewise be filed with the county auditor. The auditor shall record the resolution and keep on file the map or plat.

The original resolution or ordinance of the council adopting or embodying such plan or any part thereof or any amendment thereto shall be certified by the clerk of the city and filed by him. The original of any map or plat referred to or adopted by the resolution or ordinance of the council shall likewise be certified by the clerk of the city and filed by him. The clerk shall keep on file the resolution or ordinance and map or plat.

Comprehensive plans—  
Amendments.

Sec. 9. All amendments to a comprehensive plan shall be adopted, certified, and recorded or filed in the same manner as authorized in section 8 of this 1967 amendatory act for an initial comprehensive plan.

Validation of  
prior comprehensive plans.

Sec. 10. Any city comprehensive plan and all amendments thereto which have been filed or recorded with the county auditor prior to the effective date of this 1967 amendatory act shall be valid and

need not be refiled with the clerk of the city to remain valid and in full force and effect.

Sec. 11. There is added to chapter 4, Laws of 1963 and to chapter 36.68 RCW a new section to read as follows:

Any county, acting through its board of county commissioners, is empowered to build, construct, care for, control, supervise, improve, operate and maintain parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, and other recreational facilities, and to that end may make, promulgate and enforce such rules and regulations regarding the use thereof, and make such charges for the use thereof, as may be deemed by said board to be reasonable.

Sec. 12. Section 35.41.010, chapter 7, Laws of 1965 and RCW 35.41.010 are each amended to read as follows:

The legislative body of any city or town, for the purpose of providing funds for defraying all or a portion of the costs of planning, purchase, leasing, condemnation, or other acquisition, construction, reconstruction, development, improvement, extension, repair, maintenance, or operation of any municipally owned public land, building, facility, or utility, for which the municipality now has or hereafter is granted authority to acquire, condemn, develop, repair, maintain, or operate, for which the city receives revenue or for which such municipality charges a fee, may authorize, by ordinance, the creation of a special fund or funds into which the city or town shall be obligated to set aside and pay:

(1) A fixed proportion of the gross revenues of the facility or utility, or

Cities and towns—Fiscal—Municipal revenue act—Special funds.

(2) A fixed amount out of, and not to exceed, a fixed proportion of the gross revenues thereof, or

(3) A fixed amount without regard to any fixed proportion of such revenues, or

(4) An amount sufficient to meet principal and interest requirements and to accumulate any reserves and additional funds that may be required.

The legislative body may also authorize the creation of a special fund or funds to defray all or part of the costs of planning, purchase, condemnation, or other acquisition, construction, improvement, maintenance or operation of any public park in, upon or above property used or to be used as municipally owned off-street parking space and facilities, whether or not revenues are received or fees charged in the course of public use of such park. Part or all of the otherwise unpledged revenues, fees or charges arising from municipal ownership, operation, lease or license of any off-street parking space and facilities, or arising from municipal license of any on-street parking space, shall be set aside and paid into such special fund or funds in accordance with this section.

RCW 35.86.010 amended.

Sec. 13. Section 35.86.010, chapter 7, Laws of 1965 and RCW 35.86.010 are each amended to read as follows:

Cities and towns—Via-ducts, elevated roadways, tunnels, etc.

Cities of the first, second, and third classes are authorized to provide off-street parking space and facilities for motor vehicles, and the use of real property for such purpose is declared to be a public use. Notwithstanding the provisions of RCW 35.86.040 such cities shall call for competitive bids for the operation of any off-street parking space and facilities for motor vehicles in or beneath a public park by any private person, firm or corporation, upon such reasonable notice, bidder qualifications and bid conditions as the city shall determine. In the case of off-street parking space in, upon or beneath

a public park the term "facilities" as used hereafter in this chapter may include public parks thereon.

Sec. 14. Section 35.86.020, chapter 7, Laws of 1965 and RCW 35.86.020 are each amended to read as follows:

RCW 35.86.020  
amended.

In order to provide for off-street parking space and/or facilities, such cities are authorized, in addition to their powers for financing public improvements, to finance their acquisition and construction through the issuance and sale of revenue bonds or general obligation bonds or both. Any bonds issued by such cities pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state.

Financing.

In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35 as now or hereafter amended.

Such cities may authorize and finance the economic and physical surveys and plans, and construction, for off-street parking, and the maintenance and management of such off-street parking spaces and facilities either within their general budget or by issuing revenue bonds or general obligation bonds or both.

General obligation bonds issued hereunder may additionally be made payable from any otherwise unpledged revenue, fees or charges which may be derived from the ownership, operation, lease or license of off-street parking space or facilities or which may be derived from the license of on-street parking space.

Sec. 15. Section 36.32.240, chapter 4, Laws of 1963 and RCW 36.32.240 are each amended to read as follows:

RCW 36.32.240  
amended.

In any county the board of county commissioners may by resolution establish a county purchasing de-

Counties—  
County com-  
missioners—  
Purchasing—  
Competitive  
bids.

partment and thereafter such department shall contract on a competitive basis for all public works and purchase or lease on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.060, 36.77.070 and 36.82.130: *Provided*, That in all class AA or class A counties or in any county of the first class it shall be mandatory that a purchasing department be established.

RCW 36.32.250  
amended.

Sec. 16. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 97, Laws of 1967, and RCW 36.32.250 are each amended to read as follows:

Counties—  
Public works—  
Purchasing—  
Bidding—  
Supplies.

No contract, lease or purchase shall be entered into by the board of county commissioners or by any elected or appointed officer of such county until after bids have been submitted to the board of county commissioners upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the board for public inspection, and an advertisement thereof stating the date after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the board, shall be published in the county official newspaper. Such advertisement shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the board. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at a meeting of the board on the date named therefor in said advertisement, and after being opened, shall be filed for public inspec-



tion. No bid shall be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease or purchase shall be awarded to the lowest responsible bidder; taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The board shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the board. In the letting of any contract, lease or purchase involving less than one thousand dollars advertisement and competitive bidding may be dispensed with on order of the board of county commissioners. Notice of intention to let contracts, enter into lease agreements or to make purchases involving amounts exceeding five hundred dollars and less than one thousand dollars, shall be posted by the board of county commissioners on a bulletin board in its office not less than three days prior to making such purchase, lease or contract. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be pur-

Counties—  
Public works—  
Purchasing—  
Bidding—  
Supplies.

chased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

**Note: See also section 1, chapter 97, Laws of 1967.**

New section.

Sec. 17. There is added to chapter 4, Laws of 1963 and to chapter 36.32 RCW a new section to read as follows:

Adoption by  
county.

The board of county commissioners may elect to adopt the provisions of sections 18, 19 and 20 of this 1967 amendatory act and may, by resolution, designate the kinds of equipment subject thereto.

New section.

Sec. 18. There is added to chapter 4, Laws of 1963 and to chapter 36.32 RCW a new section to read as follows:

County equip-  
ment and  
rental revolving  
fund.

In accordance with the provisions of section 17 of this 1967 amendatory act, in every county in which there is now or is hereafter established a county purchasing department, there is created a county fund to be known as the "county equipment and rental revolving fund". On the effective date of this 1967 amendatory act, the county treasurer of such counties shall transfer to said fund all sums remaining in the county current expense fund budgeted for the purchase or lease of capital outlay equipment.

New section.

Sec. 19. There is added to chapter 4, Laws of 1963 and to chapter 36.32 RCW a new section to read as follows:

County pur-  
chasing—Pur-  
chasing de-  
partment ap-  
proval—Ex-  
ceptions.

In accordance with the provisions of section 17 of this 1967 amendatory act, after the effective date of this 1967 amendatory act, no warrants shall be issued for the purchase or lease of capital outlay equipment unless they have been authorized by the county purchasing agent: *Provided*, That sums allocated to existing contracts for the purchase or lease of such equipment shall be authorized by the purchasing agent upon the written request of the officer

or employee who has executed such contract: *Provided, further,* That no option for purchase or extension of time in such existing contracts may be exercised unless approved by the purchasing agent.

Sec. 20. In accordance with the provisions of section 17 of this 1967 amendatory act, the county purchasing agent, subject to the supervision of the board of county commissioners shall establish charges to be paid by county officers and county departments for the use of such equipment. The charge shall be sufficient to amortize the cost of purchasing, maintaining or leasing such equipment, which amounts shall be credited as income to the county equipment and revolving fund and charged on a monthly basis against the account of the officer or agent using such equipment. Moneys derived from the charges for such equipment shall be disbursed from the county equipment and revolving fund by the county treasurer by warrants drawn by the county auditor on vouchers duly authorized by the purchasing agent.

County purchasing agent  
—Charges for use of equipment.

Sec. 21. If any provision of this 1967 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, shall not be affected.

Severability.

Passed the Senate April 29, 1967.

Passed the House April 27, 1967.

Approved by the Governor May 11, 1967.

## CHAPTER 145.

[Engrossed Substitute House Bill No. 722.]

## HIGHWAYS.

An Act relating to highways and the operation of vehicles thereon; describing powers, duties and organization of the Washington state highway commission, the Washington toll bridge authority, the director and department of motor vehicles, the state commission on equipment, and the joint committee on highways; establishing and designating certain highways and alternate routes; relating to transportation toll facilities and the financing thereof; providing for surveys and studies of proposed highway additions; prescribing fees, size, weight, load permits, license plate and equipment restrictions for certain motor vehicles; relating to the licensing of drivers and vehicles; amending section 47.20.030, chapter 13, Laws of 1961 as amended by section 5, chapter 21, Laws of 1961 extraordinary session and RCW 47.20.030; amending section 47.20.050, chapter 13, Laws of 1961 and RCW 47.20.050; amending section 47.20.160, chapter 13, Laws of 1961 as last amended by section 9, chapter 3, Laws of 1963 extraordinary session and RCW 47.20.160; amending section 47.20.410, chapter 13, Laws of 1961 as last amended by section 8, chapter 197, Laws of 1963 and RCW 47.20.410; amending section 47.20.140, chapter 13, Laws of 1961 as amended by section 18, chapter 3, Laws of 1963 extraordinary session and RCW 47.20.140; amending section 47.22.020, chapter 13, Laws of 1961 and RCW 47.22.020; amending section 47.16.050, chapter 13, Laws of 1961 and RCW 47.16.050; amending section 47.20.280, chapter 13, Laws of 1961 and RCW 47.20.280; amending section 47.20.360, chapter 13, Laws of 1961 and RCW 47.20.360; amending section 47.54.010, chapter 13, Laws of 1961 and RCW 47.54.010; amending section 47.54.020, chapter 13, Laws of 1961 and RCW 47.54.020; amending section 84.36.010, chapter 15, Laws of 1961 and RCW 84.36.010; amending section 84.60.050, chapter 15, Laws of 1961 and RCW 84.60.050; amending section 84.60.060, chapter 15, Laws of 1961 and RCW 84.60.060; amending section 47.36.100, chapter 13, Laws of 1961 and RCW 47.36.100; amending section 47.28.070, chapter 13, Laws of 1961 and RCW 47.28.070; amending section 47.28.030, chapter 13, Laws of 1961 as amended by section 1, chapter 233, Laws of 1961 and RCW 47.28.030; amending section 47.04.020, chapter 13, Laws of 1961 as amended by section 3, chapter 24, Laws of 1963 and RCW 47.04.020; amending section 47.04.010, chapter 13, Laws of 1961 and RCW 47.04.010; amending section 1,

chapter 24, Laws of 1963 and RCW 47.36.095; amending section 47.20.640, chapter 13, Laws of 1961 and RCW 47.20.640; amending section 47.08.060, chapter 13, Laws of 1961 and RCW 47.08.060; amending section 46.20.270, chapter 12, Laws of 1961 as amended by section 22, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.270; amending section 43, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.342; amending section 1, chapter 24, Laws of 1905, as last amended by section 1, chapter 227, Laws of 1957, and RCW 9.92.060; amending section 4, chapter 227, Laws of 1957 and RCW 9.95.210; amending section 46.37.005, chapter 12, Laws of 1961 as amended by section 49, chapter 32, Laws of 1967 and RCW 46.37.005; amending section 3, chapter 204, Laws of 1963 and RCW 46.38.030; amending section 15, chapter 155, Laws of 1965 extraordinary session and RCW 46.61.100; amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 52, chapter 3, Laws of 1963 extraordinary session and RCW 46.44.030; amending section 36.88.220, chapter 4, Laws of 1963 and RCW 36.88.220; amending section 2, chapter 111, Laws of 1965 extraordinary session and RCW 35.95.020; amending section 5, chapter 111, Laws of 1965 extraordinary session and RCW 35.95.050; amending section 81.80.060, chapter 14, Laws of 1961 as last amended by section 40, chapter 170, Laws of 1965 extraordinary session and RCW 81.80.060; amending section 82.36.020, chapter 15, Laws of 1961 as last amended by section 2, chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session and RCW 82.36.020; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 8, chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session and RCW 46.68.100; amending section 15, chapter 96, Laws of 1961 and RCW 47.42.150; amending section 47.20.300, chapter 13, Laws of 1961 and RCW 47.20.300; amending section 35, chapter 3, Laws of 1963 extraordinary session as amended by section 64, Laws of 1965 extraordinary session and RCW 44.40.010; adding a new section to chapter 12, Laws of 1961 and to chapter 46.16 RCW; adding new sections to chapter 12, Laws of 1961 and to chapter 46.20 RCW; adding new sections to chapter 12, Laws of 1961 and to chapter 46.44 RCW; adding new sections to chapter 13, Laws of 1961 and to chapter 47.16 RCW; adding new sections to chapter 13, Laws of 1961 and to chapter 47.20 RCW; adding a new section to chapter 13, Laws of 1961 and to chapter 47.36 RCW; adding new sections to chapter 13, Laws of 1961 and to chapter 47.56 RCW; adding a new chapter to chapter 13, Laws of 1961 and to Title 47 RCW; adding a new section to chapter 15, Laws of 1961 and to

chapter 82.36 RCW; repealing section 47.20.415, chapter 13, Laws of 1961 as amended by section 9, chapter 197, Laws of 1963 and RCW 47.20.415; repealing section 47.04.030, chapter 13, Laws of 1961 and RCW 47.04.030; repealing section 2, chapter 24, Laws of 1963 and RCW 47.36.096; amending section 46.16.320, chapter 12, Laws of 1961 as amended by section 21, chapter 32, Laws of 1967 and RCW 46.16.320; making appropriations; providing penalties; and declaring an emergency.

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

Joint committee on highways—Studies—Projects.

Section 1. The joint committee on highways and the Washington state highway commission, shall jointly consider the following proposed highway additions by undertaking appropriate studies and surveys as may be necessary to accomplish an evaluation with respect to their being a part of the modern integrated state highway system. Unless otherwise specified, all studies shall be completed by September 1, 1968:

(1) The addition of the R. H. Thomson expressway as a primary state highway, from the intersection of primary state highway No. 2 and primary state highway No. 5 south of FAI 90, thence northerly to an intersection with primary state highway No. 2 (Bothell branch) in the vicinity of east 90th street.

(2) An extension to secondary state highway No. 1S from its terminus in the vicinity of Yale northerly to a junction with secondary state highway No. 1R in the vicinity of Mt. St. Helens; thence northeasterly to a junction with primary state highway No. 5 in the vicinity of Randle.

(3) A new secondary state highway branch to primary state highway No. 12 beginning at a junction with PSH No. 12 (Ocean Beach highway) where it intersects with 15th Avenue in Longview, Washington, thence south on 15th Avenue to where it again intersects with PSH No. 12 (Oregon Way).

(4) A new secondary state highway branch to primary state highway No. 12 beginning at the junction of PSH No. 12 where it intersects with 4th Avenue and Allen Street in Kelso, Washington, thence west on Allen and West Main Streets to the intersection of SSH No. 12-H at 1st Avenue west and Main Street.

(5) A secondary state highway branch to primary state highway No. 12 beginning at a junction with primary state highway No. 12 in the vicinity of Grays River, thence northeasterly to a junction with primary state highway No. 12 in the vicinity of Pe Ell. In connection with this study the Washington state highway commission is directed to prepare a new traffic report updating the reconnaissance survey report submitted to the 1957 legislature pursuant to section 43, chapter 383, Laws of 1955. Evaluation of this route shall take into account its importance as a connecting highway to the Astoria bridge.

(6) A secondary state highway branch to primary state highway No. 3 beginning at a junction with primary state highway No. 3 in the vicinity of Colton to primary state highway No. 3 in the vicinity of Clarkston, via Steptoe Canyon and Wilma.

(7) An extension to SSH No. 6A from the existing north terminus of SSH No. 6A where it intersects with PSH No. 6 at Tiger, thence northerly to Metaline Falls, thence easterly to the vicinity of Sullivan Lake and through Pass Creek pass to the Idaho-Washington state line.

(8) A highway beginning at the junction of the Grand Ronde river and Snake river in the vicinity of the town of Rogersburg and thence along the left bank of the Snake river to the Washington-Oregon border line.

(9) An extension to SSH No. 1T from Ridgefield

Joint commit-  
tee on high-  
ways—Studies  
—Projects.

northerly to a point on PSH No. 1 in the vicinity of Woodland and Wall boom.

(10) A new highway from PSH No. 2 in the vicinity of Auburn northerly to PSH No. 15 in the vicinity of Bothell, together with such connections to existing state highways west of the said route as might be adjudged necessary to develop an orderly system of highway routes in the said vicinity.

(11) A secondary state highway branch to PSH No. 10 beginning at a junction with PSH No. 10 in the vicinity of the Chief Joseph Dam, thence easterly along the north side of the Columbia river to a junction with SSH No. 10A in the vicinity of Belvedere.

(12) A connection between PSH No. 5 and PSH No. 2 (Echo Lake cutoff) in the vicinity of the east city limits of Auburn. The committee shall determine whether such connecting road should be designated a state highway or county road.

(13) Secondary state highway No. 5N from Eatonville, southeasterly to a junction with primary state highway No. 5 in the vicinity of Elbe.

(14) A pedestrian overpass in King county at the intersection of First Avenue south, being secondary state highway No. 1K, SR 509 and south 140th street.

(15) The joint committee on highways and the Washington state highway commission shall make a study to evaluate the necessity of a pedestrian overpass across south 188th street in the vicinity of Tyee High School.

(16) An extension to SSH No. 3S from the existing west terminus of SSH No. 3S in the vicinity of the boundary between Stevens and Spokane counties, thence northwesterly along the north bank of the Spokane river to connect with PSH No. 22 in the vicinity of the confluence of the Columbia and Spokane rivers. In connection with this study, the



Washington state highway commission is directed to prepare a report updating the reconnaissance survey report submitted to the 1961 Legislature pursuant to section 20, chapter 319, Laws of 1959.

(17) A highway beginning at a junction with primary state highway No. 11, N.E. of the Pasco Airport and thence northwesterly to an extension of the Horn Rapids County Road, and thence to a junction with the intersection of secondary state highway No. 3-R and the Horn Rapids County Road.

Sec. 2. Section 47.20.030, chapter 13, Laws of 1961, as amended by section 5, chapter 21, Laws of 1961 extraordinary session and RCW 47.20.030 are each amended to read as follows:

RCW 47.20.030  
amended.

Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary  
state highways  
Nos. 1E and  
1F.

Secondary state highway No. 1E; beginning at Conway on primary state highway No. 1, thence in a southerly direction by way of East Stanwood, thence in a southeasterly direction to a junction with primary state highway No. 1, thence in an easterly direction to Arlington on secondary state highway No. 1A; also from the junction of secondary state highway No. 1A at Arlington in a north-easterly and easterly direction to Darrington.

Secondary state highway No. 1F; beginning in the city of Bellingham on primary state highway No. 1 (SR 5) at the Lindsay Avenue interchange, thence in a westerly direction by the most feasible route to an intersection with primary state highway No. 1 (SR 11) in the city of Bellingham in the vicinity of Donovan Avenue.

Sec. 3. Section 47.20.050, chapter 13, Laws of 1961 and RCW 47.20.050 are each amended to read as follows:

RCW 47.20.050  
amended.

Secondary state highways as branches of pri-

Secondary  
state highways  
Nos. 1I and 1J.

mary state highway No. 1, are established as follows:

Secondary state highway No. 1I; beginning at Everett on primary state highway No. 1, in the vicinity of its intersection with secondary state highway No. 2J, thence in a westerly direction to Mukilteo, thence in a southeasterly direction to a junction with primary state highway No. 1 in the vicinity south of Everett;

Secondary state highway No. 1J; beginning at a junction with primary state highway No. 1 in the vicinity north of Seattle, thence in an easterly direction to the vicinity of Lake Washington, thence in a southeasterly direction to Seattle in the vicinity of the Naval Air Station at Sandpoint.

New section.

Sec. 4. There is added to chapter 13, Laws of 1961 and to chapter 47.16 RCW a new section to read as follows:

Pacific high-  
way—Reten-  
tion as state  
highway un-  
til 7-1-69.

Notwithstanding any other provision of law, that part of primary state highway No. 1 (Pacific highway) from the Broadway junction with FAI 5, in Everett, south to Midway shall remain a part of the state highway system until July 1, 1969.

The joint committee on highways and the Washington state highway commission shall undertake appropriate studies to evaluate this portion of primary state highway No. 1 together with the extension of said highway, formerly primary state highway No. 1 (Pacific highway), southerly to Milton to determine whether or not it should permanently remain on the state system.

RCW 47.20.160  
amended.

Sec. 5. Section 47.20.160, chapter 13, Laws of 1961 as last amended by section 9, chapter 3, Laws of 1963 extraordinary session and RCW 47.20.160 are each amended to read as follows:

Secondary state highways as branches of pri-

primary state highway No. 2 are established as follows:

Secondary state highways Nos. 2-H and 2-I.

Secondary state highway No. 2H; beginning in the vicinity of the termination of Idaho state highway 53 at the Washington-Idaho boundary line, thence in a southwesterly direction by way of Newman Lake, Trentwood and Millwood to a junction with primary state highway No. 3 in Spokane;

Secondary state highway No. 2I; beginning at a junction with primary state highway No. 2 in the vicinity of Virden, thence southeasterly to a junction with primary state highway No. 3 in the vicinity of Woldale.

Sec. 6. There is added to chapter 13, Laws of 1961 and to chapter 47.20 RCW a new section to read as follows:

New section.

Secondary state highway No. 2-K is established as a branch of primary state highway No. 2 according to the following designation and description:

Secondary state highway No. 2-K.

Secondary state highway No. 2-K: Beginning at a junction with primary state highway No. 2 (SR 90) at the West Summit interchange of Snoqualmie Pass, thence along the existing alignment of the Sunset Highway in a southeasterly direction to a junction with primary state highway No. 2 at the Hyak Interchange: *Provided*, That the addition of highway No. 2-K shall not become effective until such time as the interstate, limited access facility bypassing Snoqualmie Summit is constructed and under traffic.

The joint committee on highways and the Washington state highway commission shall undertake appropriate studies to evaluate this portion of secondary state highway No. 2-K to determine whether or not it should permanently remain on the state system.

Sec. 7. Section 47.20.410, chapter 13, Laws of 1961 as last amended by section 8, chapter 197, Laws of

RCW 47.20.410 amended.

Secondary  
state high-  
ways 11A, 11B  
and 11C.

1963 and RCW 47.20.410 are each amended to read as follows:

Secondary state highways as branches of primary state highway No. 11 are established as follows:

Secondary state highway No. 11A; beginning at Yakima on primary state highway No. 3 thence easterly and northerly by way of Cold Creek and Vernita to a point on secondary state highway No. 7C in the vicinity of Othello.

Secondary state highway No. 11B; beginning at a junction with secondary state highway No. 11G west of Connell, thence east to a junction with primary state highway No. 11 in the vicinity of Connell, thence northeasterly by way of Kahlotus, Washtucna and LaCrosse to a junction with primary state highway No. 3 in the vicinity of Dusty; also beginning at a junction with secondary state highway No. 11B in the vicinity of Washtucna, thence southeasterly to a junction with primary state highway No. 3 at Delaney: *Provided*, That until such time as secondary state highway No. 11B between Washtucna and Delaney is actually constructed on the location adopted by the highway commission no existing county roads shall be maintained or improved by the highway commission as a temporary route of said secondary state highway No. 11B.

Secondary state highway No. 11C beginning at a junction with secondary state highway No. 11A near the southerly approach to the Vernita Ferry, thence southeasterly by the most feasible route across the Atomic Energy Commission Reservation to a junction with secondary state highway No. 3R at Richland. The director may enter into negotiations with appropriate federal agencies to secure right of way for said highway over and across the Atomic Energy Commission Reservation.

Repeal.

Sec. 8. Section 47.20.415, chapter 13, Laws of 1961

as amended by section 9, chapter 197, Laws of 1963 and RCW 47.20.415 are each hereby repealed.

Sec. 9. There is added to chapter 13, Laws of 1961 and to chapter 47.16 RCW a new section to read as follows:

Notwithstanding any other provision of law, that portion of existing primary state highway No. 5 now lying between the north city limits of Kent and primary state highway No. 2 in the vicinity of Auburn shall remain as a part of primary state highway No. 5 until such time as the new route of primary state highway No. 5 lying between the north city limits of Kent and primary state highway No. 2 in the vicinity of Auburn has been completed in its entirety and is open to traffic.

Sec. 10. There is added to chapter 13, Laws of 1961 and to chapter 47.20 RCW a new section to read as follows:

A secondary state highway as a branch of primary state highway No. 11 is established as follows: Secondary state highway No. 11I; beginning at a junction with secondary state highway No. 11G west of Warden, thence east to Warden.

Sec. 11. There is added to chapter 13, Laws of 1961 and to chapter 47.20 RCW a new section to read as follows:

A secondary state highway as a branch of primary state highway No. 16 is established as follows: Secondary state highway No. 16A beginning in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with primary state highway No. 10 north of Omak.

Sec. 12. Section 47.20.140, chapter 13, Laws of 1961 as amended by section 18, chapter 3, Laws of 1963 extraordinary session and RCW 47.20.140 are each amended to read as follows:

Secondary state highways No. 2D and 2E.

Secondary state highways as branches of primary state highway No. 2 are established as follows:

Secondary state highway No. 2D; beginning at a junction with primary state highway No. 2 in the vicinity west of Issaquah, thence in a northerly direction to the west of Lake Sammamish to Redmond on primary state highway No. 2, thence in a westerly direction to Kirkland; thence southerly to a junction with primary state highway No. 1, Evergreen Point Bridge Route, in the vicinity of Northrup Road.

Secondary state highway No. 2E; beginning in the vicinity of the junction of primary state highway No. 2 and FAI 90 east of Cle Elum, thence in a northwesterly direction by way of Cle Elum and Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum.

RCW 47.22.020 amended.

Sec. 13. Section 47.22.020, chapter 13, Laws of 1961 and RCW 47.22.020 are each amended to read as follows:

Lewis and Clark Highway.

There is established the Lewis and Clark highway, which shall be composed of the following existing routes: PSH No. 3 from Clarkston to Waitsburg; SSH No. 3-D and SSH No. 3-E from Waitsburg to Pasco (west); PSH No. 3 from Pasco to Waitsburg via Wallula and Walla Walla (east); PSH No. 8 from Pasco to Maryhill; PSH No. 8, PSH No. 1, and PSH No. 12 from Maryhill to Naselle junction; SSH No. 12-B from Naselle junction to Megler; and PSH No. 12 from Megler to Ilwaco.

RCW 47.16.050 amended.

Sec. 14. Section 47.16.050, chapter 13, Laws of 1961 and RCW 47.16.050 are each amended to read as follows:

National park highway.

A primary state highway to be known as primary state highway No. 5, or the National Park highway, is established as follows: Beginning at

Seattle, thence in a southerly direction by way of Bryn Mawr and the vicinity of Renton on primary state highway No. 2, thence in a southerly direction to Auburn, thence in a southeasterly direction by way of Enumclaw and Chinook Pass to Yakima on primary state highway No. 3; also beginning at a junction with primary state highway No. 1 in the vicinity south of Chehalis; thence in an easterly direction by way of Morton and White Pass to a junction with primary state highway No. 5, northwest of Yakima; also beginning at Tacoma on primary state highway No. 1, thence in a southerly direction by way of Elbe, thence in an easterly direction to a southwest entrance to Mount Rainier National Park; also beginning at Elbe on primary state highway No. 5, thence in a southerly direction to a junction with primary state highway No. 5, in the vicinity of Morton; also beginning at Enumclaw on primary state highway No. 5, thence in a southerly direction to a northwest entrance to Mount Rainier National Park; also beginning at Auburn on primary state highway No. 5, thence in a southerly direction by way of Sumner, thence in a westerly direction to Tacoma on primary state highway No. 1; also beginning at a junction with primary state highway No. 5, in the vicinity west of Chinook Pass, thence in a southerly direction to a junction with primary state highway No. 5, in the vicinity west of White Pass; also beginning at Sumner on primary state highway No. 5, and thence in an easterly direction to a junction with primary state highway No. 5, in the vicinity of Buckley; also beginning at Enumclaw on primary state highway No. 5, thence in a northwesterly direction by way of Summit to a junction with primary state highway No. 2, in the vicinity of Renton; also beginning at a point on primary state highway No. 5, in the vicinity of the junction of the Greenwater and White rivers, thence in an easterly direc-

tion to a junction with primary state highway No. 5, in the vicinity north of Cliffdell.

RCW 47.20.280 amended.

Sec. 15. Section 47.20.280, chapter 13, Laws of 1961 and RCW 47.20.280 are each amended to read as follows:

Secondary state highways Nos. 5H and 5I.

Secondary state highways as branches of primary state highway No. 5 are established as follows:

Secondary state highway No. 5H; beginning at a junction with primary state highway No. 5 in the vicinity south of Tacoma, thence in a southwesterly direction by way of McKenna, Yelm, and Rainier, to a junction with secondary state highway No. 1N in Tenino;

Secondary state highway No. 5I; beginning at Yelm on secondary state highway No. 5H, thence in a northwesterly direction via St. Clair to primary state highway No. 1.

RCW 47.20.360 amended.

Sec. 16. Section 47.20.360, chapter 13, Laws of 1961 and RCW 47.20.360 are each amended to read as follows:

Secondary state highway No. 9A.

Secondary state highways as branches of primary state highway No. 9 are established as follows:

Secondary state highway No. 9A; beginning at a junction with primary state highway No. 9 in or near Port Angeles, thence in a westerly direction by way of Pysht and Clallam Bay to Neah Bay.

RCW 47.20.300 amended.

Sec. 17. Section 47.20.300, chapter 13, Laws of 1961 and RCW 47.20.300 are each amended to read as follows:

Secondary state highway No. 5N.

Secondary state highways as branches of primary state highway No. 5 are established as follows:

Secondary state highway No. 5N; beginning at a junction with primary state highway No. 5 in Puyallup, thence in a southerly direction to Eatonville, thence southwesterly from Eatonville to a junction



with primary state highway No. 5 in the vicinity of La Grande.

Sec. 18. There is added to chapter 13, Laws of 1961 and to chapter 47.20 RCW a new section to read as follows:

Secondary state highway No. 3U is established as a branch of primary state highway No. 3 as follows:

Secondary state highway No. 3U; beginning at a point approximately one mile south of Valley, thence easterly approximately one and one-half miles to a junction with primary state highway No. 3.

Sec. 19. There is added to chapter 13, Laws of 1961 and to chapter 47.20 RCW a new section to read as follows:

Secondary state highway No. 3V is established as a branch of primary state highway No. 3 as follows:

Secondary state highway No. 3V; beginning at a junction with primary state highway No. 3 approximately one mile east of Sunnyside northeasterly to a junction with secondary state highway No. 11A.

Sec. 20. The state highway commission is authorized and directed to expend for maintenance of the Puget Island-Westport ferry a sum of eight hundred dollars per month for the biennium ending June 30, 1969 for operation of said ferry as a temporary alternate route. The monthly payments provided for herein shall be approved by the state highway commission and disbursed by warrant to the county of Wahkiakum.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1969 the sum of nineteen thousand two hundred dollars, or so much thereof as may be necessary to carry out the provisions of this section.

Sec. 21. The state highway commission is author-

Highway commission—Additional Lake Washington toll bridge—Study—Appropriation.

ized and directed to conduct all studies and surveys, including traffic studies, necessary to the proper location, design, and financing of another toll bridge to cross Lake Washington, together with necessary connecting roads and approaches properly integrated with city streets. The commission shall utilize all prior surveys and reports heretofore made concerning such bridging and shall consider the preservation of the aesthetic and recreational values of Lake Washington. The commission shall further study the need for incorporation of mass transit facilities within the structure and, for this purpose, shall cooperate with any competent local authority in planning the possible inclusion of such facilities as a part of the structure. As part of the studies and surveys, the commission shall fully study an underwater tube as an alternative to a bridge. The state highway commission and any consultants engaged by it pursuant to this section shall present all studies and surveys to the local governments affected for advisory review at appropriate stages of completion of such studies and surveys. Upon completion of such studies the highway commission shall report its findings and recommendations to the Washington toll bridge authority and to the joint committee on highways.

There is hereby appropriated from the motor vehicle fund to the state highway commission the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary to carry out the provisions of this section, which sum shall be considered as a loan from the motor vehicle fund to be repaid to said fund from the proceeds of the subsequent sale of any bonds issued to finance the bridge project.

Joint study—Secondary state highway No. 1B.

Sec. 22. The joint committee on highways and the Washington state highway commission shall jointly consider the feasibility and justification for

undertaking major reconstruction of the following portion of secondary state highway No. 1B:

Beginning at the junction of secondary state highway No. 1B with SR No. 11, thence along secondary state highway No. 1B to its junction with secondary state highway No. 1A in the vicinity of the city limits of Sumas.

Sec. 23. The joint committee on highways is directed to undertake a study of the economic justification for the improvement of the following segments of secondary state highway 1N in relation to the anticipated thermal power plant development in the area served by such highways:

Joint study—  
Secondary  
state highway  
No. 1N.

(1) Secondary state highway No. 1N from a point at the south end of the Skookumchuck river bridge northerly to the Thurston county line on a new location.

(2) Secondary state highway No. 1N from the Lewis county line northerly to Tenino on the existing alignment.

Sec. 24. The joint committee on highways and the Washington state highway commission shall jointly study the feasibility and need for relocating secondary state highway 1V between Tacoma and Des Moines, taking into account the present and projected industrial and commercial development of the area. This study shall include an evaluation of the engineering reconnaissance study of this route dated January, 1966.

Joint study—  
Secondary  
state highway  
No. 1V.

Sec. 25. The joint committee on highways is authorized and directed to investigate and determine the desirability of authorizing a feasibility study of a bridge across Willapa Bay from Leadbetter Point on the Long Beach Peninsula to the mainland in Pacific county in the vicinity of North Cove.

Joint com-  
mittee on high-  
ways—Study—  
Bridge across  
Willapa Bay.

Sec. 26. The state highway commission is authorized and directed to conduct preliminary surveys,

Highway com-  
mission—  
Study—Toll  
bridge across  
Columbia  
River near  
Puget Island.

including traffic studies, necessary to determine the financial feasibility of a toll bridge to cross the Columbia River at Puget Island. The proposed toll bridge is to be considered as a replacement to the existing ferry operation between Puget Island in Wahkiakum county, operating to the state of Oregon in the vicinity of Westport, Oregon. The highway commission, shall in cooperation with the county commissioners of Wahkiakum county, utilize all traffic data and statistics available from the Puget Island ferry operation. Upon completion of such studies the highway commission shall report its findings and recommendations to the Washington toll bridge authority and the joint committee on highways. The joint committee on highways shall submit copies of the report to the 1969 Legislature.

Highway com-  
mission—  
Study—PSH 5  
(SR 410) con-  
struction.

Sec. 27. The Washington state highway commission is authorized and directed to make a study of the feasibility and need of constructing a new four lane bridge on Linden Drive (present route PSH 5 (SR 410) ) over the Puyallup River, and widening the Linden Avenue structure over the Sumner bypass (new route of PSH 5 (SR 410) ) from two lanes to four, and street widening to four lanes to accommodate the new structures.

New chapter.

Sec. 28. There is added to chapter 13, Laws of 1961 and to Title 47 RCW a new chapter to read as set forth in sections 29 through 31 of this 1967 amendatory act.

Rest areas—  
Rules and reg-  
ulations for  
use—Adop-  
tion.

Sec. 29. Pursuant to chapter 34.04 RCW, the state highway commission shall promulgate rules and regulations consistent with the safety of the traveling public to govern the use and control of rest areas and other areas as designated in RCW 47.12.250, as now or hereafter amended. Nothing herein shall be construed as limiting the powers of the highway commission as provided by law.

Sec. 30. Except where specifically authorized by the state highway commission, it shall be unlawful for any person or persons to stop, stand, or park, any vehicle, including but not limited to trailers, campers, motorcycles, for more than eight hours, or for any person or persons to camp, or to maintain a camp, tent, or other sleeping accommodation or facility, in any rest area or safety rest area within the limits of the right of way of interstate highways or other state highways or in other areas of state or interstate highways as designated in RCW 47.12.250, as now or hereafter amended: *Provided*, That this section shall not apply to disabled vehicles.

Rest areas—  
Unlawful acts.

Sec. 31. Any person violating section 30 of this 1967 amendatory act or any rule or regulation adopted or promulgated pursuant to section 30 hereof above shall be guilty of a misdemeanor.

Violations—  
Penalty.

Sec. 32. In order to provide information in the specific interest of the traveling public, the commission may establish information centers at safety rest areas and permit maps, informational directories, and advertising pamphlets to be made available there for the purpose of informing the public of places of interest within the state and providing such other information as the commission may deem desirable.

Rest areas—  
Information centers—  
Authority.

Sec. 33. Section 47.54.010, chapter 13, Laws of 1961 and RCW 47.54.010 are each amended to read as follows:

RCW 47.54.010  
amended.

The state highway commission may rent or lease to any person, partnership, association, corporation or municipal corporation desiring the use of any part thereof, including the right of way adjoining the paved portion, the air space over, under, or above any part of a limited access highway or free-way, and the space over or under any ramp or interchange, for constructing thereon, thereunder, and in

Limited access  
highways—  
Lease of air  
space, over,  
under.

Limited access highways—Lease of air space, over, under.

said air space parking lots or other parking facilities for the use of motor vehicles, so long as the use by the lessee in no manner interferes with the freeway; or may by permit grant to a municipal corporation the exclusive use of the space under any limited access highway, freeway, ramp, or interchange, for the storage or parking of municipally owned vehicles including mobile equipment, so long as such use by the municipal corporation in no manner interferes with the limited access highway or freeway.

RCW 47.54.020 amended.

Sec. 34. Section 47.54.020, chapter 13, Laws of 1961 and RCW 47.54.020 are each amended to read as follows:

Lease of air space—Limitations.

Any lease or permit entered into under authority granted by this chapter shall be for a period not to exceed fifty years, and may be for such lesser period as the state highway commission shall determine. All improvements placed within the air space over or above or under the freeway or any ramp or interchange thereof by the lessees or permittees shall, upon expiration of the lease or permit, revert to and become the property of the state to the same extent that the freeway and its appurtenances are state property.

RCW 84.36.010 amended.

Sec. 35. Section 84.36.010, chapter 15, Laws of 1961 and RCW 84.36.010 are each amended to read as follows:

Property taxes—Exemptions.

All property belonging exclusively to the United States, the state, any county or municipal corporation, and all property under order of immediate possession and use pursuant to RCW 8.04.090, shall be exempt from taxation.

**Note:** See also section 31, chapter 149, Laws of 1967 ex. sess.

RCW 84.60.050 amended.

Sec. 36. Section 84.60.050, chapter 15, Laws of 1961 and RCW 84.60.050 are each amended to read as follows:

When real property is acquired by purchase or

condemnation by the state of Washington or any of its political subdivisions, including counties, cities, and towns, the property so acquired shall continue to be subject to the tax lien of any tax collectible by the county treasurer, levied by the state, any county, any other municipal corporation or other tax levying public body, and delinquent at the date of sale, condemnation verdict, order of immediate possession and use pursuant to RCW 8.04.090, or judgment if not tried before a jury, except as is otherwise provided in RCW 84.60.070.

Eminent domain proceedings—Tax lien—Effect on property subject to.

Sec. 37. Section 84.60.060, chapter 15, Laws of 1961 and RCW 84.60.060 are each amended to read as follows:

RCW 84.60.060 amended.

Where any of the taxes on real property so acquired by purchase or condemnation are payable but are not delinquent at the date of completion of the sale, date of condemnation verdict, date of the order of immediate possession and use pursuant to RCW 8.04.090, or date of judgment if not tried to a jury, the lien for taxes payable but not delinquent shall be for only one-half of the taxes so payable if the property is so acquired between February 15th and April 30th of the year in which such taxes become payable. If such property is so acquired after April 30th of the year in which such taxes are payable, the lien shall be for the full amount of the taxes payable. If such property is so acquired prior to February 15th of the year in which such taxes become payable, no tax lien for such taxes on such property shall be valid against the state or any of its political subdivisions, and any such taxes levied but not payable shall be canceled as provided in RCW 84.56.400.

Eminent domain proceedings—Tax lien—Effect.

The amount constituting a tax lien on real property acquired as provided in RCW 84.60.050 through 84.60.070 shall be withheld from the purchase price or condemnation award by the public body acquir-

ing the property and shall be paid immediately to the county treasurer in payment and discharge of such lien, except as otherwise provided in RCW 84.60.070.

RCW 47.36.100 amended.

Sec. 38. Section 47.36.100, chapter 13, Laws of 1961 and RCW 47.36.100 are each amended to read as follows:

Highway signs.

Directional signs showing distance and direction to points of importance may be placed at all crossings and intersections of primary and secondary state highways. The highway commission may place such directional signs as it deems necessary upon any city streets designated by it as forming a part of the route of any primary or secondary state highway through any incorporated city or town. Caution and warning signs or signals shall be placed wherever practicable on all primary and secondary state highways in a manner provided by law. Stop signs shall be placed, erected and maintained by the highway commission as follows: Upon all county roads at the point of intersection with any arterial primary or secondary state highway; upon all primary and secondary state highways at the point of intersection with any county road which has been designated by the highway commission as an arterial having preference over the traffic on the state highway; upon at least one state highway at the intersection of two state highways.

RCW 47.28.070 amended.

Sec. 39. Section 47.28.070, chapter 13, Laws of 1961 and RCW 47.28.070 are each amended to read as follows:

Construction and maintenance—Bids—Form of bids—Refusal to furnish form—Appeal.

Bid proposals upon any construction or improvement of any state highway shall be made upon contract proposal form supplied by the highway commission, and in no other manner. The highway commission shall, before furnishing any person, firm or corporation desiring to bid upon any work for which a call for bid proposals has been published, with a



contract proposal form, require from such person, firm or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of such person, firm, or corporation in performing state highway, road or other public work. Such questionnaire shall be sworn to before a notary public or other person authorized to take acknowledgment of deeds, and shall be submitted once a year and at such other times as the highway commission may require. Whenever the highway commission is not satisfied with the sufficiency of the answers contained in such questionnaire and financial statement or whenever the highway commission determines that such person, firm, or corporation does not meet all of the requirements hereinafter set forth it may refuse to furnish such person, firm or corporation with a contract proposal form and any bid proposal of such person, firm or corporation must be disregarded. In order to obtain a contract proposal form, a person, firm or corporation shall have all of the following requirements:

- (1) Adequate financial resources, or the ability to secure such resources;
- (2) The necessary experience, organization, and technical qualifications to perform the proposed contract;
- (3) The ability to comply with the required performance schedule taking into consideration all of its existing business commitments;
- (4) A satisfactory record of performance, integrity, judgment, and skills; and
- (5) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

Such refusal shall be conclusive unless appeal therefrom to the superior court of Thurston county

be taken within five days, which appeal shall be heard summarily within ten days after the same is taken and on five days' notice thereof to the highway commission.

RCW 47.28.030 amended.

Sec. 40. Section 47.28.030, chapter 13, Laws of 1961 as amended by section 1, chapter 233, Laws of 1961 and RCW 47.28.030 are each amended to read as follows:

Contracts—  
Day labor—  
Etc.

A state highway shall be constructed, altered, repaired, or improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars. When the state highway commission determines to do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. The state highway commission may authorize any district engineer of the highway commission to award any contract for work not exceeding a cost of fifteen thousand dollars. All such awards shall be subject to the approval of the commission and shall follow the same procedures as are prescribed for other highway commission contracts except as provided in this section.

Whenever the work to be performed is repair or maintenance of an existing highway, and the engineer's estimate indicates the cost of the work would not exceed two thousand five hundred dollars, and delay of performance thereof would jeopardize a state highway or inconvenience the traveling public, the state highway commission may negotiate without a call for bids a contract for the furnishing of any equipment with operator and/or materials and supplies required for performance of the work, and in such instances the contractor furnishing such equipment, and/or materials and supplies need not be prequalified pursuant to RCW 47.28.070 nor furnish a bid deposit or performance bond.

Sec. 41. Section 47.04.020, chapter 13, Laws of 1961 as amended by section 3, chapter 24, Laws of 1963 and RCW 47.04.020 are each amended to read as follows:

RCW 47.04.020  
amended.

All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as state highways and county roads. All state highways and branches thereof shall be established by the legislature of the state of Washington by appropriate general location and termini. Any prior distinctions between highways as primary or secondary are hereby abolished. All powers granted to, or duties imposed upon, the state highway commission with regard to either primary or secondary state highways shall be construed to relate to all state highways. Whenever these terms are used, either jointly or independently, each shall be construed to include all state highways. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns, not established as state highways, are hereby declared to be county roads.

Classification  
of highways.

Sec. 42. Section 47.04.010, chapter 13, Laws of 1961 and RCW 47.04.010 are each amended to read as follows:

RCW 47.04.010  
amended.

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

Highways—  
Definitions.

(1) "Alley." A public highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every public highway, as herein defined, or portion thereof designated as such by proper authority;

**Highways—  
Definitions.**

(3) "Business district." The territory contiguous to and including the public highway, as herein defined, when fifty percent or more of the frontage thereon on either side thereof for a continuous distance of three hundred feet or more is occupied by buildings in use for business;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of the roadway of a public highway;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting public highways;

(6) "City street." Every public highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and trailer or motor vehicle and semitrailer the principal use of which is the transportation of commodities, merchandise, produce, freight or animals;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals or passengers for hire;

(9) "County road." Every public highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Intersection area." The area embraced within the prolongation of the lateral curb lines, or,

if there be no curbs, then the lateral roadway boundary lines, of two or more public highways which join one another at an angle, whether or not such highways cross one another;

(12) "Intersection center marker." Any standard, button, flag, painted or raised marker, or other device located at or intended to designate the approximate center of intersection;

(13) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(14) "Intersection entrance marker." Any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto;

(15) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(16) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(17) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(18) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(19) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight or animals;

Highways—  
Definitions.

(20) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(21) "Multiple lane highway." Any public highway the roadway of which is of sufficient width to reasonably accommodate four separate lanes of vehicular traffic, two lanes in each direction, each lane of which shall be not less than eight feet in width, and whether or not such lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking;

(22) "Operator." Every person who is in actual physical control of a motor vehicle as herein defined, upon a public highway, as herein defined;

(23) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state;

(24) "Pedestrian." Any person afoot;

(25) "Person." Every natural person, firm, co-partnership, corporation, association or organization;

(26) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

(27) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(28) "Public highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(29) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated

upon stationary rails, the route of which is principally outside incorporated cities and towns;

(30) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(31) "Residence district." The territory contiguous to and including the public highway, as herein defined, not comprising a business district, as herein defined, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

(32) "Roadway." The paved, improved or proper driving portion of a public highway designed, or ordinarily used for vehicular travel;

(33) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards or otherwise so as to be plainly discernible;

(34) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians;

(35) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

(36) "State highway." Every public highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

Highways—  
Definitions.

(37) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

(38) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any public highways for purposes of travel;

(39) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(40) "Traffic devices." All signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

(41) "Train." A vehicle propelled by steam, electricity or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

(42) "Vehicle." Every device capable of being moved upon a public highway and in, upon or by which any person 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.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.



Sec. 43. Section 1, chapter 24, Laws of 1963 and RCW 47.36.095 are each amended to read as follows:

The state highway commission is hereby authorized to establish a continuing system for the designating of state highways and branches or portions thereof, heretofore established by the legislature of the state of Washington, to give designations to such state highways and branches, or portions thereof, in accord with such system, and to install signs in accord therewith on such state highways and branches, or portions thereof. Such system may be changed from time to time and shall be extended to new state highways and branches, or portions thereof, as they are hereafter established by the legislature.

RCW 47.36.095 amended.

Highways—  
Designations.

Sec. 44. Section 47.20.640, chapter 13, Laws of 1961 and RCW 47.20.640 are each amended to read as follows:

In any case where a state highway is relocated in such manner that it shall cease to intersect another state highway, the state highway commission is hereby authorized to extend and designate either of such state highways to reestablish an appropriate intersection.

RCW 47.20.640 amended.

State high-  
ways—Exten-  
sion to re-  
establish in-  
tersection.

Sec. 45. Section 47.08.060, chapter 13, Laws of 1961 and RCW 47.08.060 are each amended to read as follows:

Whenever any moneys shall be realized by the state of Washington as a result of any agreement authorized by RCW 47.08.040, the same shall be deposited in the treasury of the state of Washington to the credit of the motor vehicle fund, and shall be available for highway purposes only.

RCW 47.08.060 amended.

Highways—  
Disposal of  
federal funds.

Sec. 46. There is added to chapter 13, Laws of 1961 and to chapter 47.36 RCW a new section to read as follows:

Designations or redesignations assigned under

New section.

Designations of highways—Filing with secretary of state.

such system by the highway commission pursuant to section 43 of this 1967 amendatory act as each is made, shall be filed with the secretary of state and with the auditor of each county. Thereafter such highways shall be so designated for all purposes.

Repeal.

Sec. 47. Section 47.04.030, chapter 13, Laws of 1961 and RCW 47.04.030, section 2, chapter 24, Laws of 1963 and RCW 47.36.096 are each hereby repealed.

New section.

Sec. 48. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows:

Toll facility trust accounts—Closing after repayment of bonds—Transfer of funds.

The state highway commission is hereby authorized to liquidate and close toll facility trust and other facility accounts established without the state treasury pursuant to the provisions of chapter 47.56 RCW after the removal of tolls from the facility for which the accounts were established. Any balance remaining in such accounts shall thereupon be transferred to the motor vehicle fund. In addition, the state highway commission may, after the removal of tolls from a particular facility or facilities, require that all moneys transferred to the place of payment named in the revenue bonds, for the purpose of paying principal or interest or for redemption of said bonds, not then expended for such purpose, be returned to the state treasurer for deposit in the motor vehicle fund.

New section.

Sec. 49. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows:

Funds transferred—Valid claims—Repayment.

After transfer of such moneys pursuant to section 48 of this 1967 amendatory act, all valid claims against such accounts, including proper claims for refunds for unused commute media and other prepaid toll fees, may be satisfied, and any outstanding bonds or coupons may be redeemed by payment

from the motor vehicle fund upon proper application to and approval by the highway commission.

Neither the provisions of this section nor of section 48 of this 1967 amendatory act shall be construed to preclude any remedy otherwise available to bond or coupon holders.

Sec. 50. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

Every person applying for a special endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay a motorcycle examination fee which shall not be refundable. The director of motor vehicles shall prescribe the examination fee at an amount equal to the cost of administering such examination but in no event more than four dollars for the initial examination nor more than two dollars for a subsequent renewal examination. Driver's license—Motor vehicle in-endorsement—Examination fee.

Sec. 51. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

The department of motor vehicles shall at the option of a driver license applicant issue a driver's license containing a photograph of the applicant for an additional fee of one dollar. Such fee shall be deposited in the highway safety fund. The department shall not adopt any photographic processes incompatible with its pre-bill system of issuing driver's licenses. Driver's license—Photographic—Optional—Fee.

Section 52. Section 43, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.342 are each amended to read as follows: RCW 46.20.342 amended.

(1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked or when his policy of insurance or bond, when required Driving without license—Penalty.

Motor vehicle  
driver's license  
—Driving  
without—Pen-  
alty.

under this chapter, shall have been canceled or terminated, shall be guilty of a misdemeanor. Upon the first conviction therefor, he shall be punished by imprisonment for not less than ten days nor more than six months, *five days of which may not be suspended*. Upon the second such conviction therefor, he shall be punished by imprisonment for not less than ninety days nor more than one year, *ninety days of which shall not be suspended*. Upon the third such conviction therefor, he shall be punished by imprisonment for one year, *no part of which shall be suspended*. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

\*Words in italics vetoed by Governor.

(2) The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

**Note:** See also section 7, chapter 167, Laws of 1967.

RCW 9.92.060  
amended.

*Sec. 53. Section 1, chapter 24, Laws of 1905, as last amended by section 1, chapter 227, Laws of 1957, and RCW 9.92.060 are each amended to read as follows:*

Criminal  
procedure—  
Suspension of  
sentence.

*Whenever any person shall be convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, carnal knowledge of a female child under the age of ten years, or rape, except as provided in section 52 of this 1967 amendatory act, the court may in its discretion, at the time of imposing sentence upon such person, direct*

*that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a parole or peace officer during the term of such suspension, upon such terms as the court may determine: Provided, That as a condition to suspension of sentence, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required. In no case shall a sentence be suspended under the provisions of this section unless the prisoner if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced.*

*\*Words in italics vetoed by Governor.*

**Note:** See also section 7, chapter 200, Laws of 1967.

Sec. 54. Section 4, chapter 227, Laws of 1957 and RCW 9.95.210 are each amended to read as follows:

RCW 9.95.210 amended.

*The court in granting probation, may, except as provided in section 52 of this 1967 amendatory act, suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.*

Criminal procedure—Suspension of sentence.

*The court in the order granting probation and as*

Criminal pro-  
cedure—Sus-  
pension of  
sentence.

*a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the board of prison terms and paroles or such officer as the board may designate and as a condition of said probation to follow implicitly the instructions of the board of prison terms and paroles. The board of prison terms and paroles will promulgate rules and regulations for the conduct of such person during the term of his probation.*

*\*Words in italics vetoed by Governor.*

**Note: See also section 16, chapter 134 and section 8, chapter 200, Laws of 1967.**

RCW 46.20.270  
amended.

Sec. 55. Section 46.20.270, chapter 12, Laws of 1961 as amended by section 22, chapter 121, Laws of 1965 extraordinary session and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of

such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: *Provided*, That in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle driver's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department shall not issue a driver's license to such persons during the period of such suspension or revocation: *Provided, also*, That in the event that the driver's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined, but the department shall not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: *Provided*, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

Driver's license  
—Suspension  
or revocation  
—Procedure.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the department within ten days an abstract of court record in the form prescribed by rule of the supreme court,

Driver's license  
—Suspension  
or revocation  
—Procedure.

showing the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted.

(3) For the purposes of Title 46 the term "conviction" shall mean a final conviction in either a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty or a finding of guilt on a traffic law violation charge, shall be equivalent to a conviction, under Title 46 regardless of whether the imposition of sentence is deferred or the penalty is suspended.

RCW 46.37.005  
amended.

Sec. 56. Section 46.37.005, chapter 12, Laws of 1961 as amended by section 49, chapter 32, Laws of 1967 and RCW 46.37.005 are each amended to read as follows:

State com-  
mission on  
equipment—  
Members.

There is hereby constituted a state commission on equipment which shall consist of the director of the department of motor vehicles, the chief of the Washington state patrol, and the director of the department of highways. The chief of the Washington state patrol shall act as the chairman of the state commission on equipment. He shall appoint a person under his supervision to act as secretary of the state commission on equipment who shall be responsible for the issuance of rules and regulations adopted by the commission and the issuance of certificates of approval for vehicle equipment requiring approval.

In addition to those powers and duties elsewhere granted by the provisions of this title the state commission on equipment shall have the power and the duty to adopt, apply and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight and supplies, (2) relating to vehicle equipment, and (3) relating to the en-



forcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

The state commission on equipment is authorized to adopt by regulation, federal standards relating to motor vehicles and vehicle equipment, issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, or any amendment to said act, notwithstanding any provision in Title 46 RCW inconsistent with such standards. Federal standards adopted pursuant to this section shall be applicable only to vehicles manufactured in a model year following the adoption of such standards.

**Note:** See also section 49, chapter 32, Laws of 1967.

Sec. 57. Section 3, chapter 204, Laws of 1963 and RCW 46.38.030 are each amended to read as follows:

RCW 46.38.030 amended.

Pursuant to Article V (e) of the vehicle equipment safety compact it is the intention of this state and it is hereby provided that any rule, regulation, or code issued by the vehicle equipment safety commission in accordance with Article V of the compact shall take effect when issued in accordance with the Administrative Procedure Act by the state commission on equipment.

Vehicle Equipment Multi-State Compact—Rules and regulation.

Sec. 58. Section 15, chapter 155, Laws of 1965 extraordinary session and RCW 46.61.100 are each amended to read as follows:

RCW 46.61.100 amended.

(1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

Rules of the road—Driving on right side of road—Exceptions.

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the

Rules of the road—Driving on right side of road—Exceptions.

right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway designated and signposted for one-way traffic.

(2) Upon all roadways any vehicle proceeding at less than the speed of the general flow of traffic at the time and place and under the conditions then existing, shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1) (b) hereof.

New section.

Sec. 59. There is added to chapter 15, Laws of 1961 and to chapter 82.36 RCW a new section to read as follows:

Motor vehicle fuel tax—Refund—Foreign diplomatic and consular officers.

Every employee of a foreign government, including foreign diplomatic and consular officers, shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used, whether such vehicle fuel tax has been paid either directly to the vendor from whom the motor

vehicle fuel was purchased or indirectly by adding the amount of such tax to the price of such fuel.

For the purposes of this section "employee of a foreign government" shall mean every person who is regularly employed by any foreign government who is not a citizen of the United States. The exemption hereby granted such employees shall be allowed only if the government represented grants an equivalent exemption to employees of the United States performing similar services in such country. No refund shall be allowed unless and until the claimant has complied with the provisions of RCW 82.36.310 and 82.36.330.

Sec. 60. There is added to chapter 12, Laws of 1961 and to chapter 46.16 RCW a new section to read as follows: New section.

All vehicle license number plates issued after January 1, 1968, or such earlier date as the director may prescribe with respect to plates issued in any county, shall be treated with reflectorized materials designed to increase the visibility and legibility of such plates at night. In addition to all other fees prescribed by law, there shall be paid and collected for each vehicle license number plate treated with such materials, the sum of fifty cents and for each set of two plates, the sum of one dollar: *Provided, however,* One plate is available only to those vehicles that by law require only one plate. Such fees shall be deposited in the motor vehicle fund. License plates  
—Reflectorized  
plates.

Sec. 61. Section 46.44.030, chapter 12, Laws of 1961 as last amended by section 52, chapter 3, Laws of 1963 extraordinary session and RCW 46.44.030 are each amended to read as follows: RCW 46.44.030  
amended.

It is unlawful for any person to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of thirty-five feet, except that an auto stage shall not exceed an overall length, inclusive of front and rear Maximum  
load, length.

**Maximum  
load, length.**

bumpers, of forty feet, but the operation of any such auto stage upon the public highways shall be limited as determined by the state highway commission.

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

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a nonstinger steered tractor and semitrailer which has an overall length in excess of sixty feet without load or in excess of sixty-five feet with load.

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

“Stinger steered” as used in this section shall mean a tractor and semitrailer combination which has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axle of the tractor.

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

Sec. 62. There is added to chapter 12, Laws of 1961 and to chapter 46.44 RCW a new section to read as follows:

Subject to such terms and conditions as it shall consider proper and on such highways as it shall deem suitable, and when it finds it to be in the public interest, the state highway commission may by special permit authorize the operation of vehicles and combinations of vehicles other than school buses which exceed the restrictions set forth in RCW 46.44.010, 46.44.020, 46.44.030 and 46.44.036. The fee for such permits shall be those set forth in RCW 46.44.094, as amended.

New section.

Permits for  
oversize and  
overweight  
vehicles—  
Fees.

Sec. 63. Section 36.88.220, chapter 4, Laws of 1963 and RCW 36.88.220 are each amended to read as follows:

All counties may establish a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payment of its road improvement district bonds and warrants issued to pay for any road improvement ordered under this chapter. If the board of county commissioners shall determine to establish such fund it shall be designated "..... county road improvement guaranty fund" and from moneys available for road purposes such county shall deposit annually in said guaranty fund such sums as may be necessary to establish and maintain a balance therein equal to at least five percent of the outstanding obligations guaranteed thereby and to make necessary provision in its annual budget therefor. The moneys held in the guaranty fund may be invested in obligations of the government of the United States or of this state.

RCW 36.88.220  
amended.County road  
improvement  
guaranty fund  
—Investment.

Sec. 64. Section 15, chapter 96, Laws of 1961 and RCW 47.42.150 are each amended to read as follows:

*The joint fact-finding committee on highways,*

RCW 47.42.150  
amended.

Joint committee on highways—Study—Federal standards for outdoor advertising.

*streets and bridges is authorized and directed to study the application of the federal standards to the regulation of outdoor advertising upon the interstate highways within the state of Washington and criteria for the establishment of additional scenic areas upon any state highway upon which outdoor advertising shall be regulated, and report to the 1963 legislature thereon.*

**NOTE:** The above section was amended by the Legislature but such action was nullified by the Governor's veto of this section. See page 2351 for Governor's explanation.

RCW 35.95.020 amended.

Sec. 65. Section 2, chapter 111, Laws of 1965 extraordinary session and RCW 35.95.020 are each amended to read as follows:

Public transportation systems in cities of the 1st class—Definitions.

The following terms, however used or referred to in this chapter, shall have the following meanings, unless a different meaning is required by the context:

(1) "Corporate authority" shall mean the council or other legislative body of a municipality.

(2) "Municipality" shall mean any incorporated city of the first, second or third class in the state.

(3) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, school district or political subdivision of the state, fraternal, benevolent, religious or charitable society, club or organization, and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity. The term "person" shall not be construed to include the United States nor the state of Washington.

RCW 35.95.030 amended.

Sec. 66. Section 5, chapter 111, Laws of 1965 extraordinary session and RCW 35.95.050 are each amended to read as follows:

Public transportation systems—Excise tax—Collection of tax.

The tax levied under the provisions of RCW 35.95.040 shall be billed and collected at such times and in the manner fixed and determined by the corporate authorities in an ordinance levying the

tax: *Provided*, That the tax shall be designated and identified as a tax to be used solely for the operation, maintenance, and capital needs of the municipally owned or leased and municipally operated public transit system: *And provided further*, That the corporate authorities may in connection with municipally owned or leased transit systems enter into contracts covering the operation and maintenance of such systems, including the employment of personnel.

Sec. 67. The corporate authorities of a municipality adopting an ordinance for the levy and collection of an excise tax or additional tax as provided in RCW 35.95.040 may refer such ordinance to the voters of the municipality before making such ordinance effective.

Excise tax on public transportation systems—Referendum.

Sec. 68. Section 35, chapter 3, Laws of 1963 extraordinary session as amended by section 64, chapter 170, Laws of 1965 extraordinary session and RCW 44.40.010 are each amended to read as follows:

RCW 44.40.010 amended.

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, is hereby recreated and renamed the joint committee on highways. The renaming of said committee shall not affect any powers vested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the joint committee on highways. The committee shall consist of eleven senators to be appointed by the president of the Senate and twelve members of the House of Representatives to be appointed by the speaker thereof. A list of appointees shall be submitted before the close of each regular legislative session or extraordinary session following a regular session for confirmation of Senate members, by the Senate, and House mem-

Joint committee on highways—Members—Appointment.

bers, by the House. Vacancies occurring shall be filled by the appointing authority.

Joint com-  
mittee on  
highways—  
Studies and  
report to 1969  
Legislature.

Sec. 69. The joint committee on highways is authorized and directed to undertake the following studies and to report its findings and recommendations in connection therewith to the 1969 legislature prior to its convening:

(1) A comprehensive review of personnel policies of the department of highways and the highway personnel board. The joint committee shall specifically examine the assignment of personnel responsibilities between the state highway commission and the highway personnel board. The committee shall further develop its recommendation as to whether or not the highway personnel system should be integrated with the state department of personnel.

(2) A study of the factors affecting the location of manufacturing industries including labor requirements and the concentration of population. The committee shall consider factors which may motivate industry to locate in rural areas and the impact of such possible industrial development on the state's highway transportation system.

(3) A reexamination of the existing county gas tax allocation formula.

(4) A continuation of the cost allocation study including a thorough evaluation of the department of highways cost allocation report of February 1967.

(5) A study of existing laws relating to highway construction and maintenance contracts. This study shall compare the economic size of construction contracts with the size of contracts currently being awarded and shall determine the effect of highway department contracting policy on Washington's construction industry.

(6) A study to improve the legal procedures for the disposition of abandoned vehicles.

(7) A traffic engineering study to determine the



most efficient and the safest method of providing left turn facilities in highways. This study shall include a consideration of the economic impact upon commercial establishments resulting from the erection of center line barriers precluding left turns.

(8) A comprehensive study of the department of highways budgeting procedures including an examination of the feasibility of utilizing performance standards.

(9) The development of a policy for the state of Washington regarding the most desirable federal-aid highway program following the completion of the interstate system of highways.

(10) A comprehensive study of highway safety including careful development of legislation necessary to comply with federal highway safety standards.

(11) A study of federal highway beautification standards including the development of legislation necessary to comply with federal standards.

(12) A study, analysis and report on the financing of the cost of installation and maintenance of protective signal devices at highway-railroad grade crossings, said committee to give consideration to the report of the Interstate Commerce Commission dated January 22, 1964, regarding "Prevention of Rail-Highway Grade-Crossing Accidents Involving Railway Trains and Motor Vehicles".

(13) A comprehensive study relating to the organizational structure of a department of transportation. The study shall consider the proper role of the state in planning, constructing, operating and coordinating highway, mass transit, water and air transportation facilities. The study shall analyze transportation functions now performed by the various state agencies and shall develop a recommendation for the combination of all proper state

transportation functions within a department of transportation.

Joint committee on highways—  
Studies and report to 1969  
Legislature.

(14) A study of the feasibility of the exchange between states of audit information relating to the proper payment of fuel taxes and other motor vehicle taxes by interstate motor carriers for the purpose of reducing duplicate audits by the several states.

Joint committee on highways—  
Additional studies.

Sec. 70. The joint committee on highways is authorized to procure comprehensive studies related to highway classification, needs, adequacy of existing highways laws, and financing for highway transportation, including:

(1) A functional systems classification of all state highways, county roads and city streets, including identification of those sections that should be developed as a state-wide plan of freeways and expressways, regardless of current jurisdiction.

(2) A forecast of the public road and street needs of the state, the counties, and the cities for a twenty year period.

(3) An estimate of the costs of such highway needs and an outline of the alternative means of financing the same.

(4) Alternative methods for assignment of responsibility and an equitable financial plan for each.

(5) A study of existing highway laws to evaluate their adequacy.

These studies shall be conducted with such participation by the Washington state highway commission as may be necessary to qualify for federal aid planning funds. The studies shall be completed by November 15, 1968.

Joint committee on highways—  
Appropriation.

Sec. 71. There is hereby appropriated from the motor vehicle fund to the joint committee on highways for the biennium ending June 30, 1969, the sum of seventy-five thousand dollars.

Sec. 72. The joint committee on highways and the Washington state highway commission, prior to September 1, 1968, shall jointly conduct a study of the need for and cost of the construction of two pedestrian overpasses in Kitsap county, as follows:

Joint committee on highways—Study—Kitsap pedestrian overpasses.

(a) Over P.S.H. No. 21 (S.R. 3) in the vicinity of Silverdale at a location to be determined upon consultation with the board of directors of the central Kitsap school district; and

(b) In the city of Bremerton over Wheaton Way (S.S.H. 21B, S.R. 303) between Sheridan Road and Sylvan Way, at a location to be determined upon consultation with the engineering department of the city of Bremerton.

Sec. 73. If any provision of this 1967 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.

Severability.

Sec. 74. The joint committee on highways is authorized and directed to investigate and determine the desirability of authorizing a feasibility study of constructing a pedestrian overpass on state highway FAI 405 in the vicinity of the north Renton interchange in the city of Renton.

Renton pedestrian overpass study.

Sec. 75. Section 82.36.020, chapter 15, Laws of 1961 as last amended by section 2, chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session and RCW 82.36.020 are each amended to read as follows:

RCW 82.36.020 amended.

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of nine cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: *Provided*, That under

Motor vehicle fuel tax—Rate—Allocation of proceeds.

Motor vehicle  
fuel tax—Rate  
—Allocation  
of proceeds.

such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the nine cents excise tax collected on the net gallonage after the deduction provided for herein shall be distributed as follows:

(1) Seven cents shall be distributed between the state, cities, and counties under the provisions of RCW 46.68.090 and 46.68.100, as amended in section 8 of this 1967 amendatory act.

(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to section 9 of this 1967 amendatory act.

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by section 14 of this 1967 amendatory act.

(4) One-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.

(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: *Provided*, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW

46.04.030, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

**Note:** See also section 2, chapter 83, Laws of 1967 ex. sess.

Sec. 76. There is hereby appropriated from the motor vehicle fund to the joint committee on highways for the biennium ending June 30, 1969, the sum of ten thousand dollars to be disbursed to the Western Council of State Governments pursuant to resolution of said committee for research and administrative services relating to the proper implementation of the several federal highway programs. This appropriation shall not be available until two or more other states have each authorized expenditures of equivalent or greater sums for the purposes mentioned herein.

Joint committee on highways—Appropriation—Western council of state governments.

Sec. 77. Section 81.80.060, chapter 14, Laws of 1961 as last amended by section 40, chapter 170, Laws of 1965 extraordinary session and RCW 81.80.060 are each amended to read as follows:

RCW 81.80.060 amended.

Every person who engages for compensation to perform a combination of services which includes transportation of property of others upon the public highways shall be subject to the jurisdiction of the commission as to such transportation and shall not engage upon the same without first having obtained a common carrier or contract carrier permit to do so. Every person engaging in such a combination of services shall advise the commission what portion of the consideration is intended to cover the transportation service and if the agreement covering the combination of services is in writing, the rate and charge for such transportation shall be set forth

Motor freight carriers—Combination of services.

Motor freight carriers—Combination of services.

therein. The rates or charges for the transportation services included in such combination of services shall be subject to control and regulation by the commission in the same manner that the rates of common and contract carriers are now controlled and regulated. Any person engaged in extracting and/or processing and, in connection therewith, hauling materials exclusively for the maintenance, construction or improvement of a public highway shall not be deemed to be performing a combination of services.

**Note:** See also section 2, chapter 69, Laws of 1967.

Study reports—Availability to members of state legislature.

Sec. 78. Whenever a study report prepared by the Washington state highway commission for the joint committee on highways is made available to the committee or its members, the report shall upon request be made available to any member of the Washington state legislature.

RCW 46.68.100 amended.

Sec. 79. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 8, chapter [83] (House Bill No. 595), Laws of 1967 extraordinary session and RCW 46.68.100 are each amended to read as follows:

Motor vehicle fund—Allocation.

From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

- (1) To the cities and towns of the state sums equal to ten and four-tenths percent of the net tax amount to be paid monthly as the same accrues;
- (2) To the counties of the state sums equal to thirty-two and five-tenths percent of the net tax amount to be paid monthly as the same accrues;
- (3) To the state to be expended as provided by RCW 46.68.130, sums equal to fifty-seven and one-tenth percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any

terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle funds.

**Note:** See also section 8, chapter 83, Laws of 1967 ex. sess.

Sec. 80. Section 46.16.320, chapter 12, Laws of 1961 as amended by section 21, chapter 32, Laws of 1967 and RCW 46.16.320 are each amended to read as follows:

RCW 46.16.320  
amended.

Every person having a valid official amateur radio operator's license issued for a term of five years by the federal communications commission, is entitled to apply to the director for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates similar plates bearing the official amateur radio call letters of the applicant assigned by the federal communications commission instead of numbers, and every person who desires a license plate containing his initials or any other combination of letters or numbers, that is consistent with the existing format of three letters and three numbers as prescribed by the director of motor vehicles may apply to the director for such license plates, and if the director is satisfied that such license plates as requested would be reasonable and proper and would not be a duplication of any other valid license plates, may receive in lieu of regular motor vehicle license plates similar plates bearing the letters or numbers, or combination thereof requested. No combination shall be issued with fewer than six letters and numbers. All sequences of letters and numbers must be approved by a committee of five members appointed to serve at the pleasure of the director to be known as the license plate advisory committee.

Motor vehicles  
license plates  
—Amateur  
radio oper-  
ator's plates.

Original applicants shall be issued temporary license plates which will serve until such a time as

Motor vehicles  
license plates  
—Amateur  
radio opera-  
tor's plates.

the "personalized plates" can be manufactured by the Washington State Prison Industries, and processed by the Department of Motor Vehicles. The temporary license plates shall be surrendered to the Department at the time the "personalized plates" are issued. Any previously issued license plates assigned to the vehicle involved must be surrendered to the Department at the time of issuance of the "personalized plates".

Each time that "personalized plates" are transferred from one vehicle to another, by the owner, a special transfer fee of five dollars shall be collected by the Department from that owner. Such special fee shall be deposited in the Motor Vehicle Fund.

In addition to the annual license fee collected under chapter 46.16 and chapter 82.44, there shall be collected from each applicant for such special license plates an additional license fee of thirty dollars upon the issue of a state plate but shall not apply on those years that a yearly tab is issued. Application for renewal of the amateur radio operator's call license plate must be made by January 10th of each renewal year and all such applications shall be accompanied by a notarized statement of facts included on the amateur's valid FCC license.

Twenty-five dollars from each original application fee for "personalized plates" shall be deposited in the state treasury and credited to the mass transit trust account which is hereby created in the general fund, for appropriation by the legislature to political subdivisions for the study or construction of rapid transit facilities in accordance with comprehensive rapid transit plans approved by the Highway Commission, to be applied directly to such purpose or to be pledged to pay or secure the payment of principal of and interest on such bonds or other obliga-



tions as may be issued in furtherance of such purpose.

**Note:** See also section 21, chapter 32, Laws of 1967.

Sec. 81. This 1967 amendatory act is necessary Emergency 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, 1967.

Passed the Senate April 26, 1967.

Approved by the Governor May 11, 1967, with the exception of certain items in Section 52 and all of Sections 53, 54, and 64, which were vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This is the highway omnibus bill. It contains 81 sections dealing with a multitude of highway related matters.

"Section 52, added by floor amendment, is the result of the valid concern of many legislators over the failure of the judiciary to apply a consistent policy in sentencing persons convicted of driving while their licenses have been suspended or revoked. The present law provides for a minimum sentence upon conviction of ten days confinement, and a maximum sentence of six months confinement; however, a judge has the power to suspend any or all of the sentence or place the person convicted under probation. Under the amendment contained in Section 52, the penalty for the first conviction would remain at a minimum of ten days and a maximum of six months, but the judge would be prohibited from suspending five days of the sentence. Upon the second conviction, punishment would be imprisonment for a minimum of ninety days to a maximum of one year, ninety days of which could not be suspended. Upon the third conviction, punishment would be imprisonment for one year, no part of which could be suspended. I have no disagreement with the legislative determination that progressively more severe sentences should be given for the offense of driving while a license has been suspended or revoked; for individuals convicted of this offense have previously violated the law and have poor driving records. I believe the growing traffic safety problems in the state require strict enforcement of the law; and more severe sentences play an important role in this program.

"However, I have been urged, not only by judges but by prosecutors, to veto the provisions of this bill which totally remove from the judge all discretion to suspend a sentence. Apparently many cases arise in which an individual is not fully aware that his license has been suspended or revoked, or is honestly mistaken as to the current status of the revocation or suspension. In this type of situation, where the offense is not willful, I believe the judge should retain the discretion to suspend a sentence. For this reason, I have vetoed those items in Section 52 which provide for mandatory jail sentences and all of Sections 53 and 54. However, I am requesting both the Judicial Council and the President of the Washington State Magistrates Association to consider the problem of inconsistent sentences by judges for this offense, in an attempt to standardize sentencing procedures

in cases where there are no mitigating circumstances which are legitimate grounds for a suspended sentence.

"Section 64 amends the 1961 state billboard act regulating billboards on interstate and certain 'scenic' highways. This legislation has a lengthy history.

"The Federal Aid Highway Act of 1959 (Public Law 86-342) established certain national standards for regulation by states of outdoor advertising signs. The act provided that the federal highway administrator could enter into agreements with the various states relative to control of outdoor advertising signs to meet the federal standards. The State of Washington entered into such an agreement on June 23, 1961, after passing the state's 1961 act establishing standards to meet the federal requirements. Our 1961 act was accepted as fully meeting the federal requirements at that time, and accordingly the state has been accumulating the right to receive 'bonus' contributions from the federal government equal to one-half of one percent of federal highway funds authorized under the Federal Aid Highway Act. If the state fails to perform its obligations under the agreement, it will not receive this bonus from the federal government. The total amount of the bonus presently accumulated is \$903,000, with the total amount due the state if it complies with its agreement estimated at over \$2 million.

"Despite this substantial benefit to the state, the 1961 act required only that approximately 470 of the 7,600 signs owned by outdoor advertising companies in the state be removed. Nevertheless, the 1961 act has been the subject of lengthy litigation, having now been held constitutional by the Thurston County Superior Court. Hopefully the litigation under this act will be completed shortly, for the state must remove the signs covered by its agreement with the federal government by January 1, 1968 to retain its eligibility for approximately \$2 million in bonus payments.

"I believe the concept of regulation of billboards along our highways has clearly been accepted by both the state and federal government, and by the overwhelming majority of the citizens of this state. I am unwilling to allow any changes in the state law which would create the possibility of further litigation, either postponing the time at which the 1961 act may become effective or endangering the 'bonus' highway funds the state should receive, unless there is substantial benefit received from the change. I am convinced that Section 64 of Substitute House Bill No. 722 provides little benefit to the state.

"I have been assured by the Chairman of the Subcommittee on Roads of the House Public Works Committee of the Congress and by the Secretary of Transportation that this state will not be penalized in the next biennium for failure to enact legislation in addition to the 1961 state act. It was re-emphasized as late as May 4 that the federal legislation would be completely rewritten, and it is clear that the concept of 'customary use' presently contained in the federal act will no longer be pertinent. Thus, I do not believe the study authorized by Section 64 is pertinent. If the highway interim committee of the state legislature wishes to study this concept and others necessary to comply with any federal beautification requirements, it is authorized and directed to do so under Section 69 (11) of this bill, and does not require any authorization in Section 64.

"Section 64 could result in new litigation over the constitutionality of the classification of signs to remain standing and those to be removed on the interstate and scenic highway systems. The present litigation extending since 1964 will be sufficient to test these issues. The removal of signs should be accomplished in accordance with the 1961 act if the Supreme Court in the present litigation determines it to be constitutional.

"Section 64 also allows the Highway Commission to negotiate an agreement with the Secretary of Transportation, as provided by the Highway Beautification Act of 1965, subject to veto by the joint committee on highways. The Federal Highway Beautification Act of 1965 covers both the interstate and primary highways. The legislature has not enacted any control over outdoor advertising signs along the primary system, except for certain scenic highways. Therefore, the negotiation with the Secretary of Transportation for such an agreement is meaningless. The existing agreement with the federal government under the 1959 federal act referred to above relates to removal of billboards on the interstate system. Modification or failure to perform this agreement by January 1, 1968, may result in the loss of the 'bonus' highway money.

"Section 64 authorizes the Attorney General to institute suit to determine the adequacy of state laws to control billboards. The federal law also gives him that authority. Whether or not it did so, specific legislative authority would not be required to authorize the Attorney General to act to contest any determination that the law of the State of Washington is inadequate to meet federal requirements.

"Finally, the section prohibits erection of signs prior to July 1, 1969, within the areas protected under the 1961 act. This sentence restates, with the addition of the time limit, RCW 47.42.030 which provides:

'Except as permitted under this chapter, no person shall erect or maintain a sign within a protected area or scenic area.'

"This provision has prevented since March 11, 1961 the erection of any new signs prohibited by the 1961 act. The addition of the words 'prior to July 1 1969' to Chapter 47.42 RCW might be construed to amend RCW 47.42.030 and to permit any sign to be erected after July 1, 1969, thus completely nullifying the 1961 act, unless the July 1, 1969 time limit is repealed at the next session of the legislature.

"Thus, I have vetoed Section 64, because its provisions are unnecessary, and create the possibility of additional undesirable litigation over the 1961 state act. I believe the veto of Section 64 will maintain Washington's position of leadership in the field of highway beautification. On the other hand, it should be recognized by the legislature and the citizens of the state that outdoor advertising is a legitimate industry, and signs located in appropriate places frequently serve the interests of the highway traveler. Particularly in the light of changing federal requirements, it would be a great service to the state, if representatives of the outdoor advertising industry and other citizens interested in highway beautification were to work together to develop a statewide policy which would protect the legitimate interests of the industry and still preserve the natural beauty of our state for the highway traveler to view.

"I have not based my decision to veto the aforementioned items on the basis of any determination with regard to the constitutionality of the highway omnibus bill. However, I have been more willing to veto portions of the act in an attempt to decrease the possibility for challenge of constitutionality and because I regret the growing use of 'omnibus bills' in which the legislature combines many provisions in the final moments of the legislative session, which members of each house do not have an opportunity to consider separately. In commenting on this procedure, the Washington State Supreme Court stated in 1951:

'Such bills, popularly called 'omnibus' bills, became a crying evil, not only from the confusion and distraction of the legislative mind by the jumbling together of incongruous subjects, but still more by the facility they afford to corrupt combinations of minorities with different interests to force the passage of bills with provisions which could never succeed if they stood on their sep-

arate merits. So common was this practice, that it got a popular name, universally understood as logrolling.'

"I do not pretend to have removed from the bill every section which may become involved in litigation. Neither do I pretend to reach any conclusion that the bill is not legally proper. However, I am hopeful that in future sessions, the legislature will attempt to avoid provisions which create the possibility of challenge on this basis.

"With the exception of the several items discussed herein, which I have vetoed, the remainder of Substitute House Bill No. 722 is approved."

DANIEL J. EVANS,  
Governor.

CHAPTER 146.

[Engrossed House Bill No. 934.]

PROPERTY TAXES—ADDITIONAL LIMITATIONS—  
ASSESSORS' PERSONNEL—NOTICE OF VALUATION  
CHANGE.

AN ACT relating to revenue and taxation; amending sections 1, 2, 3, 4 and 5, chapter 174, Laws of 1965 extraordinary session, and RCW 84.54.010, 84.54.020, 84.54.030, 84.54.040 and 84.54.050; amending section 36.21.011, chapter 4, Laws of 1963 and RCW 36.21.011; adding a new section to chapter 15, Laws of 1961 and to chapter 84.40 RCW; adding new sections to chapter 174, Laws of 1965 extraordinary session and to chapter 84.54 RCW; and declaring an emergency.

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

RCW 84.54.010  
amended.

Section 1. Section 1, chapter 174, Laws of 1965 extraordinary session, and RCW 84.54.010 are each amended to read as follows:

Property taxes  
—Limitations  
—Definitions.

As used in this chapter:

(1) The term "regular property tax levy" shall mean the total dollar amount of all property tax levies on property in the taxing district, excluding excess levies levied under the provisions of Article VII, section 2 of the Constitution of the state of Washington and chapter 84.52 RCW, excluding levies for bond debt retirement, and excluding levies pursuant to RCW 53.36.100;

(2) The term "revalue" or "revalued" shall mean such changes as are made on the county asses-

sor's valuation of the property because of changes pertaining to the particular property including, but not limited to, construction improvements, other changes in value, and similar changes made as to the property or properties in the immediate area;

(3) The term "taxing district" shall mean any taxing district as defined in RCW 84.04.120 except the state of Washington.

Sec. 2. Section 2, chapter 174, Laws of 1965 extraordinary session, and RCW 84.54.020 are each amended to read as follows:

RCW 84.54.020 amended.

In addition to the other limitations provided by law, a taxing district's regular property tax levy in any year for taxes payable in the following year shall not exceed the total of the following:

Additional limitations on taxing authority.

(1) The regular property tax levy in that taxing district in the preceding year for taxes payable in the current year;

(2) A dollar amount calculated by multiplying the net increase or decrease of assessed value in that taxing district resulting from the appraisal and valuation of property improved, constructed, or revalued, and resulting from the addition of property in areas annexed, during the period from March 2 of the preceding year to March 1 of the current year such assessed value to be at the same assessment rate as utilized in the preceding year by the maximum millage rate of that taxing district authorized by law for taxes levied the preceding year;

(3) An additional dollar amount calculated by multiplying the excess of the maximum millage as authorized by this 1967 amendatory act for such taxing district (plus in the case of cities and towns the additional millage required to be levied pursuant to RCW 41.16.060) over the millage for the regular property tax levy of that taxing district for taxes levied the preceding year by the total assessed

Additional limitations on taxing authority.

valuation of the property as of March 1 of the preceding year;

(4) And an additional dollar amount, in the case of a county, representing the increased and additional costs to be expended by the county assessor to enable the county assessor of that county to carry out any program of assessments, appraisal and valuation of property within the county required by the Constitution or laws of the state.

Unless the maximum regular property tax levy is otherwise altered as authorized by RCW 84.54.050 as amended in section 5 of this 1967 amendatory act, the maximum millage rate shall be determined by dividing the total dollar amount authorized by this section by the assessed valuation.

RCW 84.54.030 amended.

Sec. 3. Section 3, chapter 174, Laws of 1965 extraordinary session, and RCW 84.54.030 are each amended to read as follows:

Maximum millage rate for taxing districts created by incorporations.

The maximum regular property tax levy for (a) taxing districts created by or resulting from incorporations, and (b) existing taxing districts whose levies are subject to the forty mill limit set forth in RCW 84.52.050 and which either in 1964 levied less than the maximum millage authorized by law, or made no levy for the previous year shall for the first tax year for which a levy is made, after the adoption of this 1967 amendatory act equal the total dollar amount of assessed valuation multiplied by a millage rate to be determined by multiplying the maximum millage rate authorized by RCW 84.52.050 for such taxing district (plus in the case of cities and towns the additional millage required to be levied pursuant to RCW 41.16.060) by the quotient of the maximum millage rate for general county purposes of the county in which such taxing district is located determined as provided in RCW 84.54.020 as amended in section 2 of this 1967 amendatory act, divided by the maximum millage rate authorized by

RCW 84.52.050 for general county purposes: *Provided*, That in the event the taxing district is located in more than one county, then the maximum millage rate of the county affected having the highest maximum millage rate under this chapter, shall be used to determine this quotient.

For the purposes of this section all millage rates and authorized levies used for making these computations shall be for the same tax year.

In succeeding tax years the maximum regular property tax levy shall be limited to that which is authorized by RCW 84.54.020 as amended in section 2 of this 1967 amendatory act or which may be authorized by RCW 84.54.050 as amended in section 5 of this 1967 amendatory act.

Sec. 4. Section 4, chapter 174, Laws of 1965 extraordinary session, and RCW 84.54.040 are each amended to read as follows:

RCW 84.54.040  
amended.

The maximum regular property tax levy for taxing districts created by or resulting from merger or consolidation shall for the first tax year be determined by combining the regular property tax levies for the previous year for the component taxing districts, and applying to such combined levies the computations prescribed by RCW 84.54.020 as amended in section 2 of this 1967 amendatory act: *Provided*, That for the purposes of determining the additional dollar amount of increases in assessed value required by RCW 84.54.020 (2) as amended in section 2 of this 1967 amendatory act, in the event that the actual millage rates levied in the previous year in the component taxing districts are not equal, then the highest actual millage rate levied by a component taxing district shall be used.

Effect to  
merger or con-  
solidation of  
taxing unit on  
limitation.

In succeeding tax years the maximum regular property tax levy shall be limited to that which is authorized by RCW 84.54.020 as amended by section 2 of this 1967 amendatory act, unless otherwise al-

tered as authorized by RCW 84.54.050 as amended by section 5 of this 1967 amendatory act.

RCW 84.54.050  
amended.

Sec. 5. Section 5, chapter 174, Laws of 1965 extraordinary session, and RCW 84.54.050 are each amended to read as follows:

Election to  
authorize ex-  
cess levies—  
Procedure.

The limitations set forth in RCW 84.54.020, 84.54.030, and 84.54.040 as each are amended in this 1967 amendatory act shall not prevent a regular property tax levy in excess of the amount a taxing district is permitted to levy thereby, subject to the limitations of the provisions of Article VII, section 2, of the Constitution of the state of Washington and RCW 84.52.050, when authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the taxing district, or at a special election of the taxing district held at the time of a state general election, or at the time of a general election of a city or town in which said taxing district is wholly included. The maximum amount permitted as a taxing district's regular property tax levy as provided in RCW 84.54.020 as amended in section 2 of this 1967 amendatory act shall be increased to the extent that the regular property tax levy fixed at such election is utilized by the taxing district in the fixing of an actual millage rate. Thereafter the maximum regular property tax levy shall be computed as provided in this chapter based upon such increased maximum.

New section.

Sec. 6. There is added to chapter 174, Laws of 1965 extraordinary session and to chapter 84.54 RCW a new section to read as follows:

Excess levies  
—Elections.

Any proposition to be voted upon increasing the regular property tax revenue shall set forth on the ballot in terms of dollars the amount of the last levied regular property tax revenue and the proposed increased amount of same together with an



estimate of the millage that will be required to produce the increased dollar amount. Except for those elections where the proposition and ballot submitted to the voters complied with these requirements, no election to authorize an increase in the regular property tax levy held prior to the effective date of this 1967 amendatory act shall be taken to permit a levy in 1968 in excess of that permitted by subsections (1), (2) and (4) of section 2 of this 1967 amendatory act.

Excess levies—  
Ballots—Con-  
tents—Lim-  
itations on  
prior excess  
levy elections.

Sec. 7. Section 36.21.011, chapter 4, Laws of 1963 and RCW 36.21.011 are each amended to read as follows:

RCW 36.21.011  
amended.

Any assessor who deems it necessary to enable him to complete the listing and the valuation of the property of his county within the time prescribed by law, (1) may appoint one or more well qualified persons to act as his assistants or deputies; and each such assistant or deputy so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

Taxation—  
County asses-  
sors—Appoint-  
ment of dep-  
uties—Classi-  
fication and  
salary plan  
for deputy  
assessors and  
appraisers.

To assist each assessor in obtaining adequate and well qualified assistants or deputies, the state department of personnel, after consultation with the Washington state association of county assessors, the Washington state association of county commissioners and the department of revenue, shall establish by July 1, 1967, and shall thereafter maintain, a classification and salary plan for those employees of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employ-

Taxation—  
County assess-  
ors—Appoint-  
ment of dep-  
uties—Classi-  
fication and  
salary plan  
for deputy  
assessors and  
appraisers.

ment qualifications for state employees performing similar appraisal functions.

If an assessor intends to put such plan into effect in his county, he shall inform the department of revenue and the board of county commissioners of this intent in writing. The department of revenue and the board may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the board, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the county assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the board of county commissioners. The committee provided for herein may be formed only once in a period of four calendar years.

After such determination, the assessor may provide, in each of his four next succeeding annual budget estimates, for as many positions as are established in such determination. Each board of county commissioners to which such a budget estimate is submitted shall allow sufficient funds for such positions. An employee may be appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan.

New section.

Sec. 8. There is added to chapter 174, Laws of 1965 extraordinary session and to chapter 84.54 RCW a new section to read as follows:

Special limi-  
tation for  
school dis-  
tricts.

Chapter 84.54 RCW as amended by this 1967 amendatory act shall not apply to any school district: *Provided, However,* That no school district may make a regular property tax levy in excess of an amount that would be produced by a levy of

fourteen mills multiplied by an assessed valuation equal to twenty-five percent of the true and fair value of the taxable property in such school district, as determined by the department of revenue's indicated county ratio.

Sec. 9. There is added to chapter 174, Laws of 1965 extraordinary session and to chapter 84.54 RCW a new section to read as follows:

No election held pursuant to RCW 84.54.050 as amended in section 5 of this 1967 amendatory act, whether the election is held before or after the effective date of this 1967 amendatory act, shall be valid to authorize a regular property tax levy which would produce more revenue than would be produced by a levy of the number of mills available to the taxing district under statutes other than chapter 84.54 RCW as amended in this 1967 amendatory act multiplied by an assessed valuation equal to twenty-five percent of the true and fair value of the taxable property in the taxing district as determined by the department of revenue's indicated county ratio.

New Section.

Excess levies  
—Further limitation.

Sec. 10. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

On or before June 15 of each year the assessor shall give notice of any change in the true and fair value of real property for the tract or lot of land and any improvements thereon.

Assessor—  
Change of assessed valuation—  
Notice to taxpayer.

The notice shall contain a statement of the true and fair value on which the assessment of the property is based, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer and a copy thereof shall be sent by the assessor to the legal owner of the property, if such is

different from the taxpayer and the name and address are known to the assessor.

A legal owner may submit his or its name and address to the assessor, indicating therewith the property owned by the legal owner and requesting that a copy of the notice be mailed to the legal owner.

Emergency.

*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.*

\*Words in italics vetoed by Governor.

Passed the House April 27, 1967.

Passed the Senate April 27, 1967.

Approved by the Governor May 11, 1967, with the exception of Section 11 which was vetoed.

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

"This bill deals with a number of aspects of the property tax. The principal purpose of the bill is to make a number of amendments to the 1965 act which placed a 'freeze' on property taxes. Both the bill and the original 1965 act are designed to prevent skyrocketing property taxes in the event the ratio of assessed value to true and fair value of property were to increase substantially. This bill clarifies a number of problem areas which were created by the 1965 act, and also greatly strengthens the protections afforded to property taxpayers. The ultimate effect of these amendments is to provide the same protection by statute which would be afforded if the state constitution directed that property be assessed at 25% of true and fair value. I approve of these provisions of the bill.

"In addition to the amendments to the 1965 act, Section 10 of House Bill No. 934 provides that whenever a county assessor determines that there has been an increase in the true and fair value of any parcel of real property, he shall give a notice of such increase to the taxpayer on or before June 15. This notice is designed to afford the taxpayer an opportunity to appeal this determination to the County Board of Equalization. I have no objection to Section 10. However, the emergency clause contained in Section 11 of the bill would require notices of increases made this year to be sent before June 15, 1967, which the assessors of the state are not equipped to do.

"I have vetoed Section 11 in order that the assessors can take the necessary steps to comply with Section 10 in an orderly fashion prior to June 15 of next year.

"By vetoing the emergency clause, it is not my intention to delay immediate implementation of Section 7 of the bill, which by its terms is designed to be effective no later than July 1, 1967. Section 7 is designed to establish a classification and salary plan for those employees of county assessors who act as appraisers of property. The purpose of

Section 7 of the bill is to assist the county assessors in attracting qualified personnel to perform the extremely important function of appraising property for tax purposes. Only by accurate appraisals can property taxpayers be equally and fairly treated. Early implementation of Section 7 should assist in this goal.

"For the reasons stated above, I have vetoed Section 11. The remainder of House Bill No. 934 is approved."

DANIEL J. EVANS,  
Governor.

## CHAPTER 147.

[Engrossed House Bill No. 269.]

### HIGHWAY SAFETY—GOVERNOR—TRAFFIC SAFETY COMMISSION—DRIVER EDUCATION—STATE SAFETY COUNCIL.

AN ACT relating to state government; establishing the Washington traffic safety commission; providing for succession of powers and duties of the Washington state safety council to the Washington state traffic safety commission; providing for administration of the driver education program; providing for the transfer of certain books, records, accounts, files and personal property; prescribing powers, duties and functions of certain state officers and agencies; enabling the state to secure the benefits of the federal Highway Safety Act of 1966; amending section 8, chapter 39, Laws of 1963 and RCW 46.81.070; adding a new chapter to chapter 8, Laws of 1965 and to Title 43; repealing sections 43.60.010 through 43.60.220, chapter 8, Laws of 1965 and RCW 43.60.010 through 43.60.220; providing for the termination of certain sections hereof; and declaring an emergency.

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

Section 1. The purpose of this act is to establish a new agency of state government to be known as the Washington traffic safety commission. The functions and purpose of this commission shall be to find solutions to the problems that have been created as a result of the tremendous increase of motor vehicles on our highways and the attendant traffic death and accident tolls; to plan and supervise programs for the prevention of accidents on streets and highways including but not limited to educational campaigns

Washington  
traffic safety  
commission—  
Creation—  
Functions.

Washington  
traffic safety  
commission—  
Creation—  
Functions.

designed to reduce traffic accidents in cooperation with all official and unofficial organizations interested in traffic safety; to coordinate the activities at the state and local level in the development of state-wide and local traffic safety programs; to promote a uniform enforcement of traffic safety laws and establish standards for investigation and reporting of traffic accidents; to promote and improve driver education; and to authorize the governor to perform all functions required to be performed by him under the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat 731).

Governor to  
administer  
traffic safety  
program.

Sec. 2. The governor shall be responsible for the administration of the traffic safety program of the state and shall be the official of the state having ultimate responsibility for dealing with the federal government with respect to all programs and activities of the state and local governments pursuant to the Highway Safety Act of 1966 (Public Law 89-564; 80 Stat 731). The governor is authorized and empowered to accept and disburse federal grants or other funds or donations from any source for the purpose of improving traffic safety programs in the state of Washington, and is hereby empowered to contract and to do all other things necessary in behalf of this state to secure the full benefits available to this state under the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat 731) and in so doing, to cooperate with federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto.

Washington  
traffic safety  
commission.

Sec. 3. The governor shall be assisted in his duties and responsibilities by the Washington state traffic safety commission. The Washington traffic safety commission shall be comprised of the gover-

nor as chairman, the superintendent of public instruction, the director of motor vehicles, the director of highways, the chief of the state patrol, a representative of the association of Washington cities to be appointed by the governor, a member of the association of county commissioners to be appointed by the governor, *the county road administration engineer* and a representative of the judiciary to be appointed by the governor. Appointments to any vacancies among appointee members shall be as in the case of original appointment.

\*Words in italics vetoed by Governor.

Sec. 4. In addition to other responsibilities set forth in this act the commission shall:

Commission—  
Additional  
powers and  
duties.

(1) Advise and confer with the governing authority of any political subdivision of the state deemed eligible under the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat 731) for participation in the aims and programs and purposes of that act;

(2) Advise and confer with all agencies of state government whose programs and activities are within the scope of said Highway Safety Act including those agencies that are not subject to direct supervision, administration and control by the governor under existing laws;

(3) Succeed to and be vested with all powers, duties and jurisdictions previously vested in the Washington state safety council;

(4) Require all counties and municipalities to prepare a comprehensive traffic safety plan consistent with the standards established by rule and regulation by the commission and the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat 731);

(5) Carry out such other responsibilities as may be consistent with this act.

RCW 46.81.070  
amended.

Sec. 5. Section 8, chapter 39, Laws of 1963 and RCW 46.81.070 are each amended to read as follows:

Driver's training courses in schools.

(1) Each school district offering a course in driver education shall, in such manner as the superintendent of public instruction may direct, keep accurate records of the cost thereof. Subject to RCW 46.81.060 each school district shall be reimbursed from the driver education account: *Provided*, That the state superintendent shall determine the approximate per pupil cost of driver education and may reimburse up to seventy-five percent of the estimated per pupil cost of driver education. Per pupil cost of driver education shall include the per pupil cost of vehicles used exclusively in driver education programs and simulators used in such programs amortized by school districts over a sixty-month period.

A simulator is any automobile driver training device approved by the superintendent of public instruction to be used for purposes of driver education instruction under simulated driving conditions.

(2) The directors of any school district or combination of school districts shall establish a driver education fee, which fee when imposed shall be required to be paid by any duly enrolled student in such school district prior to the enrollment in a driver education course. Driver education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the driver education course.

Commission—  
Meetings.

Sec. 6. The commission shall meet at least quarterly and shall have such special meetings as may be required. Members of the commission shall receive no additional compensation for their services except that which shall be allowed as actual and necessary expenses as limited by chapter 43.03 RCW in the performance of their official duties.



Sec. 7. The governor as chairman of the commission shall appoint a person to be director of the Washington traffic safety commission which director shall be paid such salary as shall be deemed reasonable and shall serve at the pleasure of the governor.

Director.

Sec. 8. The director shall be secretary of the commission and shall be responsible for carrying into effect the commission's orders and rules and regulations promulgated by the commission. The director shall also be authorized to employ such staff as is necessary pursuant to the provisions of chapter 41.06 RCW. The commission shall adopt such rules and regulations as shall be necessary to carry into effect the purposes of this act.

Director—  
Powers and  
duties.

Sec. 9. The governor as chairman of said commission shall have the authority to appoint advisory committees as he may deem advisable to aid, advise and assist the commission in carrying out the purposes of this act. All actions and decisions, however, shall be made by the commission.

Advisory com-  
mittees.

Sec. 10. The commission shall delegate all non-traffic safety responsibilities previously under the jurisdiction of the Washington state safety council to such other state agencies as the commission shall determine.

Delegation of  
nontraffic  
duties.

Sec. 11. All terms of the members of the executive board and members of the advisory committee of the Washington state safety council shall be terminated upon the effective date of this act.

State safety  
council—  
Termination.

Sec. 12. On the effective date of this act, all records, books, accounts, equipment, funds and all other personal property now or hereafter held for the use of the Washington state safety council in performing their functions and duties as set forth in chapter 43.60 RCW shall be transferred to the possession and control of the Washington traffic safety commission.

Transfer of  
records, books,  
etc.

State safety council—  
Transfer of employees—  
Protection of civil service rights.

Sec. 13. All employees of the Washington state safety council who are employed exclusively or principally in performing the powers, duties and functions transferred by this act to the Washington state traffic safety commission shall, upon the effective date of this act, be transferred to the Washington state traffic safety commission. All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law.

Reports.

Sec. 14. The Washington state traffic safety commission shall submit a report outlining programs planned and steps taken toward improving traffic safety to the joint committee on highways by July 1, 1968.

Repeal.

Sec. 15. Sections 43.60.010 through 43.60.220, chapter 8, Laws of 1965 and RCW 43.60.010 through 43.60.220 are each hereby repealed.

Expiration date.

*Sec. 16. Sections 1 through 4 and 6 through 13 of this act shall expire on July 1, 1969.*

**\*Words in italics vetoed by Governor.**

Emergency.

Sec. 17. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and existing public institutions and shall take effect immediately.

Passed the House April 29, 1967.

Passed the Senate April 29, 1967.

Approved by the Governor May 11, 1967, with the exception of a certain item in Section 3 and all of Section 16, which were vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"This bill gives to the Governor ultimate responsibility for the administration of the traffic safety program of the state, as required by the National Highway Safety Act of 1966. It also establishes a Washington Traffic Safety Commission to assist the Governor by finding solutions to the problems that have been created as a result of the tremendous increase of motor vehicles on our highways and the

attendant death and accident tolls. It is intended as a permanent successor to the Washington Safety Council. I believe that this commission is an important addition to the traffic safety program of the state, for not only does it comply with the requirements of the National Highway Safety Act, but it will provide a focal point for the development of new and imaginative approaches to traffic safety, both at the local and state level of administration.

"Because of the substantial impact of federal traffic safety legislation on local communities, it became obvious that local government should be represented on the commission. Therefore, at my suggestion, representatives of the governing bodies of both counties and cities were added by floor amendment, to be appointed from the Association of Washington Cities and the Association of County Commissioners. In addition, the county road administration engineer was added by committee amendment, because of his relationship with county government. I believe the county road administration engineer can play an important role in the county traffic safety program. However, I believe the interests of city and county government should be equally represented and that this representation should come from those involved in the highest level of local government. The act provides for the appointment of advisory committees. Either as a member of an advisory committee or as an informal advisor, the county road administration engineer will serve a valuable role in assisting in the work of the commission. However, to maintain equality of representation, I have vetoed the item making him a member of the Traffic Safety Commission. If, during the next biennium, the Traffic Safety Commission feels he should be a member, they may recommend he be added by the next legislature.

"The commission replaces the Washington Safety Council, a permanent body, and is itself intended to work with the problem of traffic safety on a permanent basis. Section 16 eliminates the Traffic Safety Commission on July 1, 1969, but apparently does not reactivate the Washington Safety Council. I believe the work of the commission should not be hampered by legislation which terminates its existence at the end of two years unless the legislature takes further affirmative action. If a majority of the members of each house believe that the commission should be terminated or altered, they may do so in the normal legislative process. I have therefore vetoed Section 16 eliminating the expiration date of the act. With the exception of the foregoing items which I have vetoed, the remainder of the act is approved."

DANIEL J. EVANS,  
Governor.

## CHAPTER 148.

[Engrossed Senate Bill No. 532.]

## STATE BUILDING AND HIGHER EDUCATION CONSTRUCTION—BONDS.

AN ACT relating to state government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needful land acquisition and buildings for the department of general administration, institutions of higher education and the department of institutions; providing ways and means to pay said bonds; making appropriations; and providing for submission of this act to a vote of the people.

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

State building and higher education construction bonds—Authorized, form and terms.

Section 1. For the purpose of providing needed capital improvements for the department of general administration, the institutions of higher education and the department of institutions, the state finance committee is authorized to issue, at any time prior to January 1, 1972, general obligation bonds of the state of Washington in the sum of sixty-three million fifty-nine thousand dollars or so much thereof as shall be required to finance the capital projects set forth in section 6 of this act, to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the

due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

Sec. 2. The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the state building and higher education construction account created in the state general fund.

Proceeds of  
bond sales—  
Disposition.

Sec. 3. The state building and higher education bond redemption fund is created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections; and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof which has been heretofore pledged for the payment of bond principal and interest.

State building and higher  
education bond  
redemption  
fund—Creation  
—Deposits to  
—Sales tax  
source.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 4. The legislature may provide additional

Additional sources.

means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this act shall not be deemed to provide an exclusive method for such payment.

Bonds are legal investment.

Sec. 5. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

State higher education institutions—Budget and appropriations.

Sec. 6. The following sums, or so much thereof as may be necessary, are appropriated from the state building and higher education construction account: *Provided*, That the legislature may reappropriate the unexpended balance from any project for other projects within the scope of section 1 of this act.

For the Department of General Administration	
Construct and equip addition to state library .....	\$ 562,113
For the Washington Correction Center	
Construct and equip honor housing for 270 inmates .....	\$ 1,875,630
For the Maple Lane School	
Construct and equip treatment security unit .....	\$ 264,970
For the Spruce Canyon Youth Camp	
Construct and equip vocational-gymnasium building .....	\$ 194,411
For the School for the Blind	
Construct and equip student residence hall .....	\$ 373,000
For the School for the Deaf	
Construct and equip field house .....	\$ 150,000
For the Rainier School	
Construct and equip training and service building .....	\$ 650,000
Construct and equip volunteer services building .....	\$ 150,000

For the Fircrest School	
Replace Redwood Hall, Phase II . . . . .	\$ 2,550,000
For the University of Washington	
Construct and equip law school center . . . . .	\$ 5,100,000
Construct and equip psychology building . . . . .	\$ 3,500,000
Construct and equip performing arts building . . . . .	\$ 3,700,000
Construct and equip computer center addition . . . . .	\$ 1,300,000
Construct and equip electrical engineering addition . . . . .	\$ 650,000
Enlarge plant services building . . . . .	\$ 1,900,000
Expand and equip radiation therapy and hospital clinic . . . . .	\$ 2,050,000
For Washington State University	
Construct and equip agricultural services building . . . . .	\$ 3,934,775
Construct and equip physical sciences building . . . . .	\$ 3,148,630
For Western Washington State College	
Construct additional instruction facilities . . . . .	\$ 1,883,500
Construct and equip physical education addition . . . . .	\$ 490,000
Construct and equip administration building . . . . .	\$ 1,650,000
Renovation of Old Main . . . . .	\$ 975,000
Complete construction and equipping of education-psychology building . . . . .	\$ 850,000
For Central Washington State College	
Construct and equip instructional center . . . . .	\$ 3,009,500
Construct and equip library addition . . . . .	\$ 2,070,000

State higher education institutions—Budget and appropriations.

For Eastern Washington State College	
Construct and equip health and physical education building . . . . .	\$ 1,125,000
Construct and equip classroom building . . . . .	\$ 1,500,000
Construct and equip radio-television building . . . . .	\$ 500,000
Construct and equip drama building . . . . .	\$ 800,000
Construct and equip art building . . . . .	\$ 1,090,000
For the Fourth State College	
Construction Phase I . . . . .	\$15,000,000
For the Finance Committee . . . . .	\$ 62,471

"Capital improvement" and "capital project" defined.

Sec. 7. The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

Referendum.

Sec. 8. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1968, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

Conditional budget and appropriations.

Sec. 9. *Anything in this act to the contrary notwithstanding, if the constitutional amendment proposed in Senate Joint Resolution No. 17 shall be adopted by the electorate in the 1967 general election.*

*(1) the sum of sixty-three million fifty-nine thousand dollars authorized for issue as general obligation bonds in section 1 of this act shall be reduced*



to the sum of twelve million six hundred seven thousand five hundred ninety-five dollars, and

(2) each of the following capital projects shall be deleted from section 6 of this act:

*For the University of Washington*

<i>Law school center</i> .....	\$ 5,100,000
<i>Psychology building</i> .....	\$ 3,500,000
<i>Performing arts building</i> .....	\$ 3,700,000
<i>Computer center addition</i> .....	\$ 1,300,000
<i>Electrical engineering addition</i> .....	\$ 650,000

*For Washington State University*

<i>Agricultural sciences building</i> .....	\$ 3,934,775
<i>Physical sciences building</i> .....	\$ 3,148,630

*For Western Washington State College*

<i>Additional instructional facilities</i> ....	\$ 1,883,500
<i>Physical education building</i> .....	\$ 490,000
<i>Administration building</i> .....	\$ 1,650,000

*For Central Washington State College*

<i>Instructional center</i> .....	\$ 3,009,500
<i>Library addition</i> .....	\$ 2,070,000

*For Eastern Washington State College*

<i>Health and physical education building</i> .....	\$ 1,125,000
<i>Classroom building</i> .....	\$ 1,500,000
<i>Radio-television building</i> .....	\$ 500,000
<i>Drama building</i> .....	\$ 800,000
<i>Art building</i> .....	\$ 1,090,000

*For the Fourth State College*

<i>Construction Phase I</i> .....	\$15,000,000
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\*Words in italics vetoed by Governor.

Passed the Senate April 29, 1967.

Passed the House April 28, 1967.

Approved by the Governor May 10, 1967, with the exception of Section 9 which was vetoed.

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

"This bill submits to the voters of the State of Washington for their approval or rejection a proposed state general obligation bond issue of \$63,059,000 to provide necessary new facilities at certain state institutions, the state library, the three state colleges and the two state

universities. The bill also would provide the funds for first phase construction at the fourth state college authorized by the 1967 legislature. I approve of this bond issue and trust that the voters of the state will ratify it at the election to be held in November, 1968.

"However, Section 9 of the bill is unnecessary, and may prove confusing to the voters if it remains in the measure when it is submitted at the 1968 general election. Section 9 provides conditionally that the bond issue be reduced to \$12,607,595, by eliminating from the bill all funds for institutions of higher education. The condition specified is the ratification of a constitutional amendment proposed in Senate Joint Resolution No. 17 at an election to be held in November, 1967. This proposed constitutional amendment would eliminate the need for many statewide bond issues by authorizing a State Building Authority to lease buildings to state agencies and finance the construction or acquisition cost through the sale of revenue bonds. If the State Building Authority were activated later this year, it would finance construction of needed higher education facilities, including the new four-year college, approximately a year sooner than will be possible under Senate Bill No. 532.

"Section 9 is meaningless, because no state general election will be held in November, 1967.

"A bill authorizing annual state elections was introduced during the 1967 legislative session at my request. It was passed by the House of Representatives, but failed to emerge from the Senate Rules Committee. It is unfortunate that the people will not have the benefit of annual state elections in order to vote promptly on vital issues facing the state, such as proposed constitutional amendments, matters relating to a constitutional convention and other measures referred to the people. Since this is not possible, I believe Senate Bill 532 will be less confusing to the voters if references to a proposed 1967 general election are eliminated.

"Therefore, I have vetoed Section 9. The remainder of Senate Bill No. 532 is approved."

DANIEL J. EVANS,  
Governor.

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## CHAPTER 149.

[Engrossed Senate Bill No. 255.]

## REVENUE AND TAXATION.

AN ACT relating to revenue and taxation; amending section 3, chapter 19, Laws of 1951 second extraordinary session as amended by section 1, chapter 208, Laws of 1959 and RCW 28.45.035; amending section 1, chapter 11, Laws of 1951 first extraordinary session as last amended by section 2, chapter 171, Laws of 1965 extraordinary session and RCW 28.45.040; adding new sections to chapter 28.45 RCW; amending section 1, chapter 7, Laws of 1963 as amended by section 1, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.050; amending section 82.04.130, chapter 15, Laws of 1961 and RCW 82.04.130; amending section 82.04.190, chapter 15, Laws of 1961 as amended by section 4, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.190; amending section 82.04.230, chapter 15, Laws of 1961 and RCW 82.04.230; amending section 82.04.240, chapter 15, Laws of 1961 as amended by section 5, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.240; amending section 82.04.250, chapter 15, Laws of 1961 and RCW 82.04.250; amending section 82.04.260, chapter 15, Laws of 1961 as amended by section 6, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.260; amending section 82.04.270, chapter 15, Laws of 1961 and RCW 82.04.270; amending section 82.04.275, chapter 15, Laws of 1961 and RCW 82.04.275; amending section 82.04.280, chapter 15, Laws of 1961 as amended by section 1, chapter 168, Laws of 1963 and RCW 82.04.280; amending section 82.04.290, chapter 15, Laws of 1961 as amended by section 2, chapter 28, Laws of 1963 extraordinary session and RCW 82.04.290; amending section 82.04.410, chapter 15, Laws of 1961 and RCW 82.04.410; amending section 82.04.440, chapter 15, Laws of 1961 as amended by section 12, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.440; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; amending section 82.08.010, chapter 15, Laws of 1961 as amended by section 1, chapter 244, Laws of 1963 and RCW 82.08.010; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 13, chapter 173, Laws of 1965 extraordinary session and RCW 82.08.020; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 87, Laws of 1967 and RCW 82.08.030; amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 17, chapter 173, Laws of 1965 extraordinary session and RCW 82.12.010;

amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 18, chapter 173, Laws of 1965 extraordinary session and RCW 82.12.020; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 19, chapter 173, Laws of 1965 extraordinary session and RCW 82.12.030; amending section 82.16.020, chapter 15, Laws of 1961 as last amended by section 21, chapter 173, Laws of 1965 extraordinary session and RCW 82.16.020; amending section 82.16.050, chapter 15, Laws of 1961 as amended by section 22, chapter 173, Laws of 1965 extraordinary session and RCW 82.16.050; amending section 82.32.090, chapter 15, Laws of 1961 as last amended by section 3, chapter 141, Laws of 1965 extraordinary session and RCW 82.32.090; amending section 82.48.020, chapter 15, Laws of 1961 as amended by section 2, chapter 9, Laws of 1967 first extraordinary session and RCW 82.48.020; adding a new section to chapter 15, Laws of 1961, and to chapter 82.50 RCW; adding new sections to chapter 15, Laws of 1961 and to Title 82 RCW; amending section 83.44.010, chapter 15, Laws of 1961 and RCW 83.44.010; amending section 84.08.030, chapter 15, Laws of 1961 and RCW 84.08.030; amending section 84.36.010, chapter 15, Laws of 1961 and RCW 84.36.010; amending section 84.36.150, chapter 15, Laws of 1961 and RCW 84.36.150; amending section 3, chapter 168, Laws of 1961 as amended by section 13, chapter 28, Laws of 1963 extraordinary session and RCW 84.36.171; adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW; amending section 84.40.020, chapter 15, Laws of 1961 and RCW 84.40.020; amending section 84.40.040, chapter 15, Laws of 1961 and RCW 84.40.040; amending section 84.40.060, chapter 15, Laws of 1961 and RCW 84.40.060; amending section 84.40.130, chapter 15, Laws of 1961 and RCW 84.40.130; amending section 84.40.190, chapter 15, Laws of 1961 and RCW 84.40.190; amending section 6, chapter 24, Laws of 1961 extraordinary session and RCW 84.40.340; adding new sections to chapter 15, Laws of 1961 and to chapter 84.40 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW; amending section 82.50.010, chapter 15, Laws of 1961 and RCW 82.50.010; amending section 82.50.020, chapter 15, Laws of 1961 and RCW 82.50.020; amending section 82.50.030, chapter 15, Laws of 1961 as last amended by section 29, chapter 173, Laws of 1965 extraordinary session and RCW 82.50.030; amending section 82.50.040, chapter 15, Laws of 1961 and RCW 82.50.040; amending section 82.50.050, chapter 15, Laws of 1961 and RCW 82.50.050; amending section 82.50.070, chapter 15, Laws of 1961 and RCW 82.50.070; amending section 82.50.101, chapter 15, Laws of 1961 and RCW 82.50.101;

amending section 82.50.105, chapter 15, Laws of 1961 as last amended by section 1, chapter 92, Laws of 1965 extraordinary session and RCW 82.50.105; amending section 82.50.110, chapter 15, Laws of 1961 as amended by section 2, chapter 92, Laws of 1965 extraordinary session and RCW 82.50.110; amending section 82.50.120, chapter 15, Laws of 1961 as amended by section 9, chapter 199, Laws of 1963 and RCW 82.50.120; amending section 82.50.130, chapter 15, Laws of 1961 and RCW 82.50.130; amending section 82.50.140, chapter 15, Laws of 1961 and RCW 82.50.140; amending section 82.50.180, chapter 15, Laws of 1961 and RCW 82.50.180; amending section 82.50.190, chapter 15, Laws of 1961 and RCW 82.50.190; amending section 82.50.200, chapter 15, Laws of 1961 and RCW 82.50.200; adding a new section to chapter 15, Laws of 1961 and to chapter 82.50 RCW; creating new sections; adding new sections to chapter 15, Laws of 1961 and to Title 82 RCW; repealing section 82.04.295, chapter 15, Laws of 1961 and RCW 82.04.295; repealing section 82.04.296, chapter 15, Laws of 1961, section 2, chapter 293, Laws of 1961, and RCW 82.04.296; repealing section 82.16.025, chapter 15, Laws of 1961 and RCW 82.16.025; repealing section 82.16.026, chapter 15, Laws of 1961 and RCW 82.16.026; repealing section 84.40.050, chapter 15, Laws of 1961 and RCW 84.40.050; repealing section 84.40.140, chapter 15, Laws of 1961 and RCW 84.40.140; repealing section 84.40.180, chapter 15, Laws of 1961 and RCW 84.40.180; repealing section 84.40.260, chapter 15, Laws of 1961 and RCW 84.40.260; prescribing penalties; declaring an emergency; and prescribing an effective date.

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

Section 1. Section 3, chapter 19, Laws of 1951 second extraordinary session as amended by section 1, chapter 208, Laws of 1959 and RCW 28.45.035 are each amended to read as follows:

RCW 28.45.035 amended.

The state department of revenue shall provide by rule for the determination of the selling price in the case of leases with option to purchase, and shall further provide that the tax shall not be payable, where inequity will otherwise result, until and unless the option is exercised and accepted. A conditional sale of mining property in which the buyer has the right to terminate the contract at any time,

Excise tax on real estate sales—Determining selling price.

Excise tax on  
real estate  
sales—Deter-  
mining selling  
price.

and a lease and option to buy mining property in which the lessee-buyer has the right to terminate the lease and option at any time, shall be taxable at the time of execution only on the consideration received by the seller or lessor for execution of such contract, but the rule shall further provide that the tax due on any additional consideration paid by the buyer and received by the seller shall be paid to the county treasurer (1) at the time of termination, or (2) at the time that all of the consideration due to the seller has been paid and the transaction is completed except for the delivery of the deed to the buyer, or (3) at the time when the buyer unequivocally exercises an option to purchase the property, whichever of the three events occurs first.

The term "mining property" means property containing or believed to contain metallic minerals and sold or leased under terms which require the purchaser or lessor to conduct exploration or mining work thereon and for no other use. The term "metallic minerals" does not include clays, coal, sand and gravel, peat, gypsite, or stone, including limestone.

The state department of revenue shall further provide by rule for cases where the selling price is not separately stated or is not ascertainable at the time of sale, for the payment of the tax at a time when the selling price is ascertained, in which case suitable security may be required for payment of the tax, and may further provide for the determination of the selling price by an appraisal by the county assessor, based on the full and true market value, which appraisal shall be prima facie evidence of the selling price of the real property.

RCW 28.45.040  
amended.

Sec. 2. Section 1, chapter 11, Laws of 1951 first extraordinary session as last amended by section 2, chapter 171, Laws of 1965 extraordinary session and RCW 28.45.040 are each amended to read as follows:

It shall be the duty of the board of county commissioners of each county to pay to each school district a sum equal to seventeen cents per day for each weighted student enrolled, based upon a full school year of one hundred eighty days. The year during which the payments herein required are to be made shall be from the first day of May to the last day of April, inclusive: *Provided*, That in the event a county levies a tax of not less than one percent on the sales of real estate in the county as permitted and provided for in this chapter and assigns the entire proceeds of one percent or so much as necessary to make the above payment to the county school fund for distribution to the various school districts, there shall be no further liability upon the county for this purpose.

Funds for schools—Excise tax on real estate authorized.

Sec. 3. There is added to chapter 28.45 RCW a new section to read as follows:

New section.

The department of revenue is authorized and directed to prescribe minimum standards for uniformity in reporting, application, and collection of the real estate excise tax imposed by this chapter.

Real estate tax—Standards for uniformity.

Sec. 4. Section 1, chapter 7, Laws of 1963 as amended by section 1, chapter 173, Laws of 1965 extraordinary session, and RCW 82.04.050 are each amended to read as follows:

RCW 82.04.050 amended.

“Sale at retail” or “retail sale” means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person,

Business and occupation tax—Sales at retail defined.

Business and  
occupation  
tax—Sales at  
retail defined.

or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), or (c) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or



existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and

Business and  
occupation  
tax—Sales at  
retail defined.

nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

The term shall also include the renting or leasing of tangible personal property to consumers.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any publicly owned street, place, road, highway, bridge, or trestle which is used or to be used primarily for foot or vehicular traffic, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

RCW 82.04.130  
amended.

Sec. 5. Section 82.04.130, chapter 15, Laws of 1961 and RCW 82.04.130 are each amended to read as follows:

"Commercial or industrial use" means the fol-

lowing uses of products, including byproducts, by the extractor or manufacturer thereof:

"Commercial or industrial" use defined.

- (1) Any use as a consumer; and
- (2) The manufacturing of articles, substances or commodities.

Sec. 6. Section 82.04.190, chapter 15, Laws of 1961 as amended by section 4, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.190 are each amended to read as follows:

RCW 82.04.190 amended.

"Consumer" means the following:

- (1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of his business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose
  - (a) of resale as tangible personal property in the regular course of business or
  - (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or
  - (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

Business and occupation tax — "Consumer" defined.

- (2) Any person engaged in any business activity taxable under RCW 82.04.290;

- (3) Any person engaged in the business of contracting for the building, repairing or improving of any publicly owned street, place, road, highway, bridge or trestle which is used or to be used primarily for foot or vehicular traffic as defined in RCW

Business and occupation tax — "Consumer" defined.

82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, bridge or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, bridge or trestle;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real or personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business, excluding only the United States, the state, and its political subdivisions in respect to labor and services rendered to their real property which is used or held for public road purposes. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer".

RCW 82.04.230 amended.

Sec. 7. Section 82.04.230, chapter 15, Laws of 1961 and RCW 82.04.230 are each amended to read as follows:

Business and occupation tax — Extractors — Rate of tax.

Upon every person engaging within this state in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of forty-four one-hundredths of one percent;

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

RCW 82.04.240 amended.

Sec. 8. Section 82.04.240, chapter 15, Laws of 1961 as amended by section 5, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.240 are each amended to read as follows:

Upon every person except persons taxable under

subsections (2), (3), (4), (5), (6), or (8) of RCW 82.04.260 engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of forty-four one-hundredths of one percent.

Business and occupation tax  
—Tax rate on manufacturers.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 9. Section 82.04.250, chapter 15, Laws of 1961 and RCW 82.04.250 are each amended to read as follows:

RCW 82.04.250 amended.

Upon every person engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of forty-four one-hundredths of one percent.

Business and occupation tax  
—Tax on retailers.

Sec. 10. Section 82.04.260, chapter 15, Laws of 1961 as amended by section 6, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.260 are each amended to read as follows:

RCW 82.04.260 amended.

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

Business and occupation tax  
—Tax on buyer and seller of grains and dry peas—Processors and splitters of dried peas—Flour manufacturers—Seafood products manufacturers—Fruit and vegetable processors—Aluminum manufacturers—Meat processors and slaughterers and research and development organizations—Rate of tax.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one percent.

Business and occupation tax—Tax on buyer and seller of grains and dry peas—Processors and splitters of dried peas—Flour manufacturers—Seafood products manufacturers—Fruit and vegetable processors—Aluminum manufacturers—Meat processors and slaughterers and research and development organizations—Rate of tax.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every person engaging within this state in the business of manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of four-tenths of one percent.

(7) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(8) Upon every person engaging within this

state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

Sec. 11. Section 82.04.270, chapter 15, Laws of 1961 and RCW 82.04.270 are each amended to read as follows:

RCW 82.04.270 amended.

(1) Upon every person except persons taxable under subsection (1) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of forty-four one-hundredths of one percent.

Business and occupation tax —Wholesalers and distributors.

(2) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: *Provided*, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying forty-four one-hundredths of one percent of the value of the article so distributed as of the time of such distribution: *Provided*, That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has

Business and occupation tax  
—Wholesalers and distributors.

paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: *Provided further*, That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

RCW 82.04.275 amended.

Sec. 12. Section 82.04.275, chapter 15, Laws of 1961 and RCW 82.04.275 are each amended to read as follows:

Business and occupation tax  
—Certain wholesale sales of cigarettes—  
Tax rate.

Upon every person engaging within this state in the business of wholesale sales of manufacturer's stock of cigarettes warehoused in this state by the manufacturer and sold by him at wholesale in this state; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of one hundred seventy-six one-thousandths of one percent.

Persons and activities taxed under this section shall not be liable for the wholesaling tax under the provisions of RCW 82.04.270.

RCW 82.04.280 amended.

Sec. 13. Section 82.04.280, chapter 15, Laws of 1961 as amended by section 1, chapter 168, Laws of 1963 and RCW 82.04.280 are each amended to read as follows:

Business and occupation tax on printers, publishers, highway contractors, extracting or processing for hire, cold storage warehouse operation, insurance general agent

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, bridge, or trestle which is used or to be used, primarily for foot or vehicular traffic including any readjustment, reconstruction or relo-



cation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, bridge or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one-hundredths of one percent.

Radio and television broadcasting.

Sec. 14. Section 82.04.290, chapter 15, Laws of 1961 as amended by section 2, chapter 28, Laws of 1963 extraordinary session and RCW 82.04.290 are each amended to read as follows:

RCW 82.04.290 amended.

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.275 and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one

Business and occupation tax rate—Other business and service activities.

Business and  
occupation tax  
rate—Other  
business and  
service  
activities.

percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

RCW 82.04.410  
amended.

Sec. 15. Section 82.04.410, chapter 15, Laws of 1961 and RCW 82.04.410 are each amended to read as follows:

Exemptions—  
Poultry and  
egg products.

This chapter shall not apply to amounts derived by persons engaged in the production and sale of hatching eggs or poultry for use in the production for sale of poultry or poultry products.

RCW 82.04.440  
amended.

Sec. 16. Section 82.04.440, chapter 15, Laws of 1961 as amended by section 12, chapter 173, Laws of 1965 extraordinary session and RCW 82.04.440 are each amended to read as follows:

Business and  
occupation  
taxes—Multi-  
ple activities.

Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.290, inclusive, shall be taxable under each paragraph applicable to the activities engaged in: *Provided*, That persons taxable under RCW 82.04.250 or 82.04.270 shall not be taxable under RCW 82.04.230, 82.04.240 or subsection (2), (3), (4), (5), (6), or (8) of RCW 82.04.260 with respect to extracting or manufacturing of the products so sold, and that persons taxable under RCW 82.04.240 or RCW 82.04.260 subsection (4) shall not be taxable under RCW 82.04.230 with

respect to extracting the ingredients of the products so manufactured.

Sec. 17. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows: New section.

In computing the tax imposed by this chapter, municipal sewerage utilities and other public corporations imposing and collecting fees or charges for sewer service may deduct from the measure of the tax, amounts paid to another municipal corporation or governmental agency for sewerage interception, treatment or disposal. Business and occupation taxes—Municipal sewerage services—Credits.

Sec. 18. Section 82.08.010, chapter 15, Laws of 1961 as amended by section 1, chapter 244, Laws of 1963 and RCW 82.08.010 are each amended to read as follows: RCW 82.08.010 amended.

For the purposes of this chapter:

(1) "Selling price" means the consideration, whether money, credits, rights, or other property, expressed in the terms of money paid or delivered by a buyer to a seller, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080. Retail sales tax—Definitions.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character

Retail sales  
tax—Defini-  
tions.

under such rules as the department of revenue may prescribe;

(2) "Seller" means every person making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal;

(3) "Buyer" and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) The meaning attributed in chapter 82.04 to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter.

RCW 82.08.020  
amended.

Sec. 19. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 13, chapter 173, Laws of 1965 extraordinary session and RCW 82.08.020 are each amended to read as follows:

Retail sales tax  
—Rate.

There is levied and there shall be collected a tax on each retail sale in this state equal to four and one-half percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property and to the retail sale of intoxicating liquor by the Washington state liquor stores.

RCW 82.08.030  
amended.

Sec. 20. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 87, Laws

of 1967 and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

Retail sales  
tax—Exemptions.

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28: *Provided*, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auction-

Retail sales  
tax—Exemptions.

eers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: *Provided*, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers used by the holder of a carrier permit issued by the Interstate Commerce Commission authoriz-

ing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce: *Provided*, That the purchaser must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to non-residents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services

Retail sales  
tax—Exemptions.

rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a



necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection **must**

Retail sales  
tax—Exemptions.

display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: *Provided*, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that

same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

**Note:** See also section 1, chapter 87, Laws of 1967.

*Sec. 21. Section 82.12.010, chapter 15, Laws of 1961 as last amended by section 17, chapter 173, Laws of 1965 extraordinary session and RCW 82.12.010 are each amended to read as follows:*

RCW 82.12.010 amended.

*For the purposes of this chapter:*

(1) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the

Use tax—  
Definitions.

Use tax—  
Definitions.

*consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the tax commission may prescribe.*

*In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the tax commission may prescribe.*

*In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.*

(2) *“Use,” “used,” “using,” or “put to use” shall have their ordinary meaning, and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state;*

(3) *“Taxpayer” and “purchaser” include all persons included within the meaning of the word “buyer” and the word “consumer” as defined in chapters 82.04 and 82.08;*

(4) *“Retailer” means every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter;*

(5) *The meaning ascribed to words and phrases in chapters 82.04 and 82.08, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. “Consumer,” in addition to the meaning ascribed to it in chapters 82.04 and 82.08 insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services.*

*\*Words in italics vetoed by Governor.*

NOTE: The above section was amended by the Legislature but such action was nullified by the Governor's veto of this section. See page 2436 for Governor's explanation.

Sec. 22. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 18, chapter 173, Laws of 1965 extraordinary session and RCW 82.12.020 are each amended to read as follows:

RCW 82.12.020  
amended.

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same. This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts

Use tax  
imposed—  
Rate of tax.

Use tax  
imposed—  
Rate of tax.

used by the manufacturer thereof, except as herein-after provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and one-half percent.

RCW 82.12.030  
amended.

Sec. 23. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 19, chapter 173, Laws of 1965 extraordinary session and RCW 82.12.030 are each amended to read as follows:

Use tax—  
Exemptions.

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or ac-

quired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the author-

Use tax—  
Exemptions.

ity of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction



sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: *Provided*, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967

Use tax—  
Exemptions.

(chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 or chapter 82.12.

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services.

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: *Provided*, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or

quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of pollen.

Sec. 24. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 21, chapter 173, Laws of 1965 extraordinary session and RCW 82.16.020 are each amended to read as follows:

RCW 82.16.020  
amended.

There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

Public utility  
tax imposed—  
Rate of tax.

(1) Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three and six-tenths percent;

(2) Gas distribution business: Two and four-tenths percent;

(3) Urban transportation business: Six-tenths of one percent;

(4) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

## Taxation.

(5) Motor transportation and tugboat businesses and all public service businesses other than ones mentioned above: One and eight-tenths of one per cent.

## RCW 82.16.050 amended.

Sec. 25. Section 82.16.050, chapter 15, Laws of 1961 as amended by section 22, chapter 173, Laws of 1965 extraordinary session and RCW 82.16.050 are each amended to read as follows:

Public utility tax—  
Deductions in computing tax.

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: *Provided*, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, light and power, gas distribution or other public service businesses which furnish water, electrical energy, gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitu-

tion of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations: *Provided*, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town;

(9) Amounts derived from the production, sale, or transfer of electrical energy for resale or consumption outside the state if the production or generation of such energy is subject to tax under the manufacturing classification of chapter 82.04 RCW: *Provided*, That the exemption set forth in RCW 82.04.310 shall not be applicable to the generation or production of the electrical energy so produced, sold, or transferred: *And provided further*, That no credit has been claimed as an offset to taxes imposed under RCW 82.04.240.

RCW 82.32.090 amended.

Sec. 26. Section 82.32.090, chapter 15, Laws of 1961 as last amended by section 3, chapter 141, Laws of 1965 extraordinary session and RCW 82.32.090 are each amended to read as follows:

Taxation—  
Administrative  
provisions—  
Late payment,  
penalties.

If payment of any tax due is not received by the department of revenue by the last day of the month in which the tax becomes due, there shall be assessed a penalty of two percent of the amount of the tax; and if the tax is not received by the last day of the month next succeeding the month in which the due date falls, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received by the last day of the second month next succeeding the month in which the due date falls, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the due date falls, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year in which such due date falls.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

RCW 82.48.020 amended.

Sec. 27. Section 82.48.020, chapter 15, Laws of 1961 as amended by section 2, chapter 9, Laws of 1967 first extraordinary session and RCW 82.48.020 are each amended to read as follows:

An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel shall constitute the necessary evidence of aircraft use or intended use. The tax shall be collected for each calendar year by the director of the department of motor vehicles, and must be paid during the month of January. No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. A penalty of five dollars shall be levied against all aircraft not timely registered: *Provided*, That the excise tax herein provided for shall not be imposed or collected, for the year 1968 only, with regard to any aircraft on which an excise tax for the calendar year 1967 is paid prior to July 1, 1967, in accordance with section 82.48.020, chapter 15, Laws of 1961.

Aircraft  
excise tax im-  
position—Rate.

**Note:** See also section 2, chapter 9, Laws of 1967 ex. sess.

Sec. 28. There is added to chapter 15, Laws of 1961, and to chapter 82.50 RCW a new section to read as follows:

New section.

For the purposes of this section, "mobile home" means only that type of house trailer more than thirty-two feet in length designed as a facility for human habitation and capable of being moved upon the public streets and highways.

Mobile homes  
excise tax—  
Rate—Ex-  
emptions.

Owners of mobile homes who meet the qualifications prescribed by this section shall be exempt from the rate of tax imposed by RCW 82.50.030 and shall in lieu thereof pay a tax at the rate and measure of one percent of the fair market value of the mobile home, as determined in the manner provided in this chapter:

Mobile homes  
excise tax—  
Rate—Ex-  
emptions.

(1) The person claiming the exemption must have regularly occupied the mobile home during the five calendar years preceding the year for which the exemption is claimed; or he or she must have regularly occupied the mobile home during the preceding calendar year and must also have been a resident of the state of Washington for the last ten calendar years preceding the year for which the exemption is claimed.

(2) If the person claiming the exemption is a male, he must have been sixty-five years of age or older on February 15th of the year in which the exemption is claimed, or must have been, at the time of filing, totally disabled and as such retired under a public or private retirement plan.

(3) If the person claiming the exemption is a female, she must have been sixty-two years of age or older on February 15th of the year in which the exemption is claimed.

(4) No person who, during the preceding calendar year, has regularly occupied the mobile home on which the taxes have been imposed shall have received during the preceding calendar year any earnings of the type and amount which would cause any deduction from social security benefits for a recipient of such benefits pursuant to 42 U.S.C. 403: *Provided, however,* That this subsection shall not apply with respect to an occupant who is related to the person claiming the exemption and who is either a student under the age of twenty-five who is pursuing a full course of studies or who is making payments as a sharing of the expenses of maintaining the mobile home, not in excess of one hundred dollars per month.

(5) The combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse shall not have been in excess



of three thousand dollars for the preceding calendar year.

(6) All claims for exemption shall be made and signed by the person entitled to the exemption or by his or her attorney-in-fact, either before a notary public or the county auditor or his deputy in the county where the excise taxes provided by this chapter are paid; and any person signing a false claim hereunder does so under penalty of perjury;

(7) Claims for exemption shall be made annually between January 1st and March 31st and solely upon forms prescribed by the department of motor vehicles; and

(8) No person entitled to a claim of exemption for taxes on real property under the provisions of RCW 84.36.126 shall have a second claim of exemption by reason of this section.

As used in this section, the term "preceding calendar year" shall mean the calendar year preceding the year in which the taxes for which the exemption is claimed are due and payable.

Sec. 29. Section 83.44.010, chapter 15, Laws of 1961 and RCW 83.44.010 are each amended to read as follows:

RCW 83.44.010  
amended.

All taxes imposed by the inheritance tax provisions of this title shall take effect and accrue upon the death of the decedent or donor. If such tax is not paid within fifteen months from the accruing thereof, interest shall be charged and collected at the rate of eight percent per year computed from the expiration of such fifteen month period unless the amount of tax cannot be determined because of litigation pending in any court of competent jurisdiction or arbitration under the provisions of chapter 83.14 which involves, either directly or indirectly, the amount of tax payable, in which case interest shall not be charged during the time necessarily consumed by such litigation or arbitration:

Inheritance  
tax—When  
due—Interest.

Inheritance tax—When due—Interest.

*Provided,* That in no case shall interest be tolled for a period of more than three years from the expiration of the fifteen months after date of death. The minimum tax due in any event shall be paid within fifteen months from the accruing thereof. In all cases where a bond shall be given under the provisions of RCW 83.16.020 interest shall be charged at the rate of six percent per year from and after a period of sixty days from the time that the person or persons owning the beneficial interest come into the possession of same until the payment thereof.

RCW 84.08.030 amended.

Sec. 30. Section 84.08.030, chapter 15, Laws of 1961 and RCW 84.08.030 are each amended to read as follows:

Department of revenue—Auditing county assessors—Supplemental assessment lists.

The department of revenue shall examine and test the work of county assessors at any time, and have and possess all rights and powers of such assessors for the examination of persons, and property, and for the discovery of property subject to taxation, and if it shall ascertain that any taxable property is omitted from the assessment list, or not assessed or valued according to law, it shall bring the same to the attention of the assessor of the proper county in writing, and if such assessor shall neglect or refuse to comply with the request of the department of revenue to place such property on the assessment list, or to correct such incorrect assessment or valuation the department of revenue shall have the power to prepare a supplement to such assessment list, which supplement shall include all property required by the department of revenue to be placed on the assessment list and all corrections required to be made. Such supplement shall be filed with the assessor's assessment list and shall thereafter constitute an integral part thereof to the exclusion of all portions of the original assessment list inconsistent therewith, and shall be submitted therewith to the county board of equalization. As

part of the examining and testing of the work of county assessors to be accomplished pursuant to this section, the department of revenue shall audit at least five percent of all personal property accounts listed in any county each calendar year.

Sec. 31. Section 84.36.010, chapter 15, Laws of 1961 and RCW 84.36.010 are each amended to read as follows:

RCW 84.36.010 amended.

All property belonging exclusively to the United States, the state, any county or municipal corporation shall be exempt from taxation. All property belonging exclusively to a foreign national government shall be exempt from taxation if such property is used exclusively as an office or residence for a consul or other official representative of such foreign national government, and if the consul or other official representative is a citizen of such foreign nation.

Property taxes  
—Exemptions  
—Public property.

**Note: See also section 35, chapter 145, Laws of 1967 ex. sess.**

Sec. 32. Section 84.36.150, chapter 15, Laws of 1961 and RCW 84.36.150 are each amended to read as follows:

RCW 84.36.150 amended.

All such grains and flour, fruit and fruit products, vegetables and vegetable products, and fish and fish products shall be listed and assessed as of January 1st of each year, without regard to any average inventory; but the assessor shall cancel any such assessment in whole or in proportionate part upon receipt of sufficient documentary proof that the property so assessed was actually shipped to points outside the state on or before April 30th of such year: *Provided*, That no such cancellation shall be made unless such proof be furnished to the county assessor before June 1st of such year: *Provided further*, That any such assessment of grain shall also be subject to cancellation as provided in this section if sufficient documentary proof be so

Property taxes  
—Exemption,  
grains, flours,  
fruit, vege-  
tables, and fish  
—Limitation  
—Proof of  
shipment.

Taxation.

furnished that the grain so assessed was milled into flour and such flour was actually shipped to points outside the state on or before April 30th of such year.

RCW 84.36.171 amended.

Sec. 33. Section 3, chapter 168, Laws of 1961 as amended by section 13, chapter 28, Laws of 1963 extraordinary session and RCW 84.36.171 are each amended to read as follows:

Property tax—  
Exemption—  
Certain goods  
in storage dur-  
ing transit—  
Proof of  
shipment.

Goods, wares, raw furs and merchandise manufactured or produced in any of the states, territories, or possessions of the United States or foreign countries and brought into this state for the purpose of transportation or sale through and to points without the state, and identified at the time the affidavit is filed as property ultimately destined for out-of-state shipment, while being so transported, or while held in storage in a public or private warehouse awaiting such transportation, shall be considered and held to be property in transit and nontaxable if actually shipped to points outside the state. All such goods, wares and merchandise shall be listed and assessed as of January 1st of each year, without regard to any average inventory, but the assessor shall cancel any such assessment in whole or in proportionate part upon receipt of the affidavit of exemption as set forth in RCW 84.36.172. A sale of or transfer of title to any such property, while being so transported or held in storage, shall not operate to defeat the intent or purpose of this section.

New section.

Sec. 34. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

Property taxes  
—Exemption—  
Plywood prod-  
ucts for  
interstate  
shipment.

All finished plywood, hardboard and particle board panels shipped from without this state to any processing plant within this state, where the panels are moving under a through freight rate to final destination outside this state and the carrier grants the shipper the privilege of stopping the shipment in

transit for the purpose of storing, milling, manufacturing or other processing, while such panels are in the process of being treated or shaped into flat component parts to be incorporated into finished products outside this state and for thirty days after completion of such processing or treatment shall be considered and held to be property in transit and nontaxable.

Sec. 35. Section 84.40.020, chapter 15, Laws of 1961 and RCW 84.40.020 are each amended to read as follows:

RCW 84.40.020 amended.

All real property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of January of the year in which it is assessed. All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its value and ownership on the first day of January of the year in which it is assessed: *Provided*, That if the stock of goods, wares, merchandise or material, whether in a raw or finished state or in process of manufacture, owned or held by any taxpayer on January 1 of any year does not fairly represent the average stock carried by such taxpayer, such stock shall be listed and assessed upon the basis of the monthly average of stock owned or held by such taxpayer during the preceding calendar year or during such portion thereof as the taxpayer was engaged in business.

Property taxes  
—Listing of  
property—  
Assessment  
date—Average  
inventory.

Sec. 36. Section 84.40.040, chapter 15, Laws of 1961 and RCW 84.40.040 are each amended to read as follows:

RCW 84.40.040 amended.

The assessor shall begin the preliminary work for each assessment not later than the first day of December of each year in all counties in the state. He shall also complete the duties of listing and placing valuations on all property by May 31st of each year, and in the following manner, to wit:

Property taxes  
—Listing—  
Filing lists of  
personal  
property.

Property taxes  
—Listing—  
Filing lists of  
personal  
property.

He shall actually determine as nearly as practicable the true and fair value of each tract or lot of land listed for taxation and of each improvement located thereon and shall enter fifty percent of the value of such land and of the total value of such improvements, together with the total of such fifty percent valuations, opposite each description of property on his assessment list and tax roll.

He shall make an alphabetical list of the names of all persons in his county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the standard form prescribed by the department of revenue, which statement and list shall include, if required by the form, the year of acquisition and total original cost of personal property in each category of the prescribed form, and shall be signed and verified under penalty of perjury by the person listing the property. Such list and statement shall be filed on or before the last day of March, but the assessor, upon written request filed on or before such date and for good cause shown therein, shall allow a reasonable extension of time for filing. The assessor shall on or before the 1st day of January of each year mail a notice to all such persons at their last known address that such statement and list is required, such notice to be accompanied by the form on which the statement or list is to be made: *Provided*, That for the years 1968 and 1969 a second notice shall be mailed on or before the 15th day of March: *Provided further*, That the notice mailed by the assessor to each taxpayer each year shall, if practicable, include the statement and list of personal property of the taxpayer for the preceding year. Upon receipt of such statement and list the assessor shall thereupon determine the true and fair value of the property included in such statement and enter fifty percent of the same in the assess-

ment books opposite the name of the party assessed; and in making such entry in his assessment list, he shall give the name and post office address of the party listing the property, and if the party resides in a city the assessor shall give the street and number or other brief description of his residence or place of business. The assessor may, after giving written notice of his action to the person to be assessed, add to the assessment list any taxable property which, in his judgment, should be included in such list.

Sec. 37. Section 84.40.060, chapter 15, Laws of 1961 and RCW 84.40.060 are each amended to read as follows:

RCW 84.40.060 amended.

Upon receipt of the verified statement of personal property, the assessor shall assess the value of such property and enter fifty percent of the same in his books: *Provided*, If any property is listed or assessed on or after the 31st day of May, the same shall be legal and binding as if listed and assessed before that time: *Provided, further*, That any statement of taxable property which is not signed by the person listing the property and which is not verified under penalty of perjury shall not be accepted by the assessor nor shall it be considered in any way to constitute compliance, or an attempt at compliance, with the listing requirements of this chapter.

Property taxes  
—Statement of  
personalty—  
Signed and  
verified under  
oath.

Sec. 38. Section 84.40.130, chapter 15, Laws of 1961 and RCW 84.40.130 are each amended to read as follows:

RCW 84.40.130 amended.

(1) If any person or corporation shall fail or refuse to deliver to the assessor, on or before the date specified in section 36 of this 1967 act, a list of the taxable personal property which he is required to list under this chapter, unless it is shown that such failure is due to reasonable cause and not due to wilful neglect, there shall be added to the amount of tax assessed against him or it on account of such

Property taxes  
—Penalties—  
Failure to list  
—False listing.

Property taxes  
 —Penalties—  
 Failure to list  
 —False listing.

personal property five percent of the amount of such tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which such failure continues not exceeding twenty-five percent in the aggregate. Such penalty shall be collected in the same manner as the tax to which it is added.

(2) If any person or corporation shall wilfully give a false or fraudulent list, schedule or statement required by this chapter, or shall, with intent to defraud, fail or refuse to deliver any list, schedule or statement required by this chapter, such person or corporation shall be liable for the additional tax properly due or, in the case of wilful failure or refusal to deliver such list, schedule or statement, the total tax properly due; and in addition such person or corporation shall be liable for a penalty of one hundred percent of such additional tax or total tax as the case may be. Such penalty shall be in lieu of the penalty provided for in subsection (1) of this section. A person or corporation giving a false list, schedule or statement shall not be subject to this penalty if it is shown that the misrepresentations contained therein are entirely attributable to reasonable cause. The taxes and penalties provided for in this subsection shall be recovered in an action in the name of the state of Washington on the complaint of the county assessor or the board of county commissioners, and shall, when collected, be paid into the county treasury to the credit of the current expense fund. The provisions of this subsection shall be additional and supplementary to any other provisions of law relating to recovery of property taxes.

RCW 84.40.190  
 amended.

Sec. 39. Section 84.40.190, chapter 15, Laws of 1961 and RCW 84.40.190 are each amended to read as follows:

Every person required by this title to list property shall make out and deliver to the assessor,



either in person or by mail, a statement, verified under penalty of perjury, of all the personal property in his possession or under his control, and which, by the provisions of this title, he is required to list for taxation, either as owner or holder thereof. Each list, schedule or statement required by this chapter shall be signed by the individual if the person required to make the same is an individual; by the president, vice-president, treasurer, assistant treasurer, chief accounting officer or any other officer duly authorized to so act if the person required to make the same is a corporation; by a responsible and duly authorized member or officer having knowledge of its affairs, if the person required to make the same is a partnership or other unincorporated organization; or by the fiduciary, if the person required to make the same is a trust or estate. The list, schedule, or statement may be made and signed for the person required to make the same by an agent who is duly authorized to do so by a power of attorney filed with and approved by the assessor. When any list, schedule, or statement is made and signed by such agent, the principal required to make out and deliver the same shall be responsible for the contents and the filing thereof and shall be liable for the penalties imposed pursuant to section 38 of this 1967 amendatory act. No person shall be required to list for taxation in his statement to the assessor any share or portion of the capital stock, or of any of the property of any company, association or corporation, which such person may hold in whole or in part, where such company, being required so to do, has listed for assessment and taxation its capital stock and property with the department of revenue, or as otherwise required by law.

Property taxes  
—Listing of  
property—  
Listing by  
other than  
owner—Liabil-  
ity of princi-  
pal for acts  
of agent.

Sec. 40. Section 6, chapter 24, Laws of 1961 ex-

RCW 84.40.340 amended.

traordinary session and RCW 84.40.340 are each amended to read as follows:

Property taxes  
—Verification of listing—  
Right of entry, examination of books and records.

For the purpose of verifying any list, statement, or schedule required to be furnished to the assessor by any taxpayer, any assessor or his trained and qualified deputy at any reasonable time may visit, investigate and examine any personal property, and for this purpose the records, accounts and inventories also shall be subject to any such visitation, investigation and examination which shall aid in determining the amount and valuation of such property. Such powers and duties may be performed at any office of the taxpayer in this state, and the taxpayer shall furnish or make available all such information pertaining to property in this state to the assessor although the records may be maintained at any office outside this state.

Any information or facts obtained pursuant to this section shall be used only for the purpose of determining the assessed valuation of the taxpayer's property and except in a court action pertaining to penalties imposed pursuant to section 38 of this 1967 amendatory act, or to the assessment or valuation for tax purposes of the property to which such information and facts relate, shall not be disclosed without the permission of the taxpayer to any person other than public officers or employees whose duties relate to valuation of property for tax purposes, and any violation of this secrecy provision shall constitute a gross misdemeanor.

New section.

Sec. 41. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

Property taxes  
—Listing of property required.

Every individual, corporation, association, partnership, trust, or estate shall list all personal property in his or its ownership, possession, or control which is subject to taxation pursuant to the provisions of this title. Such listing shall be made and

delivered in accordance with the provisions of this 1967 amendatory act.

Sec. 42. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

Any list, schedule or statement required by this chapter shall contain a written declaration that any person signing the same and knowing the same to be false shall be subject to the penalties of perjury.

Sec. 43. There is added to chapter 15, Laws of 1961, and to chapter 84.36 RCW a new section to read as follows:

All property, whether real or personal, owned in fee or by contract purchase by any nonprofit corporation or association the primary purpose of which is providing education and recreation for the general public and the conservation of natural resources for such education and recreation shall be exempt from ad valorem taxation if the following conditions are met:

(1) Such property shall be used solely for the purpose of providing recreation or education for the general public, and not for the pecuniary benefit of any person or company, as defined in RCW 82.04-.030; and

(2) Such property shall be subject to an option, accepted in writing by the state, a city or a county, for the purchase thereof by the state, a city or a county, at a price not exceeding the lesser of the following amounts: (a) the sum of the original purchase cost to such nonprofit corporation or association plus interest from the date of acquisition by such corporation or association at the rate of six percent per annum compounded annually to the date of the exercise of the option; or (b) the appraised value of the property at the time of the granting of the option, as determined by the department of revenue.

RCW 82.50.010 amended.

Sec. 44. Section 82.50.010, chapter 15, Laws of 1961 and RCW 82.50.010 are each amended to read as follows:

Travel trailer and mobile home trailer, excise tax—Definitions.

“Mobile home” means all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-two feet in length, except as hereinafter specifically excluded.

“Travel trailer” means all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation and which are thirty-two feet or less in length and eight feet or less in width, except as may be hereinafter specifically excluded.

“Commission” means the department of revenue of the state.

“Director” means the director of motor vehicles of the state.

RCW 82.50.020 amended.

Sec. 45. Section 82.50.020, chapter 15, Laws of 1961 and RCW 82.50.020 are each amended to read as follows:

Travel trailer and mobile homes excise tax—Tax imposed.

An annual excise tax is imposed on the owner of any mobile home or travel trailer for the privilege of using such mobile home or travel trailer in this state. The tax shall be collected for each calendar year by the department of motor vehicles or the county auditor of the county in which the mobile home or travel trailer is located at the time payment is made and shall be due on and after January 1st or on the date the mobile home or travel trailer is first purchased or brought into this state, and paid on or before March 31st of each calendar year or thirty days after the mobile home or travel trailer is first purchased or brought into this state, whichever is later. No additional tax shall be imposed under this chapter upon any mobile home or travel trailer upon the transfer of ownership thereof, if the tax

imposed by this chapter with respect to such mobile home or travel trailer has already been paid for the calendar year or fractional part thereof in which such transfer occurs.

Sec. 46. Section 82.50.030, chapter 15, Laws of 1961 as last amended by section 29, chapter 173, Laws of 1965 extraordinary session and RCW 82.50.030 are each amended to read as follows:

RCW 82.50.030 amended.

The rate and measure of tax imposed by this chapter for each calendar year shall be one and one-half percent of the fair market value of the mobile home or travel trailer, as determined in the manner provided in this chapter: *Provided*, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon a mobile home or travel trailer used for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the mobile home or travel trailer is first used: *Provided further*, That the minimum amount of tax payable shall be two dollars.

Travel trailer and mobile homes excise tax—Rate.

A mobile home or travel trailer shall be deemed used for the first time in this state when such vehicle was not previously licensed by this state for the year immediately preceding the year in which application for license is made.

Sec. 47. Section 82.50.040, chapter 15, Laws of 1961 and RCW 82.50.040 are each amended to read as follows:

RCW 82.50.040 amended.

The classification and schedule prepared under RCW 82.44.040 for mobile homes or travel trailers used as facilities for human habitation shall be the schedule used by the county auditors and the director for determining the amount of tax due hereunder.

Travel trailer and mobile homes excise tax—Classification and schedule—Basis.

Sec. 48. Section 82.50.050, chapter 15, Laws of

RCW 82.50.050 amended.

1961 and RCW 82.50.050 are each amended to read as follows:

Travel trailers and mobile homes excise tax—Rate on unclassified units.

The tax hereunder for any mobile home or travel trailer not classified as provided in RCW 82.44.040 shall be determined as provided in RCW 82.44.050 for mobile homes or travel trailers used as facilities for human habitation.

RCW 82.50.070 amended.

Sec. 49. Section 82.50.070, chapter 15, Laws of 1961 and RCW 82.50.070 are each amended to read as follows:

Mobile and travel trailer excise tax—Tax receipt—Records—License plate—Fee.

The county auditor or the department of motor vehicles upon payment of the tax hereunder shall issue a receipt which shall include such information as may be required by the director, including the name of the taxpayer, a description of the mobile home or travel trailer, and in the case of a mobile home its location at the time of payment of the tax which receipt shall be printed by the department of motor vehicles in such form as it deems proper and furnished by the department to the various county auditors of the state. The county auditor shall keep a record of the excise taxes paid hereunder during the calendar year under the name of owners of mobile home or travel trailer, listed alphabetically.

In addition thereto the county auditor or the director shall issue a license plate and register the mobile home or travel trailer as if they were "house trailers" under the provisions of chapter 46.16 and shall collect the additional fees therein provided.

RCW 82.50.101 amended.

Sec. 50. Section 82.50.101, chapter 15, Laws of 1961 and RCW 82.50.101 are each amended to read as follows:

Enforcement—Right of entry—Inspection of records.

The director or his authorized representative shall have power to enter at reasonable times all mobile home parks and other areas where mobile home or travel trailers are parked for the purpose of determining whether or not the tax herein pre-

scribed has been paid. The records required to be kept under RCW 19.48.020 shall be open to inspection by the director or his representative.

Sec. 51. Section 82.50.105, chapter 15, Laws of 1961 as last amended by section 1, chapter 92, Laws of 1965 extraordinary session and RCW 82.50.105 are each amended to read as follows:

RCW 82.50.105 amended.

On or before the fifteenth day of February of each calendar year, the director shall cause to be mailed to the owners of mobile homes or travel trailers, of record, notice of the amount of tax payable during the calendar year. Said notice shall contain a legal description of the mobile home or travel trailer, prominent notice of penalties, due dates, and such other information as may be required by the director. If payment is not made within thirty days of the issuance of said notice, the director may forward a notification of delinquency to the county sheriff of the county wherein the mobile home or travel trailer is located, requesting distraint of said mobile home or travel trailer.

Mobile homes and travel trailers—  
Notice of amount payable—Contents—  
Notification of delinquency—  
Request for distraint.

Sec. 52. Section 82.50.110, chapter 15, Laws of 1961 as amended by section 2, chapter 92, Laws of 1965 extraordinary session and RCW 82.50.110 are each amended to read as follows:

RCW 82.50.110 amended.

If any excise tax due hereunder is not paid when due and payable, the unpaid tax shall bear interest at the rate of six percent per annum from the time such tax is due and payable.

Mobile homes and travel trailers excise tax—Late payments—Interest—Lien.

The tax hereunder shall be a specific lien on the mobile home or travel trailer from and after the date it first becomes due hereunder, and shall include all charges authorized by this chapter, which lien shall have priority to and be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the mobile home or travel trailer may become

Mobile homes and travel trailers excise tax—Late payments—Interest—Lien.

charged or liable, after July 1, 1957, and no sale or transfer of any mobile home or travel trailer shall in any way affect the lien for such excise tax upon the mobile home or travel trailer.

RCW 82.50.120 amended.

Sec. 53. Section 82.50.120, chapter 15, Laws of 1961 as amended by section 9, chapter 199, Laws of 1963 and RCW 82.50.120 are each amended to read as follows:

Unlawful removal.

It shall be unlawful for any owner or other person to remove a mobile home or travel trailer from the real property on which it is situated after the tax hereunder shall become due and payable without payment of the excise tax hereunder or under RCW 82.44.020.

RCW 82.50.130 amended.

Sec. 54. Section 82.50.130, chapter 15, Laws of 1961 and RCW 82.50.130 are each amended to read as follows:

Mobile homes and travel trailer excise tax—Delinquencies—Distraint procedure.

When notified by the director that the excise tax is delinquent on any mobile home or travel trailer, the sheriff shall personally serve the owner in the manner provided for service of summons in civil actions or post thereon in a conspicuous place, a notice of delinquency, supplied by the director, which shall contain a description of the mobile home or travel trailer, 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 mobile home or travel trailer, and the name of the owner or reputed owner, if such is known. Thereafter, the sheriff may without further demand or notice, distraint the mobile home or travel trailer for the payment of tax, together with the penalty and accrued interest, and the costs and fees.



If he shall determine that it is reasonably impracticable to take manual possession of the mobile home or travel trailer, 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 such mobile home or travel trailer, describing it and giving the name of the owner or reputed owner, if such is 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, as hereinafter provided, shall be made.

The director shall forward by registered or certified mail a copy of the notice of delinquency herein provided to the legal owner recorded with the director pursuant to chapter 46.12.

Sec. 55. Section 82.50.140, chapter 15, Laws of 1961 and RCW 82.50.140 are each amended to read as follows:

If the tax is not paid forthwith after distraint, the sheriff shall advertise the sale of the mobile home or travel trailer by posting written notices in three public places in the county in which the mobile home or travel trailer is located, one of which shall be at the county court house of such county, and by posting a written notice on the mobile home or travel trailer in a conspicuous place, if he has not taken manual possession of it. Such notices shall state the time when and the place where the mobile home or travel trailer will be sold. He shall tax the same fees for making the distraint and sale of the mobile home or travel trailer 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 mobile home or travel trailer is distrained, together with the penalty, accrued interest, and costs

RCW 82.50.140  
amended.

Mobile homes  
and travel  
trailer excise  
tax—Sale af-  
ter distraint,  
procedure.

Mobile homes and travel trailer excise tax—Sale after distraint, procedure.

and fees accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the distraint and taking of such mobile home or travel trailer and posting of the notices, the sheriff shall proceed to sell the mobile home or travel trailer 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 overplus of money arising from the sale, he shall pay such overplus to the owner of the mobile home or travel trailer so sold or to his legal representative, who shall be deemed to be the county treasurer in the event the owner or other legal representative cannot be determined or found.

RCW 82.50.180 amended.

Sec. 56. Section 82.50.180, chapter 15, Laws of 1961 and RCW 82.50.180 are each amended to read as follows:

Exemptions.

The following mobile homes or travel trailers are specifically exempted from the operation of this chapter:

(1) Any unoccupied mobile home or travel trailer when it is part of an inventory of mobile homes or travel trailers held for sale by a manufacturer or dealer in the course of his business.

(2) A mobile home or travel trailer owned by any government or political subdivision thereof.

(3) A mobile home or travel trailer owned by a nonresident and currently licensed in another state, unless such mobile home or travel trailer shall remain in this state for a period of ninety days or more during the calendar year.

(4) Mobile homes or travel trailers eligible to be used under a set of dealer's license plates, and taxed under RCW 82.44.030 while so eligible.

(5) A mobile home which has substantially lost its identity as a mobile unit by virtue of being per-

manently fixed in location upon land owned by the owner of the mobile home and placed on a permanent foundation, subsequent to the removal of the hitch, wheels and axles of said unit, and with fixed pipe connections with sewer, water or other utilities.

Following the permanent placement of said mobile home as provided herein, and upon the request of the owner, made to the county assessor, the assessor shall confirm compliance with the conditions of this subsection and if the unit so qualifies, the unit will be entered on the real property tax rolls of the involved county, and said unit shall be exempted from the provisions of this chapter from and after the date it is assessed as a part of the real property.

Sec. 57. Section 82.50.190, chapter 15, Laws of 1961 and RCW 82.50.190 are each amended to read as follows:

RCW 82.50.190 amended.

No mobile home or travel trailer with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation.

Ad valorem taxes prohibited.

Sec. 58. Section 82.50.200, chapter 15, Laws of 1961 and RCW 82.50.200 are each amended to read as follows:

RCW 82.50.200 amended.

Mobile homes or travel trailers taxed and licensed under the provisions of this chapter shall be entitled to the use of the public streets and highways subject to the provisions of the motor vehicle laws of this state except as herein otherwise provided.

Use of public streets and highways.

Sec. 59. There is added to chapter 15, Laws of 1961 and to chapter 82.50 RCW a new section to read as follows:

New section.

Whenever this chapter refers to chapters 46.12, 46.16, or 82.44 RCW, with references to "house trailers", the term "house trailer" as used in those chapters shall be construed to include and embrace "mo-

"House trailer," defined.

bile home and travel trailer" as used in this amendatory act.

Taxation—  
Distribution of  
proceeds from  
mobile homes  
and travel  
trailer excise  
taxes to  
schools.

Sec. 60. The state superintendent of public instruction shall distribute to each school district in the state quarterly on or before the twenty-fifth day of February, May, August and November of each year, commencing with May, 1968, an amount equal to fifty percent of that portion of the mobile home excise taxes transferred to the general fund from the school equalization fund, which are due on or after January 1, 1968 under chapter 82.50 RCW, as amended in this 1967 amendatory act, for mobile homes located in the school district on the date the excise tax was paid.

The director of motor vehicles shall certify to the superintendent of public instruction the amount of mobile home excise taxes due to each school district under this section.

No portion of the funds distributed to school districts under this section shall be considered as available revenues of the school district in computing state equalization support under RCW 28.41.130.

New section.

Sec. 61. There is added to chapter 11, Laws of 1951 first extraordinary session and to chapter 28.45 RCW a new section to read as follows:

Real estate  
excise tax—  
Tax credit  
when transfer  
is part of  
another  
transaction.

Where single family residential property is being transferred as the entire or part consideration for the purchase of other single family residential property and a licensed real estate broker or one of the parties to the transaction accepts transfer of said property, a credit for the amount of the tax paid at the time of the transfer to the broker or party shall be allowed toward the amount of the tax due upon a subsequent transfer of the property by the broker or party if said transfer is made within nine months of the transfer to the broker or party: *Provided*, That if the tax which would be due on the subsequent transfer from the broker or party is greater than the

tax paid for the prior transfer to said broker or party the difference shall be paid, but if the tax initially paid is greater than the amount of the tax which would be due on the subsequent transfer no refund shall be allowed.

Sec. 62. The following acts or parts of acts are hereby repealed: Repeal.

(1) Section 82.04.295, chapter 15, Laws of 1961 and RCW 82.04.295;

(2) Section 82.04.296, chapter 15, Laws of 1961, section 2, chapter 293, Laws of 1961 and RCW 82.04.296;

(3) Section 82.16.025, chapter 15, Laws of 1961 and RCW 82.16.025;

(4) Section 82.16.026, chapter 15, Laws of 1961 and RCW 82.16.026;

(5) Section 84.40.050, chapter 15, Laws of 1961 and RCW 84.40.050;

(6) Section 84.40.140, chapter 15, Laws of 1961 and RCW 84.40.140;

(7) Section 84.40.180, chapter 15, Laws of 1961 and RCW 84.40.180; and

(8) Section 84.40.260, chapter 15, Laws of 1961 and RCW 84.40.260.

Sec. 63. Nothing in this 1967 amendatory act shall be construed to affect any existing rights acquired or any existing liabilities incurred under the sections amended or repealed herein, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule or regulation promulgated thereunder, nor any administrative action taken thereunder. Savings.

Sec. 64. If any phrase, clause, subsection or section of this act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, Severability

clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

Emergency.

Sec. 65. 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, 1967.

Passed the Senate April 30, 1967.

Passed the House April 29, 1967.

Approved by the Governor May 11, 1967, with the exception of Section 21 which was vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"This bill makes a number of changes in laws relating to revenue and taxation. Section 21 of the bill changes the definition of 'value of the article used' in determining the amount of use tax payable under Chapter 82.12 Revised Code of Washington. The amendment contained in Section 21 would delete from the definition the following provision:

'In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.'

"The 1965 legislature adopted the above quoted provision in order to bring Washington's use tax law somewhat into conformity with the laws of other states with respect to contractors who produce special tooling in the course of manufacturing a product for the Department of Defense. Under the 1965 act, the use tax is based upon the value of the materials which were utilized to manufacture this special tooling, but would not apply to the balance of the value added by the contractor in those instances where the contract is performed for the Department of Defense.

"If Washington were to change its law as proposed in Section 21, the additional use tax applicable to special tooling would add to the Department of Defense cost of awarding contracts to bidders based in the State of Washington. I see no reason to change the law in a manner which places Washington bidders at a competitive disadvantage with bidders in other states, where use tax laws determine the value of special tooling on at least as favorable a basis as under existing Washington law.

"The additional revenues to the State of Washington which would result from a change in the law are relatively minor, and would become less significant if Washington bidders are unsuccessful in obtaining Defense Department business. Of much greater importance would be the effect upon the state's economy and its revenues from other taxes which would result from an increase in contracts awarded by the Defense Department to taxpayers in this State.

"For the foregoing reasons, I have vetoed Section 21. The remainder of Senate Bill No. 255 is approved."

DANIEL J. EVANS,  
Governor.

## CHAPTER 150.

[Engrossed Senate Bill No. 630.]

## LEGISLATIVE ETHICS.

AN ACT creating boards of legislative ethics; prescribing powers, duties and functions; providing procedures in relation thereto; and declaring an emergency.

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

## Section 1. Definition of terms:

(1) "Legislator" means a current member of the senate or house of representatives of the state of Washington. The term shall include an appointee to either house.

(2) "Board" or "board of ethics" means the senate board of legislative ethics or the house board of legislative ethics, created by this act, or the joint board, whichever is appropriate.

(3) "Unethical conduct" means any conduct which constitutes a violation of chapter 42.21 RCW, as now or hereafter amended, or of any other constitutional provision, statute, rule or joint rule prescribing standards of conduct or a code of ethics for legislators.

(4) "Legislative employee" means any person employed by either house on a temporary or permanent basis as well as any employee of a permanent or interim legislative committee.

Sec. 2. There is created within each house of the legislature a board of legislative ethics composed of eight members. Prior to the close of the present session of the legislature the respective chairmen of the majority and minority senate caucuses shall each appoint two senators from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the senate board, and the

Legislative  
ethics—  
Definitions.

Legislative  
ethics—Boards  
—Members,  
appointment,  
terms, etc.

Legislative  
ethics—Boards  
—Members,  
appointment,  
terms, etc.

eight members so selected shall constitute the senate board of ethics; and the respective chairmen of the majority and minority caucuses in the house of representatives shall each appoint two members from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the house board, and the eight members so selected shall constitute the house board of ethics. All such appointments of legislative and lay members shall be subject to the consent of the caucus wherein the appointment is made. The terms of legislative members shall be until they are no longer a member of the legislature or until their successors are appointed, whichever is sooner, and the terms of lay members shall be until their successors are appointed; and no member shall be removed during his term except for cause. Successors to legislative and lay members shall be appointed on the day on which the next succeeding regular session of the legislature shall adjourn sine die: *Provided*, That if prior to such adjournment sine die, the governor shall have proclaimed an extraordinary session of the legislature, the appointments shall not be made until the day on which such extraordinary session shall adjourn sine die. Legislative and lay members shall both be eligible for reappointment. Vacancies in the position of legislative or lay members shall be filled by the same appointing power and in the same manner as for the member vacating. *The members of each board shall elect as chairman a legislator member thereof.*

\*Words in italics vetoed by Governor.

Jurisdiction  
of boards.

Sec. 3. The jurisdiction of the respective boards of ethics created by this act shall be strictly limited to the consideration of the conduct of the members of its own house and the conduct of employees of its own house.



Sec. 4. Each lay member appointed by the respective caucus chairmen shall within thirty days after his appointment sign and file an affidavit with the secretary of the senate or the chief clerk of the house of representatives, whichever is appropriate, that during his term of office he will not engage in any legislative activity designed to defeat or enhance the passage of any legislative bill or measure. Upon the failure of a lay member to sign and file an affidavit as required by this section, the chairman of the board to which he was appointed shall declare his seat vacant.

Boards of legislative ethics  
—Affidavits of lay members.

Sec. 5. The boards may meet as frequently as they deem necessary, whether or not the legislature is in session. For attendance at meetings during the interim or in attending to other business of his board during the interim, each legislative member shall be entitled to the allowances provided for in RCW 44.04.120, and each lay member shall be entitled to twenty-five dollars per diem and a travel allowance of ten cents per mile from funds appropriated for that purpose.

Boards of legislative ethics  
—Meetings—  
Expenses—  
Voting.

All expenses incurred by a board or any member thereof shall be paid upon voucher forms as provided by the budget director and signed by the chairman of the board or his designee: *Provided*, That vouchers for the expenses of the joint board shall be signed by the chairman of the legislative council and attested by the chairman of the joint board.

A majority of a board shall constitute a quorum.

Sec. 6. The boards jointly shall:

(1) Prepare for the adoption by the forty-first legislature a code of ethics to govern the conduct of the members and employees thereof, and may from time to time present to the legislature amendments or revisions to the code. The code of ethics shall

Joint board of legislative ethics—Duties  
—Code of ethics.

Joint board of  
legislative  
ethics—Duties  
—Code of  
ethics.

follow the following principles: In private transactions, or activities involving an economic benefit to himself, and in the exercise of official responsibility, a legislator should avoid (a) action which destroys his independence of judgment as a legislator, (b) involves undue influence upon any state agency, court, or governmental subdivision, or (c) constitutes an abuse of his official position or a violation of his trust.

The code, and each revision or amendment thereto, shall be prepared in the form of joint rules of the senate and the house of representatives and shall be submitted in the form of a concurrent resolution at the commencement of the forty-first session of the legislature, and any revision or amendment thereto shall be submitted at the next session of the legislature following its preparation. Such code, or revision or amendment thereof, when adopted, shall become effective as standards of conduct for the members and employees of the legislature.

For the purpose of complying with the provisions of this section, the joint board shall select a chairman who may be either a legislator member or a lay member, a vice chairman and a secretary; and meetings of the joint board shall be called by the chairman when deemed necessary for the performance of the duties of the joint board.

The code submitted to the legislature for adoption shall be approved by a majority of the members of the joint board.

(2) To recommend other legislation and other action relating to legislative ethics.

(3) Investigate possible unethical conduct of employees of legislative interim committees in the same manner as hereafter specified for employees of one house.

Sec. 7. Each board shall have the following powers, duties and functions:

Boards of legislative ethics  
—Powers and duties.

(1) Upon the request of any member of its own house or whenever in a board's judgment the public interest requires, to render advisory opinions with regard to questions arising under the code of legislative ethics or statutes governing legislative ethics or conduct, or other issues involving legislative ethics. Such advisory opinions, with such deletions and changes as shall be necessary to protect the identity of the persons involved or seeking them, shall be published by the board periodically.

(2) Whenever in a board's judgment the public interest requires, to investigate possible unethical conduct by one or more members of its own house or by a legislative employee of its own house as to violations of the code of legislative ethics or statutes governing legislative ethics. Any such investigation shall be conducted in accordance with the following procedures:

(a) When the conduct of a particular legislator or legislative employee is under investigation, and a board decides to hold a hearing thereon, such legislator or legislative employee shall receive at least thirty days' written notice of the matters under investigation, and shall be entitled to present evidence, cross-examine witnesses and be represented by counsel.

(b) Because hearings conducted by a board may, in some cases, involve alleged misconduct by particular legislators or legislative employees, the board shall hold hearings in closed session and the fact that hearings are being held or are to be held shall also be regarded as confidential information. However, any legislator or legislative employee who has received a notice of hearing under the terms of subparagraph (a) above, may advise the board that he elects that such hearing be public and the board

Boards of legislative ethics  
—Powers and duties.

shall be bound by the election if such election was made in writing and formally presented to the chairman of the board not less than seven days prior to the date set for the hearing.

(c) A board may designate a subcommittee of the board to conduct hearings. The board, or if designated thereby, any member or subcommittee of the board, may issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing, administer oaths or affirmations, examine witnesses and receive evidence. In case of disobedience to a subpoena, the board may invoke the aid of any superior court of the state. Such court may, in case of refusal to obey a subpoena issued to such person, issue an order requiring such person to appear before the board, or to produce documentary evidence, or to give evidence, and any failure to obey such order may be punished by that court as contempt. Notwithstanding any other provision of law, every public official, state agency, and local governmental unit shall furnish to the board any documents, records, data, statements or information which the board designates as being necessary for the exercise of its functions, powers or duties.

(d) Members of a board shall disqualify themselves in any case involving a legislator or legislative employee whom they cannot judge impartially. *No finding of unethical conduct on the part of any legislator shall be valid unless signed by at least two-thirds of the members of the board who have not disqualified themselves.*

\*Words in italics vetoed by Governor.

(e) All testimony, documents, records, data, statements or information received by a board in the course of any investigation shall be held private and confidential except in the course of a public

hearing. If the board shall make a finding of unethical conduct, it shall transmit its findings and recommendations as provided in subsection (f) of this section.

(f) Whenever a board finds that a legislator or legislative employee has engaged in unethical conduct, the board shall report its findings and recommendations directly to *the rules committee* of its own house, or to such other officer or committee as may be provided in the rules of such house, for such action as may be appropriate. The report shall include a recommendation as to whether the findings should remain confidential or become a matter of public record. A copy of the report shall be sent, by registered mail, to the legislator or legislative employee under investigation. The board shall notify the appropriate law enforcement agency directly if the board makes a finding that it has reasonable grounds to believe that a criminal violation of chapter 42.21 RCW or chapter 9.18 RCW has occurred.

**\*Words in italics vetoed by Governor.**

(3) To provide a continuing program of education, assistance, and information to legislators with regard to legislative ethics.

(4) To make such rules for its own functioning and exercise such powers as may be appropriate for the discharge of the responsibilities of the board not in conflict with this act or the joint rules of the legislature.

Sec. 8. The legislative council shall provide necessary staff services to the board.

**Legislative council—Staff services.**

Sec. 9. Nothing contained in this act shall prevent the discharge of any legislative employee without recourse to the provisions hereof.

**Discharge of legislative employees—Limitation.**

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

**Emergency.**

public institutions, and shall take effect immediately.

Passed the Senate April 27, 1967.

Passed the House April 25, 1967.

Approved by the Governor May 11, 1967, with the exception of certain items in Section 2 and Section 7 which were vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"This bill deals with legislative ethics and provides for separate boards of ethics in the house and senate to pass upon alleged unethical practices by members of the legislature and legislative employees. Each board of ethics will consist of four legislators and four non-legislators. The joint boards are charged with the responsibility of developing a comprehensive code of ethics for submission to the next session of the legislature.

"I am in great sympathy with the object of this bill; however, there are three items of the bill which I have vetoed in an effort to strengthen its provisions.

"Section 2 requires that the chairman of each board of ethics shall be a legislator. The chairmen of the party caucuses in the House and Senate will choose the non-legislative members of the boards. Presumably these will be citizens whose stature might well qualify them to be considered for the position of chairman. If a majority of a board of ethics wishes to choose a non-legislator as chairman, I believe the law should not prohibit that choice. Therefore, I have vetoed the sentence in Section 2 which states:

"The members of each board shall elect as chairman a legislator member thereof."

"Section 7 provides that after an investigation and a hearing in regard to allegedly unethical conduct:

"No finding of unethical conduct on the part of any legislator shall be valid unless signed by at least two thirds of the members of the board who have not disqualified themselves."

"Apparently, a finding of unethical conduct on the part of a legislative employee would require a concurrence of at least a majority of the eight member board of ethics. I see no reason for discriminating either in favor of or against any person under investigation because he is or is not a member of the legislature. So that all persons whose conduct is under scrutiny by a board of ethics will be treated equally, I have vetoed the sentence quoted above.

"Section 7 also provides that the findings and recommendations of a board of ethics regarding unethical conduct of a legislator or a legislative employee shall be sent directly to the Rules Committee of the house in question or to such other officer or committee as may be provided by the applicable rules of the House or Senate. I believe that each house of the 1969 Legislature should adopt specific rules regarding the handling of reports from the newly created boards of ethics; however, in the event of substantial disagreement in either house, the most likely result would be that no rule would be adopted on this subject. In such a situation, the provisions of Section 7 would place these reports in the hands of the Rules Committee. However, I believe that in the absence of a specific rule to the contrary adopted by the 1969 Legislature, these reports should be made to the whole member-

ship of the house in question. For this reason, I have vetoed in Section 7, the words,

'The rules committee of'  
which appear on page 6, line 5 of the bill.

"The effectiveness of this bill will depend in large measure upon the 'Code of Ethics' which is adopted during the interim by the joint boards of ethics. These boards should be given every possible opportunity to develop a meaningful and workable code of legislative ethics. All citizens interested in this subject should cooperate with the joint boards in this endeavor, for drafting a code for part-time public servants such as legislators and legislative employees will be much more difficult than drafting a code for full-time public officials.

"With the exception of the items in Section 2 and Section 7 discussed above, which I have vetoed, the remainder of Senate Bill No. 630 is approved."

DANIEL J. EVANS,  
Governor.

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AUTHENTICATION

**EXTRAORDINARY SESSION LAWS**

I, A. Ludlow Kramer, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Extraordinary Session of the Fortieth Legislature of the State of Washington, held from March 10, 1967, until April 30, 1967, inclusive with the original enrolled laws, now on file in my office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [    ], as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this tenth day of December, 1967.



A handwritten signature in black ink, appearing to read "A. Ludlow Kramer".

A. LUDLOW KRAMER,  
*Secretary of State*



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Title 9	added to	85	2	12.32.040	amended	143 4
Title 9	added to	85	3	12.32.050	amended	143 5
Title 9	added to	200	1	12.32.060	amended	143 6
Title 9	added to	200	2	12.32.070	amended	143 7
Title 9	added to	200	3	12.32.080	amended	143 8
Ch. 9.01	added to	76	2	12.32.100	amended	143 9
Ch. 9.40	added to	204	1	12.32.110	amended	143 10
9.47.150	amended	90	1	12.32.170	amended	143 11
Ch. 9.73	added to	* 93	1	12.32.220	amended	143 12
Ch. 9.73	added to	* 93	2	13.04.095	amended	137 1
Ch. 9.73	added to	* 93	3	13.07.900	repealed	* 35 1
Ch. 9.73	added to	* 93	4	Ch. 14.04	added to	207 2
Ch. 9.73	added to	* 93	6	14.04.030	amended	68 1

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R.C.W.		1967 Stats. Ch.	Sec.	R.C.W.		1967 Stats. Ch.	Sec.
14.04.040	amended	68	2	17.21.010	amended	177	1
14.04.230	amended	207	1	17.21.020	amended	177	2
14.04.230	amended *	9	7	17.21.070	amended	177	3
14.04.230	amended *	68	2	17.21.080	amended	177	4
14.04.250	amended *	9	8	17.21.090	amended	177	5
14.08.200	amended	182	1	17.21.110	amended	177	6
Ch. 15.13	added to	240	20	17.21.120	amended	177	7
Ch. 15.13	added to	240	21	17.21.150	amended	177	8
15.13.010	amended	240	16	17.21.160	amended	177	9
15.13.020	amended	240	17	17.21.170	amended	177	10
15.13.030	amended	240	18	17.21.180	amended	177	11
15.13.200	amended	240	19	17.21.200	amended	177	12
15.24.010	amended	240	22	17.21.220	amended	177	13
15.24.020	amended	240	23	17.21.230	amended	177	14
15.24.030	amended	240	24	17.21.290	amended	177	15
15.24.040	amended	240	25	17.21.310	amended	177	16
15.24.050	amended	240	26	Ch. 18.15	added to	223	13
15.24.090	amended	240	27	18.15.020	amended	223	2
15.24.100	amended	240	28	18.15.040	amended	223	3
15.24.110	amended	240	29	18.15.050	amended	223	4
15.28.020	amended	191	1	18.15.052	amended	223	5
15.28.030	amended	191	2	18.15.053	amended	223	6
15.28.040	amended	191	3	18.15.055	amended	188	1
15.28.050	amended	191	4	18.15.056	amended	223	8
15.28.060	repealed			18.15.060	amended	223	9
	& reenacted	191	6	18.15.065	amended	223	10
15.28.070	repealed			18.15.070	amended	223	11
	& reenacted	191	7	18.15.090	amended	223	12
15.28.090	amended	191	5	18.15.095	amended	223	14
15.30.060	amended	215	1	18.15.100	amended	223	15
15.32.370	amended *	40	1	18.15.110	amended	223	16
15.32.370	repealed *	40	2	18.15.120	amended	223	17
15.44.033	amended	240	30	18.15.125	amended	223	18
Ch. 15.48	added to	114	14	18.15.130	amended	223	19
Ch. 15.48	added to	114	15	18.15.140	amended	223	20
Ch. 15.48	added to	114	16	18.15.150	amended	223	21
15.50.020	amended	179	1	18.15.160	amended	223	22
15.53.9018	amended	240	32	Ch. 18.27	added to	126	4
15.53.9026	amended	240	33	Ch. 18.27	added to	126	6
15.54.010-				18.27.010	amended	126	5
15.54.250	repealed *	22	43	18.27.040	amended	126	1
15.54.900	repealed *	22	43	18.27.070	amended	126	2
Ch. 15.66	added to	* 55	1	18.27.090	amended	126	3
Ch. 16.49	added to	*120	4	18.32.050	amended	188	2
16.49.010	amended *	120	1	18.44.020	amended *	76	1
16.49.210	amended *	120	2	18.54.130	amended	188	3
16.49.430	amended *	120	3	18.71.095	amended	138	1
16.50.010-				18.71.096	amended	138	2
16.50.070	repealed	31	8	Ch. 18.78	added to	79	6
Ch. 16.57	added to	240	37	Ch. 18.78	added to	79	7
Ch. 16.57	added to	240	38	18.78.010	amended	79	1
16.57.010	amended	240	34	18.78.020	amended	79	2
16.57.220	amended	240	35	18.78.040	amended	188	4
16.57.290	amended *	120	6	18.78.050	amended	79	3
16.65.030	amended *	120	5	18.78.090	amended	79	4
16.65.170	amended	192	1	18.78.170	amended	79	5
16.65.340	amended	192	2	18.78.181	repealed	79	8
17.16.140	repealed	186	1	18.85.220	amended	22	1
Ch. 17.21	added to	177	17	18.85.230	amended	22	3
Ch. 17.21	added to	177	18	18.85.350	amended	22	2
Ch. 17.21	added to	177	19	18.88.285	amended	79	9

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R.C.W.		1967 Stats. Ch.	Sec.	R.C.W.		1967 Stats. Ch.	Sec.
18.90.020	amended	188	5	24.16.140	repealed	235	100
18.92.015	amended *	50	1	26.04.090	amended	26	4
18.92.021	amended *	50	2	26.04.100	amended	26	5
18.92.030	amended *	50	3	26.04.110	amended	26	6
18.92.040	amended *	50	4	26.04.160	amended	26	7
18.92.060	amended *	50	5	Ch. 26.08	added to	26	11
18.92.100	amended *	50	6	Ch. 27.04	added to	67	1
18.92.110	repealed *	50	12	27.04.020	amended	198	1
18.92.115	amended *	50	7	27.52.010-			
18.92.120	amended *	50	8	27.52.060	repealed *	19	11
18.92.145	amended *	50	9	Title 28	added to	103	2-13
18.92.155	repealed *	50	12	28.03.020	amended	158	3
18.92.160	amended *	50	10	28.03.030	amended	158	4
18.92.180	amended *	50	11	28.03.050	amended	12	2
19.24.040	amended	40	1	28.04.040	amended *	67	6
19.28.070	amended	88	1	28.04.060	amended	158	1
19.28.120	amended	88	2	28.04.090	amended	158	2
19.28.120	amended *	15	1	28.05.042	repealed	158	5
19.28.210	amended	88	3	28.05.050	amended	64	1
19.28.360	amended *	97	1	28.09.010	repealed *	8	73
19.32.050	amended	240	39	28.09.020	repealed *	8	73
Ch. 19.52	added to *	23	3	28.09.030	repealed *	8	73
Ch. 19.52	added to *	23	6	28.09.040	repealed *	8	73
Ch. 19.52	added to *	23	7	28.09.050	repealed *	8	73
19.52.020	amended *	23	4	28.09.070	amended *	8	27
19.52.030	amended *	23	5	28.09.080	amended *	8	28
19.86.170	amended	147	1	28.09.090	amended *	8	29
19.91.010	amended *	26	20	28.09.110	repealed *	8	73
Ch. 20.01	added to	240	42	28.09.120	repealed *	8	73
Ch. 20.01	added to	240	43	28.09.130	repealed *	8	73
20.01.010	amended	240	40	Ch. 28.10	added to	118	3
20.01.030	amended	240	41	Ch. 28.10	added to	118	4
21.17.080	amended	208	1	Ch. 28.10	added to	118	5
Ch. 21.20	added to	199	3	Ch. 28.10	added to	118	7
21.20.005	amended	199	1	Ch. 28.10	added to	118	8
21.20.430	amended	199	2	Ch. 28.10	added to	118	10
21.24.010	amended *	88	1	28.10.010	amended	118	2
21.24.020	amended *	88	2	28.10.010	amended *	8	41
21.24.030	amended *	88	3	28.10.020	repealed	118	11
21.24.040	amended *	88	4	28.10.030	amended	118	6
21.24.060	amended *	88	5	28.10.030	amended *	8	42
21.24.070	amended *	88	6	28.10.032	repealed	118	11
22.09.010	amended	240	51	28.10.040	repealed	118	11
23.90.040	amended *	26	21	28.10.050	amended	118	9
Title 23A	added to	190	10	28.10.050	amended *	8	43
Ch. 23A.08	added to	176	1	28.10.060	repealed	118	11
23A.08.030	amended	190	8	28.10.070	repealed	118	11
23A.08.100	amended	190	1	Ch. 28.19	added to *	67	2
23A.08.110	amended	190	2	28.19.320	amended *	67	1
23A.08.430	amended	190	9	28.20.010	amended *	67	5
23A.08.480	amended	190	3	28.20.013	amended *	67	3
23A.16.050	amended	190	4	28.23.005-			
23A.16.070	amended	190	5	28.23.050	repealed *	29	2
23A.32.030	amended	190	6	Ch. 28.24	added to *	17	1
23A.40.020	amended	190	7	28.40.010	amended	29	1
24.01.010	repealed	235	100	28.41.020	amended	29	2
24.04.010-				28.41.130	amended *	149	3
24.04.170	repealed	235	100	Ch. 28.45	added to *	149	3
24.08.010-				Ch. 28.45	added to *	149	61
24.08.900	repealed	235	100	28.45.035	amended *	149	1
24.16.010-				28.45.040	amended *	149	2

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R.C.W.		1967 Stats. Ch.	Sec.	R.C.W.		1967 Stats. Ch.	Sec.
Ch. 28.47	added to	* 21	1	Title 29	added to	* 73	1-9
Ch. 28.48	added to	*140	1	Title 29	added to	*130	1
28.58.030	repealed	164	16	Title 29	added to	*130	2
28.58.100	amended	12	1	29.04.040	amended	*109	1
28.58.100	amended	* 29	1	29.10.080	amended	*109	3
28.58.360	amended	* 8	76	29.10.130	amended	225	2
Ch. 28.63	added to	220	1	29.10.140	amended	225	3
28.76.020	amended	47	16	29.27.072	amended	96	1
28.76.120	amended	47	17	29.27.074	amended	96	2
28.76.180	amended	*107	1	29.27.076	amended	96	3
28.76.190	amended	*107	2	29.33.020	amended	*109	12
28.76.390	amended	* 8	50	29.33.040	amended	*109	13
28.76.410	amended	135	2	29.33.050	amended	*109	14
28.80.300	amended	14	1	29.33.060	amended	*109	15
Ch. 28.81	added to	47	2	29.33.070	amended	*109	16
Ch. 28.81	added to	47	3	29.33.080	amended	*109	17
Ch. 28.81	added to	47	4	29.33.100	amended	*109	20
Ch. 28.81	added to	47	5	29.33.110	amended	*109	21
28.81.010	amended	47	6	29.33.120	amended	*109	22
28.81.020	amended	* 5	2	Ch. 29.36	added to	*109	6
28.81.052	amended	47	7	Ch. 29.36	added to	*109	7
28.81.052	amended	231	1	Ch. 29.36	added to	*109	8
28.81.053	amended	47	8	29.39.010	amended	*109	4
28.81.054	amended	47	9	29.39.030	amended	*109	5
28.81.080	amended	47	10	Ch. 29.42	added to	* 32	1
28.81.085	amended	47	11	29.42.050	amended	* 32	2
28.81.170	amended	151	4	29.51.060	amended	*109	9
28.81.500	amended	47	12	29.51.170	amended	*109	28
28.81.510	amended	47	13	29.54.043	amended	*109	2
28.81.540	amended	47	14	29.54.070	amended	*109	10
28.81.551	amended	47	15	29.59.010	amended	225	1
28.84.119	repealed	* 8	73	29.59.040	amended	*109	29
28.84.120	repealed	* 8	73	29.59.070	repealed	225	4
28.84.130	repealed	* 8	73	29.65.030	amended	*109	30
28.84.140	repealed	* 8	73	29.85.160	amended	*109	31
28.84.150	repealed	* 8	73	Ch. 30.04	added to	* 54	2
28.84.170	repealed	* 8	73	30.04.090	amended	133	1
28.84.180	repealed	* 8	73	30.04.090	amended	* 54	1
28.84.190	repealed	* 8	73	30.04.140	amended	133	2
28.84.200	repealed	* 8	73	30.20.015	amended	133	5
28.84.205	repealed	* 8	73	Ch. 30.24	added to	133	4
28.84.211	repealed	* 8	73	30.24.030	amended	133	3
28.84.215	repealed	* 8	73	30.24.060	amended	209	1
28.84.220	repealed	* 8	73	31.08.200	amended	180	1
28.84.230	repealed	* 8	73	31.12.020	amended	180	2
28.84.240	repealed	* 8	73	31.12.050	amended	180	3
28.84.250	repealed	* 8	73	31.12.160	amended	180	4
28.84.260	repealed	* 8	73	31.12.170	amended	180	5
28.84.270	repealed	* 8	73	31.12.180	amended	180	6
28.84.280	repealed	* 8	73	31.12.190	amended	180	7
28.84.290	repealed	* 8	73	31.12.220	amended	180	8
28.84.300	repealed	* 8	73	31.12.230	amended	180	9
28.84.310	repealed	* 8	73	31.12.245	amended	180	10
28.84.500	repealed	* 8	73	31.12.270	amended	180	11
28.84.501	repealed	* 8	73	31.12.280	amended	180	12
28.84.502	repealed	* 8	73	31.12.290	amended	180	13
28.84.503	repealed	* 8	73	31.12.330	amended	180	14
28.84.900	repealed	* 8	73	31.12.360	amended	180	15
28.84.910	repealed	* 8	73	32.12.010	amended	145	1
28.84.920	repealed	* 8	73	32.12.020	amended	145	2
28.90.040	amended	* 5	1	32.12.025	added to	145	3

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R.C.W.		1967 Stats. Ch.	Sec.	R.C.W.		1967 Stats. Ch.	Sec.
Ch. 32.20	added to	145	11	Ch. 35.22	added to	* 37	1
32.20.045	amended	145	4	35.22.130	amended	123	2
32.20.240	amended	145	5	Ch. 35.23	added to	241	6
32.20.250	amended	145	6	35.23.340	repealed	164	16
32.20.270	amended	145	7	35.23.620	amended	241	7
32.20.290	amended	145	8	Ch. 35.24	added to	241	8
32.20.370	amended	145	9	Ch. 35.27	added to	241	9
32.20.400	amended	145	10	35.31.010	amended	164	11
33.08.100	amended	49	1	35.31.020	amended	164	12
33.12.090	amended	49	2	35.31.040	amended	164	13
33.12.100	repealed	49	9	35.32.010-			
33.12.130	amended	49	3	35.32.210	repealed	7	13
Ch. 33.24	added to	49	7	35.37.080	repealed	107	6
Ch. 33.24	added to	49	8	35.38.020	amended	132	5
33.24.130	amended	49	4	35.38.040	amended	132	6
33.24.150	amended	49	5	Ch. 35.41	added to	52	26
33.48.080	amended	49	6	35.41.010	amended	*144	12
Ch. 34.04	added to	237	3	Ch. 35.43	added to	52	1
Ch. 34.04	added to	237	4	35.43.030	amended	52	2
Ch. 34.04	added to	237	8	35.43.050	amended	52	3
Ch. 34.04	added to	237	10	35.43.075	amended	52	4
Ch. 34.04	added to	237	11	35.43.080	amended	52	5
Ch. 34.04	added to	237	12	35.43.130	amended	52	6
Ch. 34.04	added to	237	13	35.43.160	amended	52	7
Ch. 34.04	added to	237	14	35.43.180	amended	52	8
Ch. 34.04	added to	237	24	35.44.010	amended	52	9
34.04.010	amended	237	1	35.44.030	amended	52	10
34.04.020	amended	237	2	35.44.140	amended	52	11
34.04.060	amended	237	5	35.44.360	amended	52	12
34.04.090	amended	237	9	Ch. 35.45	added to	44	2
34.04.130	amended	237	6	Ch. 35.45	added to	* 44	3
34.04.150	amended	237	7	35.45.030	amended	* 44	1
34.04.150	amended	* 71	1	35.49.010	amended	52	13
34.04.910	amended	237	25	35.49.060	amended	52	14
Title 35	added to	7	2-12	35.49.070	amended	52	15
Title 35	added to	119	2-10	35.49.080	amended	52	16
35.10.210	amended	73	14	35.50.020	amended	52	17
35.10.220	amended	73	15	35.50.070	amended	52	18
35.10.230	amended	73	16	35.50.230	amended	52	19
35.10.240	amended	73	17	35.53.010	amended	52	20
35.10.260	amended	73	18	35.53.020	amended	52	21
35.10.270	amended	73	19	35.53.050	amended	52	22
35.10.280	amended	73	20	35.53.070	amended	52	23
35.10.290	amended	73	21	Ch. 35.58	added to	105	7
35.13.015	amended	73	7	Ch. 35.58	added to	105	8
35.13.020	amended	73	8	Ch. 35.58	added to	105	9
35.13.030	amended	73	9	Ch. 35.58	added to	105	10
35.13.080	amended	73	10	Ch. 35.58	added to	105	16
35.13.090	amended	73	11	35.58.040	amended	105	1
35.13.100	amended	73	12	35.58.100	amended	105	2
35.13.110	amended	73	13	35.58.120	amended	105	3
35.13.248	amended	146	1	35.58.140	amended	105	4
35.13.260	amended	* 42	2	35.58.150	amended	105	5
Ch. 35.17	added to	100	1	35.58.180	amended	105	6
35.17.110	repealed	100	2	35.58.240	amended	105	11
35.17.115	repealed	100	2	35.58.270	amended	105	12
35.20.100	amended	241	2	35.58.450	amended	105	13
35.20.130	amended	241	3	35.58.460	amended	105	14
35.20.190	amended	241	4	35.58.530	amended	105	15
Ch. 35.21	added to	* 66	1	35.63.100	amended	*144	8
Ch. 35.22	added to	241	5	35.67.120	amended	52	24

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R.C.W.		1967 Stats. Ch. Sec.	R.C.W.		1967 Stats. Ch. Sec.
35.77.010	amended	* 83 27	Ch. 36.88	added to	194 9
35.79.030	amended	123 1	36.88.220	amended	*145 63
35.79.030	amended	*129 1	38.52.010	amended	203 1
35.80.010	amended	111 1	38.52.020	amended	203 2
35.80.020	amended	111 2	38.52.030	amended	203 3
35.80.030	amended	111 3	39.04.020	amended	70 1
35.86.010	amended	*144 13	39.08.010	amended	70 2
35.86.020	amended	*144 14	39.12.020	amended	* 14 1
35.86.070	amended	*144 6	39.24.010	repealed	*101 1
35.91.020	amended	113 1	39.32.010	amended	* 70 1
35.92.080	amended	107 1	39.32.020	amended	* 70 2
35.92.100	amended	52 25	39.32.030	amended	* 70 3
35.95.020	amended	*145 65	39.32.035	amended	* 70 4
35.95.050	amended	*145 66	39.32.040	amended	* 70 5
Title 36	added to	*103 2-10	39.32.060	amended	* 70 6
36.16.032	amended	* 77 1	Ch. 39.33	added to	219 1
36.17.020	amended	218 3	Ch. 39.33	added to	219 2
36.17.020	amended	* 77 2	39.36.020	amended	107 4
36.18.010	amended	26 8	39.44.070	amended	107 5
36.18.020	amended	26 9	39.60.040	amended	* 48 1
36.21.011	amended	*146 7	41.04.180	amended	135 1
36.23.030	amended	* 34 2	41.06.020	amended	* 8 48
36.23.070	amended	* 34 3	41.06.070	amended	* 8 47
36.29.020	amended	173 1	41.06.150	amended	*108 13
Ch. 36.32	added to	*144 17	41.16.040	amended	* 91 1
Ch. 36.32	added to	*144 18	41.16.050	amended	42 1
Ch. 36.32	added to	*144 19	41.16.090	amended	* 91 2
36.32.120	amended	* 59 1	41.24.030	amended	160 2
36.32.240	amended	*144 15	41.28.010	amended	185 1
36.32.250	amended	97 1	41.28.040	amended	185 2
36.32.250	amended	*144 16	41.28.120	amended	185 3
36.32.320	amended	218 4	41.28.130	amended	185 4
36.33.110	amended	230 1	41.28.170	amended	185 5
36.34.020	amended	*144 1	Ch. 41.32	added to	151 6
36.45.010	amended	164 14	Ch. 41.32	added to	151 7
36.48.020	amended	132 3	41.32.010	amended	50 11
36.48.100	amended	132 4	41.32.250	amended	50 1
Ch. 36.62	added to	* 36 1	41.32.260	amended	50 2
36.62.110	amended	* 36 2	41.32.280	amended	50 3
36.62.252	amended	* 36 3	41.32.420	amended	50 4
36.67.020	amended	107 2	41.32.430	amended	50 5
36.67.040	amended	107 3	41.32.480	amended	151 1
Ch. 36.68	added to	*144 11	41.32.493	amended	151 2
36.69.010	amended	63 1	41.32.500	amended	50 6
36.69.020	amended	63 2	41.32.520	amended	50 7
36.69.030	amended	63 3	41.32.522	amended	50 8
36.69.130	amended	63 4	41.32.523	amended	50 9
36.69.140	amended	63 5	41.32.550	amended	50 10
36.69.190	amended	63 6	41.32.561	amended	151 3
36.69.900	amended	63 7	41.32.570	amended	151 5
36.81.121	amended	* 83 26	41.40.020	amended	127 1
Ch. 36.82	added to	218 1	41.40.100	amended	127 2
Ch. 36.82	added to	218 2	41.40.120	amended	127 3
Ch. 36.88	added to	194 1	41.40.150	amended	127 4
Ch. 36.88	added to	194 2	41.40.170	amended	127 8
Ch. 36.88	added to	194 3	41.40.180	amended	127 5
Ch. 36.88	added to	194 4	41.40.190	amended	127 7
Ch. 36.88	added to	194 5	41.40.380	amended	127 6
Ch. 36.88	added to	194 6	Ch. 41.44	added to	* 28 1
Ch. 36.88	added to	194 7	Ch. 41.44	added to	* 28 2
Ch. 36.88	added to	194 8	41.44.030	amended	* 28 6

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R.C.W.		1967 Stats.	
		Ch.	Sec.
41.44.070	amended	* 28	7
41.44.100	amended	* 28	3
41.44.140	amended	* 28	4
41.44.190	amended	* 28	5
41.48.030	amended	5	1
41.48.060	amended	213	1
Ch. 41.52	added to	128	3
Ch. 41.52	added to	128	4
Ch. 41.52	added to	160	1
41.52.030	amended	128	1
41.52.040	amended	128	2
42.16.010	amended	* 25	1
Title 43	added to	*115	2-6
Title 43	added to	*126	1-10
43.01.050	amended	212	1
43.01.120	amended	* 6	1
Ch. 43.03	added to	* 16	3
Ch. 43.03	added to	* 16	5
Ch. 43.03	added to	* 16	6-12
Ch. 43.03	added to	*100	2
43.03.010	amended	*100	1
43.03.028	amended	19	1
43.03.060	amended	* 16	4
43.03.110	amended	* 16	1
Ch. 43.08	added to	* 64	3
Ch. 43.09	added to	41	1
43.17.010	amended	* 26	12
43.17.010	amended	242	12
43.17.020	amended	* 26	13
43.17.020	amended	242	13
Ch. 43.19	added to	27	1
Ch. 43.19	added to	*104	1
Ch. 43.19	added to	*104	6
43.19.190	amended	*104	2
43.19.190	amended	* 8	51
43.19.1902	amended	*104	3
43.19.1904	amended	*104	4
43.19.1923	amended	*104	5
43.19.210	repealed	*104	7
Ch. 43.20	added to	*102	2
Ch. 43.20	added to	*102	3
Ch. 43.20	added to	*102	4
Ch. 43.20	added to	*102	5
Ch. 43.20	added to	*102	6
Ch. 43.20	added to	*102	7
43.20.010	amended	*102	1
43.20.040	amended	*102	8
43.20.050	amended	*102	9
43.20.060	amended	*102	10
43.20.070	amended	26	1
43.20.080	amended	26	2
43.20.090	amended	26	3
Ch. 43.21	added to	81	1
43.21.140	amended	53	1
Ch. 43.22	added to	157	1
Ch. 43.22	added to	157	2
Ch. 43.22	added to	157	3
Ch. 43.22	added to	157	4
Ch. 43.22	added to	157	5
Ch. 43.22	added to	157	6
Ch. 43.22	added to	157	7

R.C.W.		1967 Stats.	
		Ch.	Sec.
Ch. 43.22	added to	157	8
Ch. 43.23	added to	240	14
Ch. 43.23	added to	240	15
43.23.010	amended	240	1
43.23.020	amended	240	2
43.23.030	amended	240	3
43.23.040	amended	240	4
43.23.050	amended	240	5
43.23.060	amended	240	6
43.23.070	amended	240	7
43.23.080	amended	240	8
43.23.090	amended	240	9
43.23.100	amended	240	10
43.23.110	amended	240	11
43.23.150	repealed & reenacted	240	12
43.23.160	repealed & reenacted	240	13
Ch. 43.30	added to	* 64	1
Ch. 43.30	added to	* 64	4
Ch. 43.31	added to	221	1
Ch. 43.31	added to	221	3
Ch. 43.31	added to	221	4
43.31.040	amended	221	2
Ch. 43.43	added to	* 27	1
Ch. 43.43	added to	* 27	2
Ch. 43.43	added to	* 27	3
Ch. 43.43	added to	* 27	4
Ch. 43.46	added to	*125	1
Ch. 43.46	added to	*125	2
43.46.020	amended	*125	3
43.46.030	amended	*125	4
Ch. 43.51	added to	120	1-9
Ch. 43.51	added to	120	11-13
43.51.040	amended	* 90	1
43.60.010-			
43.60.220	repealed	*147	15
43.74.015	amended	188	6
43.76.010-			
43.76.930	repealed	162	19
43.82.010	amended	229	1
43.84.011	amended	* 2	1
43.84.021	repealed	* 2	2
43.84.080	amended	211	1
43.84.090	amended	66	1
43.85.030	amended	132	1
43.85.150	amended	132	2
Ch. 43.88	added to	* 41	4
43.88.160	amended	* 8	49
Ch. 43.99	added to	* 62	4
Ch. 43.99	added to	* 62	5
Ch. 43.99	added to	* 62	6
Ch. 43.99	added to	* 62	7
43.99.060	amended	* 62	1
43.99.110	amended	* 62	2
43.99.130	amended	* 62	3
44.04.120	amended	*112	4
44.24.010	amended	*134	6
44.24.020	amended	*134	1
44.24.030	amended	*134	2
44.24.040	amended	*134	3

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R.C.W.	1967 Stats.		R.C.W.	1967 Stats.			
	Ch.	Sec.		Ch.	Sec.		
44.24.060	amended	*134	4	46.16.330	amended	32	22
44.24.070	amended	*134	5	46.16.340	amended	32	23
44.28.010	amended	*114	1	46.16.350	amended	32	24
44.40.010	amended	*145	68	46.16.370	amended	32	25
Title 46	added to	* 94	2-14	46.16.380	amended	32	26
Ch. 46.01	added to	32	117	Ch. 46.20	added to	129	1
46.04.370	amended	32	1	Ch. 46.20	added to	167	8
46.04.680	amended	32	2	Ch. 46.20	added to	167	9
46.08.110	amended	32	3	Ch. 46.20	added to	167	10
46.08.110	recodified	32	118	Ch. 46.20	added to	232	1
46.08.120	recodified	32	118	Ch. 46.20	added to	* 20	1-5
46.08.130	amended	32	4	Ch. 46.20	added to	*145	50
46.08.130	recodified	32	118	Ch. 46.20	added to	*145	51
46.08.180	recodified			46.20.070	amended	32	27
	and amended	120	7	46.20.100	amended	167	1
46.08.200	amended	32	5	46.20.102	amended	167	2
46.08.200	recodified	32	118	46.20.104	amended	167	3
Ch. 46.12	added to	140	5	46.20.120	amended	167	4
Ch. 46.12	added to	140	6	46.20.130	amended	232	2
Ch. 46.12	added to	140	7	46.20.220	amended	232	9
Ch. 46.12	added to	140	8	46.20.220	amended	32	28
Ch. 46.12	added to	140	9	46.20.270	amended	*145	55
46.12.010	amended	32	6	46.20.300	amended	32	29
46.12.010	amended	140	1	46.20.311	amended	167	5
46.12.020	amended	32	7	46.20.320	amended	32	30
46.12.030	amended	32	8	46.20.322	amended	167	6
46.12.050	amended	32	9	46.20.340	recodified	32	118
46.12.100	amended	32	10	46.20.342	amended	*145	52
46.12.100	repealed	140	10	46.20.342	amended	167	7
46.12.110	repealed	140	10	46.20.380	amended	32	31
46.12.120	amended	140	2	46.20.390	amended	32	32
46.12.130	amended	140	3	46.20.400	amended	32	33
46.12.150	repealed	140	10	46.20.410	amended	32	34
46.12.170	amended	140	4	46.20.420	amended	32	35
46.12.180	repealed	140	10	46.21.020	amended	32	36
46.12.200	amended	32	11	46.29.050	amended	174	1
46.12.220	amended	32	12	46.29.090	amended	* 3	1
46.12.230	amended	32	13	46.29.110	amended	32	37
Ch. 46.16	added to	202	3	46.29.180	amended	32	38
Ch. 46.16	added to	* 83	57	46.29.200	amended	61	1
Ch. 46.16	added to	* 83	58	46.29.260	amended	* 3	2
Ch. 46.16	added to	*145	60	46.29.300	amended	32	39
46.16.005	repealed	32	119	46.29.330	amended	32	40
46.16.010	amended	202	2	46.29.350	amended	32	41
46.16.020	amended	32	14	46.29.360	amended	32	42
46.16.030	amended	32	15	46.29.370	amended	32	43
46.16.040	amended	* 83	59	46.29.390	amended	* 3	3
46.16.040	amended	32	16	46.29.400	amended	32	44
46.16.070	amended	* 83	56	46.29.410	amended	32	45
46.16.070	amended	*118	1	46.29.430	amended	32	46
46.16.072	repealed	* 83	61	46.29.440	amended	32	47
46.16.075	repealed	* 83	61	46.29.490	amended	* 3	4
46.16.110	repealed	* 83	61	46.29.550	amended	* 3	5
46.16.120	repealed	* 83	61	46.32.010	amended	32	48
46.16.125	amended	* 83	60	Ch. 46.37	added to	232	4
46.16.137	amended	32	17	46.37.005	amended	32	49
46.16.240	amended	32	18	46.37.005	amended	*145	56
46.16.260	amended	32	19	46.37.390	amended	232	3
46.16.280	amended	32	20	46.38.030	amended	*145	57
46.16.320	amended	32	21	Ch. 46.44	added to	*145	62
46.16.320	amended	*145	80	46.44.030	amended	*145	61

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R.C.W.		1967 Stats.	
		Ch.	Sec.
46.44.045	amended	32	50
46.44.0941	amended	174	8
46.44.095	amended *	94	15
46.44.095	amended	32	51
46.44.100	amended	32	52
Ch. 46.48	added to	232	10
46.52.020	amended	32	53
46.52.030	amended	32	54
46.52.040	amended	32	55
46.52.060	amended	32	56
46.52.070	amended	32	57
46.52.080	amended	32	58
46.52.090	amended	32	59
46.52.100	amended	32	60
46.52.110	amended	32	61
46.52.120	amended	32	62
46.52.130	amended	32	63
46.52.130	amended	174	2
46.52.140	amended	32	64
46.52.140	repealed	174	6
Ch. 46.61	added to	232	6
Ch. 46.61	added to	232	7
46.61.020	amended	32	65
46.61.100	amended *	145	58
46.61.265	amended	32	66
46.61.405	amended	25	1
46.61.425	amended	25	2
46.61.500	amended	32	67
46.61.515	amended	32	68
46.61.525	amended	32	69
46.61.610	amended	232	5
46.61.695	recodified	32	118
Ch. 46.64	added to	144	2
46.64.015	amended	32	70
46.64.025	amended	32	71
46.64.030	amended	32	72
Ch. 46.68	added to *	83	9
46.68.010	amended	32	73
46.68.041	amended	174	3
46.68.060	amended	174	4
46.68.090	amended	32	74
46.68.100	amended	* 83	8
46.68.100	amended *	145	79
46.68.120	amended	32	75
Ch. 46.70	added to	* 74	1
Ch. 46.70	added to	* 74	2
Ch. 46.70	added to	* 74	3
Ch. 46.70	added to	* 74	4
Ch. 46.70	added to	* 74	5
Ch. 46.70	added to	* 74	6
Ch. 46.70	added to	* 74	7
Ch. 46.70	added to	* 74	8
Ch. 46.70	added to	* 74	9
Ch. 46.70	added to	* 74	10
Ch. 46.70	added to	* 74	11
Ch. 46.70	added to	* 74	12
Ch. 46.70	added to	* 74	13
Ch. 46.70	added to	* 74	14
Ch. 46.70	added to	* 74	15
Ch. 46.70	added to	* 74	16
Ch. 46.70	added to	* 74	17

R.C.W.		1967 Stats.	
		Ch.	Sec.
Ch. 46.70	added to	* 74	18
Ch. 46.70	added to	* 74	19
Ch. 46.70	added to	* 74	20
Ch. 46.70	added to	* 74	21
Ch. 46.70	added to	* 74	22
Ch. 46.70	added to	* 74	23
Ch. 46.70	added to	* 74	24
Ch. 46.70	added to	* 74	25
Ch. 46.70	added to	* 74	28
Ch. 46.70	added to	* 74	29
46.70.010	repealed	* 74	30
46.70.020	amended	32	76
46.70.020	repealed *	74	30
46.70.030	repealed *	74	30
46.70.040	repealed *	74	30
46.70.050	repealed *	74	30
46.70.060	amended	32	77
46.70.060	amended *	74	26
46.70.070	amended *	74	27
46.70.080	repealed *	74	30
46.70.100	repealed *	74	30
46.70.110	amended	32	78
46.70.110	repealed *	74	30
46.70.140	amended	32	79
46.72.020	amended	32	80
46.72.030	amended	32	81
46.72.040	amended	32	82
46.72.050	amended	32	83
46.72.070	amended	32	84
46.72.080	amended	32	85
46.72.100	amended	32	86
46.72.110	amended	32	87
46.72.120	amended	32	88
46.72.130	amended	32	89
46.72.140	amended	32	90
46.76.020	amended	32	91
46.76.030	amended	32	92
46.76.070	amended	32	93
46.80.020	amended	32	94
46.80.030	amended	32	95
46.80.030	amended *	13	1
46.80.040	amended	32	96
46.80.050	amended *	13	2
46.80.050	amended	32	97
46.80.070	amended	32	98
46.80.080	amended	32	99
46.80.090	amended	32	100
46.80.100	amended	32	101
46.80.110	amended	32	102
46.80.110	amended *	13	3
46.80.130	amended	32	103
46.80.130	amended *	13	4
46.80.140	amended	32	104
46.80.150	amended	32	105
46.80.150	amended *	13	5
46.81.030	amended	167	11
46.81.070	amended *	147	5
46.82.010	amended	32	106
46.82.060	amended	32	107
46.82.070	amended	32	108
46.82.090	amended	32	109

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R.C.W.		1967 Stats.		R.C.W.		1967 Stats.	
		Ch.	Sec.			Ch.	Sec.
46.82.120	amended	32	110	48.02.070	repealed	237	28
46.82.190	amended	32	111	48.02.080	amended	150	1
46.82.210	amended	32	112	48.03.070	amended	237	15
46.85.030	amended	32	113	48.03.080	repealed	237	28
46.85.100	amended	32	114	48.04.010	amended	237	16
46.85.230	amended	32	115	48.04.040	amended	237	17
46.85.290	amended	32	116	48.04.080	repealed	237	28
Title 47	added to	* 85	1-8	48.04.090	amended	237	18
Title 47	added to	*145	29-31	48.04.100	repealed	237	28
47.04.010	amended	*145	42	48.04.110	repealed	237	28
47.04.020	amended	*145	41	48.04.120	repealed	237	28
47.04.030	repealed	*145	47	48.04.130	repealed	237	28
47.04.081	amended	108	13	48.04.150	repealed	237	28
47.08.060	amended	*145	45	Ch. 48.05	added to	150	2
47.08.070	amended	108	3	Ch. 48.05	added to	150	3
47.10.706	amended	* 7	1	48.05.140	amended	150	4
47.10.724	amended	* 7	2	48.05.340	amended	150	5
47.10.740-				48.06.040	amended	150	6
47.10.750	repealed	* 7	24	48.06.050	amended	150	7
47.12.010	amended	108	4	48.11.080	amended	150	8
47.12.250	amended	108	5	48.11.090	repealed	150	9
Ch. 47.16	added to	*145	4	48.12.190	amended	* 95	10
Ch. 47.16	added to	*145	9	Ch. 48.13	added to	150	10
47.16.050	amended	*145	14	48.13.020	amended	* 95	11
Ch. 47.20	added to	*145	6	48.13.120	amended	150	11
Ch. 47.20	added to	*145	10	48.13.140	amended	* 95	12
Ch. 47.20	added to	*145	11	48.13.160	amended	* 95	13
Ch. 47.20	added to	*145	18	48.13.170	amended	* 95	14
Ch. 47.20	added to	*145	19	48.14.010	amended	150	12
47.20.030	amended	*145	2	Ch. 48.17	added to	150	13
47.20.050	amended	*145	3	Ch. 48.17	added to	150	14
47.20.140	amended	*145	12	48.17.090	amended	150	15
47.20.160	amended	*145	5	48.17.110	amended	150	16
47.20.280	amended	*145	15	48.17.120	amended	150	17
47.20.300	amended	*145	17	48.17.130	amended	150	18
47.20.360	amended	*145	16	48.17.150	amended	150	19
47.20.410	amended	*145	7	48.17.160	amended	150	20
47.20.415	repealed	*145	8	48.17.190	amended	150	21
47.20.640	amended	*145	44	48.17.240	amended	150	22
47.22.020	amended	*145	13	48.17.530	amended	150	23
47.24.020	amended	115	1	48.17.540	amended	150	24
47.28.030	amended	*145	40	48.17.560	amended	150	25
47.28.070	amended	*145	39	48.17.580	repealed	237	28
47.28.140	amended	108	6	Ch. 48.18	added to	* 12	1
Ch. 47.36	added to	*145	46	Ch. 48.18	added to	* 95	1
47.36.095	amended	*145	43	Ch. 48.18	added to	* 95	2
47.36.096	repealed	*145	47	Ch. 48.20	added to	150	26
47.36.100	amended	*145	38	Ch. 48.22	added to	150	27
47.44.010	amended	108	7	Ch. 48.22	added to	* 95	3
47.44.040	amended	108	8	Ch. 48.24	added to	* 95	15
47.48.010	amended	108	9	48.24.040	amended	150	28
47.52.010	amended	108	10	48.24.085	repealed	150	29
47.52.090	amended	108	11	48.29.130	amended	150	30
47.52.105	amended	117	1	Ch. 48.30	added to	* 12	3
47.54.010	amended	*145	33	48.31.190	amended	150	31
47.54.020	amended	*145	34	48.34.060	amended	* 82	1
Ch. 47.56	added to	*145	48	48.44.190	repealed	237	28
Ch. 47.56	added to	*145	49	48.52.060	amended	237	19
47.56.256	amended	108	12	49.04.010	amended	6	1
47.60.250	amended	164	3	49.46.020	amended	* 80	1
Title 48	added to	* 95	5-9	49.48.120	amended	210	1

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R.C.W.	1967 Stats.		R.C.W.	1967 Stats.	
	Ch.	Sec.		Ch.	Sec.
52.08.010	amended	164 5	63.14.040	amended	234 3
52.12.010	amended	51 1	63.14.060	amended	234 4
53.08.040	amended	131 1	63.14.080	amended	234 5
53.52.010	repealed	164 16	63.14.110	amended	234 6
53.52.020	repealed	164 16	63.14.120	amended	234 7
54.12.080	amended	161 1	63.14.130	amended	234 8
54.28.010	amended *	26 22	63.14.150	amended	234 9
Title 56	added to	197 2-13	63.14.180	amended	234 10
Ch. 56.08	added to	178 1	63.28.070	amended *	26 27
Ch. 56.08	added to	178 2	Ch. 64.16	added to	163 2
Ch. 56.08	added to	178 3	64.16.010	repealed	163 7
Ch. 56.08	added to	178 4	64.16.020	repealed	163 7
Ch. 56.08	added to	178 5	64.16.030	repealed	163 7
Ch. 56.24	added to *	11 1-9	64.16.040	repealed	163 7
56.24.010	repealed *	11 10	64.16.050	repealed	163 7
56.24.020	repealed *	11 10	64.16.060	repealed	163 7
56.24.030	repealed *	11 10	64.16.070	repealed	163 7
56.24.040	repealed *	11 10	64.16.080	repealed	163 7
56.24.050	repealed *	11 10	64.16.090	repealed	163 7
56.24.060	repealed *	11 10	64.16.100	repealed	163 7
Ch. 57.08	added to *	135 1	64.16.110	repealed	163 7
57.08.065	amended *	135 3	64.16.120	repealed	163 7
Ch. 57.32	added to *	39 8-11	64.16.130	repealed	163 7
57.32.010	amended *	39 1	64.16.140	amended	163 3
57.32.020	amended *	39 2	64.16.150	repealed	163 7
57.32.030-			65.04.030	amended	98 1
57.32.120	repealed *	39 13	65.04.040	amended	98 2
57.36.010	amended *	39 3	Ch. 65.08	added to	148 1
57.36.020	amended *	39 4	65.16.090	amended *	57 1
57.36.030	amended *	39 5	66.08.150	amended	237 23
57.36.040	amended *	39 6	66.08.180	amended *	75 1
57.36.050	amended *	39 7	Ch. 66.12	added to	38 1
60.28.020	amended *	26 23	Ch. 66.24	added to	55 1
60.28.050	amended *	26 24	66.24.320	amended *	75 2
60.28.060	amended *	26 25	66.24.330	amended *	75 3
60.28.070	amended *	26 26	66.24.340	amended *	75 4
61.24.040	amended	30 1	66.24.350	amended *	75 5
61.24.060	amended	30 2	66.24.360	amended *	75 6
61.24.080	amended	30 3	66.24.370	amended *	75 7
61.24.090	amended	30 4	66.44.190	amended	21 1
62A.2-403	amended	114 8	Title 67	added to	166 2-6
62A.2-706	amended	114 13	Ch. 67.28	added to	236 1-15
Art. 62A.3	added to *	23 1	67.28.010-		
62A.4-406	amended	114 1	67.28.070	repealed	236 18
62A.6-102	amended	114 2	68.16.110	amended	164 6
62A.6-109	amended	114 3	Ch. 69.04	added to *	79 1
Art. 62A.9	added to	114 12	69.12.050	amended	240 44
62A.9-302	amended	114 4	69.16.050	amended	240 45
62A.9-403	amended	114 5	69.20.040	amended	240 46
62A.9-404	amended	114 6	69.24.220	amended	240 49
62A.9-405	amended	114 7	69.24.260	amended	240 50
62A.9-406	amended	114 9	69.40.060	amended	71 1
62A.9-407	amended	114 10	69.40.061	amended	71 2
62A.9-408	added to	114 11	69.40.064	amended	71 3
Ch. 63.14	added to	234 11	70.04.030-		
Ch. 63.14	added to	234 12	70.04.080	repealed *	51 23
Ch. 63.14	added to	234 13	70.06.010	repealed *	51 23
Ch. 63.14	added to	234 14	70.06.020	repealed *	51 23
Ch. 63.14	added to	234 15	70.06.025	repealed *	51 23
63.14.020	amended	234 1	70.06.030	repealed *	51 23
63.14.030	amended	234 2	70.06.040	repealed *	51 23

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R.C.W.	1967 Stats.	
	Ch.	Sec.
70.06.050	repealed	* 51 23
70.06.060	repealed	* 51 23
70.06.070	repealed	* 51 23
70.06.080	repealed	* 51 23
70.06.090	repealed	* 51 23
70.09.010-		
70.09.030	repealed	* 51 23
70.28.010	amended	54 1
70.28.020	amended	54 2
70.28.030	repealed	54 19
70.28.050	amended	54 3
70.30.010	amended	54 8
70.30.040	amended	54 9
70.30.050	amended	54 10
70.30.060	amended	54 11
70.30.070	repealed	54 19
70.30.080	amended	54 13
70.30.090	repealed	54 19
70.30.100	amended	54 14
70.30.120	repealed	54 19
70.30.150	repealed	54 19
70.32.010	amended	*110 11
70.32.011	repealed	54 19
70.32.015	amended	*110 12
70.32.021	amended	*110 13
70.32.022-		
70.32.025	repealed	54 19
70.32.040	amended	54 15
70.32.050	amended	54 16
70.32.060	amended	54 17
70.32.070	repealed	54 19
70.32.080	amended	54 18
70.32.090	amended	*110 15
70.34.010-		
70.34.190	repealed	54 19
70.36.010-		
70.36.060	repealed	54 19
Ch. 70.44	added to	77 1
Ch. 70.44	added to	77 2
Ch. 70.44	added to	77 3
Ch. 70.44	added to	77 4
Ch. 70.44	added to	227 1
Ch. 70.44	added to	227 2
Ch. 70.44	added to	227 3
Ch. 70.44	added to	227 4
Ch. 70.44	added to	227 6
Ch. 70.44	added to	227 7
Ch. 70.44	added to	227 8
70.44.060	amended	164 7
70.44.170	repealed	227 9
70.44.180	repealed	227 9
70.46.020	amended	* 51 6
70.46.030	amended	* 51 5
70.46.040	amended	* 51 7
70.46.050	amended	* 51 8
70.46.060	amended	* 51 11
70.46.070	repealed	* 51 23
70.46.080	amended	* 51 19
70.46.090	amended	* 51 21
70.58.200	amended	26 10
70.74.020	amended	99 1

R.C.W.	1967 Stats.	
	Ch.	Sec.
Ch. 70.94	added to	238 1
Ch. 70.94	added to	238 4
Ch. 70.94	added to	238 5
Ch. 70.94	added to	238 6
Ch. 70.94	added to	238 7
Ch. 70.94	added to	238 8
Ch. 70.94	added to	238 9
Ch. 70.94	added to	238 10
Ch. 70.94	added to	238 11
Ch. 70.94	added to	238 12
Ch. 70.94	added to	238 14
Ch. 70.94	added to	238 15
Ch. 70.94	added to	238 16
Ch. 70.94	added to	238 17
Ch. 70.94	added to	238 18
Ch. 70.94	added to	238 19
Ch. 70.94	added to	238 20
Ch. 70.94	added to	238 25
Ch. 70.94	added to	238 26
Ch. 70.94	added to	238 27
Ch. 70.94	added to	238 28
Ch. 70.94	added to	238 29
Ch. 70.94	added to	238 31
Ch. 70.94	added to	238 33
Ch. 70.94	added to	238 34
Ch. 70.94	added to	238 35
Ch. 70.94	added to	238 36
Ch. 70.94	added to	238 37
Ch. 70.94	added to	238 39
Ch. 70.94	added to	238 40
Ch. 70.94	added to	238 46
Ch. 70.94	added to	238 47
Ch. 70.94	added to	238 48
Ch. 70.94	added to	238 49
Ch. 70.94	added to	238 50
Ch. 70.94	added to	238 51
Ch. 70.94	added to	238 52
Ch. 70.94	added to	238 53
Ch. 70.94	added to	238 54
Ch. 70.94	added to	238 55
Ch. 70.94	added to	238 56
Ch. 70.94	added to	238 57
Ch. 70.94	added to	238 58
Ch. 70.94	added to	238 60
Ch. 70.94	added to	238 61
Ch. 70.94	added to	238 62
Ch. 70.94	added to	238 63
70.94.010	repealed	238 66
70.94.020	repealed	238 66
70.94.030	amended	238 2
70.94.030	amended	* 61 1
70.94.040	amended	238 3
70.94.060	repealed	238 66
70.94.065	repealed	238 66
70.94.070	amended	238 13
70.94.080	repealed	238 66
70.94.090	repealed	238 66
70.94.100	amended	238 21
70.94.110	amended	238 22
70.94.120	amended	238 23
70.94.130	amended	238 24

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R.C.W.		1967 Stats. Ch.	Sec.	R.C.W.		1967 Stats. Ch.	Sec.
70.94.140	repealed	238	66	72.68.040	amended	60	1
70.94.150	repealed	238	66	72.68.050	amended	60	2
70.94.160	repealed	238	66	72.68.060	amended	60	3
70.94.170	amended	238	30	72.68.070	amended	60	4
70.94.180	repealed	238	66	72.68.080	amended	*122	10
70.94.190	repealed	238	66	72.68.100	amended	*122	11
70.94.200	amended	238	32	73.04.120	amended	89	1
70.94.210	repealed	238	66	Title 74	added to	172	1
70.94.220	repealed	238	66	Title 74	added to	172	2
70.94.230	amended	238	38	Title 74	added to	172	3
70.94.240	amended	238	41	Title 74	added to	172	4
70.94.250	amended	238	42	Title 74	added to	172	5
70.94.260	amended	238	43	Title 74	added to	172	6
70.94.300	amended	238	44	Title 74	added to	172	7
70.94.330	repealed	238	66	Title 74	added to	172	8
70.94.350	amended	238	45	Title 74	added to	172	9
70.94.360	repealed	238	66	Title 74	added to	172	10
70.94.370	amended	238	59	Title 74	added to	172	11
70.94.500	repealed	238	66	Title 74	added to	172	12
70.94.900	repealed	238	66	Title 74	added to	172	13
70.94.910	repealed	238	66	Title 74	added to	172	14
71.02.230	amended	*127	3	Title 74	added to	172	15
71.02.320	amended	*127	2	Title 74	added to	172	16
71.02.410	amended	*127	1	Title 74	added to	172	17
71.02.420	repealed	*127	11	Title 74	added to	172	18
71.02.430	repealed	*127	11	Title 74	added to	172	19
71.02.450	amended	24	1	Title 74	added to	172	20
Ch. 71.06	added to	104	3	Title 74	added to	172	21
71.06.030	amended	104	1	74.08.025	amended	* 31	1
71.06.060	amended	104	2	Ch. 74.09	added to	* 30	2-6
71.06.090	repealed	104	7	74.09.090	repealed	* 30	7
71.06.100	amended	104	4	74.09.120	amended	* 30	1
71.06.110	repealed	104	7	74.09.400	repealed	* 30	7
71.06.130	amended	104	5	74.09.410	repealed	* 30	7
71.06.140	amended	104	6	74.09.420	repealed	* 30	7
Title 72	added to	134	3-6	74.09.430	repealed	* 30	7
Title 72	added to	*122	1	74.09.440	repealed	* 30	7
Title 72	added to	*122	4	Ch. 74.10	added to	* 60	1
Title 72	added to	*122	5	Ch. 74.10	added to	* 60	2
Title 72	added to	*122	6	74.11.010	repealed	118	11
Title 72	added to	*122	7	74.11.020	repealed	118	11
Title 72	added to	*122	8	74.11.030	repealed	118	11
Title 72	added to	*122	9	74.11.040	repealed	118	11
Title 72	added to	*122	13	74.11.050	repealed	118	11
72.01.030	amended	134	1	74.11.060	repealed	118	11
72.01.210	amended	58	1	74.11.070	repealed	118	11
72.01.430	amended	23	1	74.13.030	repealed	172	23
72.06.080	repealed	*111	27	74.14.010	repealed	172	23
72.06.090	repealed	*111	27	74.14.020	repealed	172	23
Ch. 72.33	added to	141	2	74.14.030	repealed	172	23
Ch. 72.33	added to	141	3	74.14.040	repealed	172	23
Ch. 72.33	added to	141	4	74.14.050	repealed	172	23
Ch. 72.33	added to	141	5	74.14.060	repealed	172	23
Ch. 72.33	added to	141	6	74.14.070	repealed	172	23
Ch. 72.33	added to	141	7	74.14.080	repealed	172	23
Ch. 72.33	added to	141	8	74.14.090	repealed	172	23
Ch. 72.33	added to	141	9	74.14.100	repealed	172	23
72.33.060	repealed	118	11	74.14.110	repealed	172	23
72.33.180	amended	141	10	74.14.120	repealed	172	23
72.36.050	amended	112	1	74.14.130	repealed	172	23
Ch. 72.68	added to	*122	12	74.14.140	repealed	172	23

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R.C.W.		1967 Stats.		R.C.W.		1967 Stats.	
		Ch.	Sec.			Ch.	Sec.
74.14.150	repealed	172	23	81.80.060	amended	*145	77
Ch. 74.16	added to	59	1	81.80.260	amended	69	3
Ch. 74.16	added to	59	2	81.80.300	amended	170	1
74.16.030	amended	78	1	81.80.310	repealed	170	6
74.16.180	repealed	59	3	81.80.312	amended	170	2
74.16.200	repealed	59	3	81.80.314	repealed	170	6
74.16.210	repealed	59	3	81.80.316	repealed	170	6
74.16.220	repealed	59	3	81.80.317	repealed	170	6
74.16.230	repealed	59	3	81.80.3175	repealed	170	6
74.16.240	repealed	59	3	81.80.318	amended	170	3
74.16.250	repealed	59	3	81.80.320	amended	170	4
74.16.260	repealed	59	3	Title 82	added to	* 26	30-48
74.16.270	repealed	59	3	Ch. 82.01	added to	* 26	6
74.16.280	repealed	59	3	82.01.010-			
74.16.290	repealed	59	3	82.01.040	repealed	* 26	28
74.16.296	repealed	59	3	82.02.010	amended	* 26	14
74.16.297	repealed	59	3	82.02.020	amended	236	16
74.32.040	amended	172	22	Ch. 82.04	added to	*149	17
74.32.050	repealed	172	23	82.04.050	amended	*149	4
Ch. 74.36	added to	* 33	1	82.04.130	amended	*149	5
75.08.056	amended	* 38	1	82.04.190	amended	*149	6
75.20.100	amended	48	1	82.04.230	amended	*149	7
75.32.090	amended	193	1	82.04.240	amended	*149	8
Title 76	added to	* 47	2-16	82.04.250	amended	*149	9
Ch. 77.12	added to	45	1	82.04.260	amended	*149	10
Ch. 77.12	added to	62	1	82.04.270	amended	*149	11
Ch. 77.12	added to	62	2	82.04.275	amended	*149	12
Ch. 77.12	added to	62	3	82.04.280	amended	*149	13
Ch. 77.12	added to	62	4	82.04.290	amended	*149	14
Ch. 77.12	added to	62	5	82.04.295	repealed	*149	62
77.32.020	amended	10	1	82.04.296	repealed	*149	62
Ch. 79.01	added to	* 78	5	82.04.410	amended	*149	15
79.01.088	amended	163	4	82.04.435	amended	* 89	1
79.01.092	amended	* 78	3	82.04.440	amended	*149	16
79.01.096	amended	* 78	1	82.08.010	amended	*149	18
79.01.100	amended	* 78	4	82.08.020	amended	*149	19
79.01.472	amended	*105	1	82.08.030	amended	87	1
79.01.568	amended	228	1	82.08.030	amended	*149	20
79.01.572	amended	163	5	Ch. 82.12	added to	* 89	5
79.01.576	amended	228	3	82.12.020	amended	*149	22
79.01.584	amended	228	4	82.12.030	amended	*149	23
79.01.588	amended	228	5	82.16.020	amended	*149	24
79.01.592	amended	228	6	82.16.025	repealed	*149	62
79.01.614	repealed	163	7	82.16.026	repealed	*149	62
Ch. 79.08	added to	* 64	2	82.16.050	amended	*149	25
79.08.107	repealed	* 63	9	Ch. 82.32	added to	237	21
79.14.010	amended	163	6	82.32.070	amended	* 89	2
79.16.180	amended	*105	2	82.32.090	amended	*149	26
79.24.500	amended	* 43	1	82.32.130	amended	237	20
79.24.580	amended	*105	3	82.32.160	amended	* 26	49
79.56.070	repealed	* 63	9	82.32.170	amended	* 26	50
Ch. 79.64	added to	* 63	3	82.32.180	amended	* 26	51
79.64.010	amended	* 63	1	82.32.210	amended	* 89	3
79.64.040	amended	* 63	2	82.32.340	amended	* 89	4
79.64.080	repealed	* 63	8	Ch. 82.36	added to	*145	59
Ch. 80.01	added to	* 49	1	82.36.010	amended	153	1
80.04.340	repealed	156	1	82.36.020	amended	* 83	2
81.04.340	repealed	156	1	82.36.020	amended	*145	75
81.40.020	repealed	2	1	82.36.090	amended	153	2
81.80.010	amended	69	1	82.36.100	amended	* 83	3
81.80.060	amended	69	2	82.36.180	amended	* 89	6

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R.C.W.		1967 Stats. Ch. Sec.	R.C.W.		1967 Stats. Ch. Sec.
82.36.230	amended	153 3	Ch. 84.40	added to	*146 10
82.36.270	amended	153 4	Ch. 84.40	added to	*149 41
82.36.275	amended	86 1	Ch. 84.40	added to	*149 42
82.36.370	amended	153 5	84.40.020	amended	*149 35
82.36.400	amended	153 6	84.40.040	amended	*149 36
82.37.030	amended	* 83 4	84.40.050	repealed	*149 62
82.37.160	amended	* 89 7	84.40.060	amended	*149 37
82.37.190	amended	* 83 5	84.40.130	amended	*149 38
82.40.010	amended	196 1	84.40.140	repealed	*149 62
82.40.020	amended	* 83 6	84.40.180	repealed	*149 62
82.40.047	amended	86 2	84.40.190	amended	*149 39
82.40.240	amended	196 2	84.40.260	repealed	*149 62
82.40.250	amended	* 89 8	84.40.340	amended	*149 40
82.40.270	amended	196 3	84.52.050	amended	*133 3
82.40.290	amended	* 83 7	Ch. 84.54	added to	*146 6
82.44.010	amended	121 4	Ch. 84.54	added to	*146 8
82.44.110	amended	121 1	Ch. 84.54	added to	*146 9
82.44.120	amended	121 2	84.54.010	amended	*146 1
82.44.140	amended	121 3	84.54.020	amended	*146 2
82.48.010	amended	* 9 1	84.54.030	amended	*146 3
82.48.020	amended	* 9 2	84.54.040	amended	*146 4
82.48.020	amended	*149 27	84.54.050	amended	*146 5
82.48.030	amended	* 9 3	84.60.050	amended	*145 36
82.48.040	repealed	* 9 9	84.60.060	amended	*145 37
82.48.050	repealed	* 9 9	Title 85	added to	154 2-4
82.48.070	amended	* 9 4	Title 85	added to	184 2-18
82.48.080	amended	* 9 5	Ch. 85.05	added to	184 19-23
82.48.110	amended	* 9 6	86.05.920	amended	164 8
Ch. 82.50	added to	*149 28	86.09.142	amended	154 6
Ch. 82.50	added to	*149 59	86.09.148	amended	164 9
82.50.010	amended	*149 44	86.09.259	amended	154 7
82.50.020	amended	*149 45	86.09.298	amended	154 8
82.50.030	amended	*149 46	Ch. 86.15	added to	*136 7
82.50.040	amended	*149 47	Ch. 86.15	added to	*136 8
82.50.050	amended	*149 48	86.15.070	amended	*136 6
82.50.070	amended	*149 49	Ch. 87.03	added to	169 3
82.50.101	amended	*149 50	87.03.015	amended	206 1
82.50.105	amended	*149 51	87.03.135	amended	*144 7
82.50.110	amended	*149 52	87.03.260	amended	169 1
82.50.120	amended	*149 53	87.03.270	amended	169 2
82.50.130	amended	*149 54	87.03.440	amended	164 15
82.50.140	amended	*149 55	Ch. 87.04	added to	205 2
82.50.180	amended	*149 56	87.04.050	amended	205 1
82.50.190	amended	*149 57	Ch. 88.16	added to	15 11
82.50.200	amended	*149 58	88.16.020	amended	15 1
83.01.010	amended	* 26 15	88.16.030	amended	15 6
83.44.010	amended	*149 29	88.16.040	amended	15 9
84.04.110	amended	* 26 16	88.16.050	amended	15 2
Ch. 84.08	added to	237 22	88.16.060	repealed	15 12
84.08.030	amended	*149 30	88.16.070	amended	15 3
84.12.350	amended	* 26 17	88.16.080	repealed	15 12
84.16.110	amended	* 26 18	88.16.090	amended	15 5
Ch. 84.36	added to	*132 1	88.16.120	amended	15 4
Ch. 84.36	added to	*132 2	88.16.130	amended	15 8
Ch. 84.36	added to	*149 34	88.16.150	amended	15 7
Ch. 84.36	added to	*149 43	88.16.160	amended	15 10
84.36.010	amended	*149 31	89.08.030	amended	217 1
84.36.010	amended	*145 35	89.08.190	amended	217 2
84.36.126	repealed	*132 3	Ch. 89.16	added to	181 1
84.36.150	amended	*149 32	89.30.121	amended	164 10
84.36.171	amended	*149 33	90.03.060	amended	80 1

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R.C.W.		1967 Stats.		R.C.W.		1967 Stats.	
		Ch.	Sec.			Ch.	Sec.
90.03.070	amended	80	2	90.48.024	amended	13	3
90.44.190	repealed	233	24	90.48.025	amended	13	4
Ch. 90.48	added to	13	7	90.48.026	amended	13	5
Ch. 90.48	added to	13	9	90.48.035	amended	13	6
Ch. 90.48	added to	13	14	90.48.060	repealed	13	29
Ch. 90.48	added to	13	18	90.48.080	amended	13	8
Ch. 90.48	added to	13	21	90.48.110	amended	13	10
Ch. 90.48	added to	13	22	90.48.120	amended	13	11
Ch. 90.48	added to	13	23	90.48.130	repealed	13	29
Ch. 90.48	added to	13	24	90.48.135	added to	13	12
Ch. 90.48	added to	13	26	90.48.160	added to	13	13
Ch. 90.48	added to	13	27	90.48.170	amended	13	15
Ch. 90.48	added to	13	28	90.48.180	amended	13	16
Ch. 90.48	added to	*139	13	90.48.190	amended	13	17
Ch. 90.48	added to	*139	14	90.48.200	amended	13	19
90.48.020	amended	13	1	90.48.210	amended	13	20
90.48.021	amended	13	2	91.12.030	amended	36	1

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**II. TABLE OF SESSION LAW SECTIONS AFFECTED BY 1967 STATUTES**

	1967 Stats.			1967 Stats.	
	Ch.	Sec.		Ch.	Sec.
<b>LAWS 1854</b>			Ch. 56, sec. 11..	amended	142 12
Page 102, sec. 5..	amended	91 2	Ch. 56, sec. 13..	amended	142 13
Page 124, sec. 147..	amended	200 4	Ch. 56, sec. 15..	amended	142 14
Page 124, sec. 151..	amended	200 5	Ch. 56, sec. 17..	amended	142 15
Page 261, sec. 176..	amended	200 6	Ch. 56, sec. 19..	amended	142 16
Page 405, sec. 7..	amended	26 4	Ch. 56, sec. 25..	amended	142 17
<b>LAWS 1865</b>			Ch. 56, sec. 26..	amended	142 3
Page 26, sec. 1..	amended	98 1	Ch. 127, sec. 7..	amended	11 1
Page 75, sec. 16..	amended	91 1	<b>LAWS 1895</b>		
<b>LAWS 1866</b>			Ch. 19, page 24..	repealed	235 100
Page 67 and 68..	repealed	235 100	Ch. 75, sec. 1..	amended	21 1
Page 82, sec. 8..	amended	26 5	Ch. 111, sec. 1..	amended	163 3
Page 83, sec. 9..	amended	26 6	Ch. 135, page 348..	repealed	235 100
<b>LAWS 1869</b>			Ch. 158..	repealed	235 100
Page 4, sec. 9..	amended	* 81 1	<b>LAWS 1899</b>		
Page 341 and 342..	repealed	235 100	Ch. 71, sec. 1..	amended	54 1
<b>LAWS 1873</b>			Ch. 71, sec. 2..	amended	54 2
Pages 409-411..	repealed	235 100	Ch. 71, sec. 3..	repealed	54 19
Page 421, sec. 1..	amended	29 2	Ch. 71, sec. 5..	amended	54 3
Page 421, sec. 3..	amended	122 1	Ch. 80..	added to	* 23 3
<b>CODE 1881</b>			Ch. 80..	added to	* 23 6
New chapter..	added to	* 46 4-7	Ch. 80..	added to	* 23 7
Sec. 307..	amended	* 34 1	Ch. 80, sec. 2..	amended	* 23 4
Sec. 2357..	amended	91 1	Ch. 80, sec. 7..	amended	* 23 5
Sec. 2450-2454..	repealed	235 100	<b>LAWS 1901</b>		
<b>LAWS 1883</b>			Ch. 116, sec. 2..	repealed	* 51 23
Page 38, sec. 1..			Ch. 172, sec. 8..	amended	223 15
¶ 2..	amended	200 5	<b>LAWS 1903</b>		
<b>LAWS 1886</b>			Ch. 65, sec. 1..	repealed	* 51 23
Page 11, sec. 25..	amended	* 67 5	Ch. 65, sec. 2..	repealed	* 51 23
Page 86, sec. 1..	repealed	235 100	Ch. 65, sec. 3..	repealed	* 51 23
<b>LAWS 1889-90</b>			Ch. 65, sec. 4..	repealed	* 51 23
Page 343, sec. 11..	amended	149 1	Ch. 65, sec. 5..	repealed	* 51 23
Page 683, sec. 22..	amended	169 1	Ch. 65, sec. 6..	repealed	* 51 23
Page 684, sec. 24..	amended	169 2	Ch. 65, sec. 7..	repealed	* 51 23
<b>LAWS 1891</b>			Ch. 65, sec. 8..	repealed	* 51 23
Ch. 11, sec. 6..	amended	200 6	Ch. 68, sec. 1..	amended	142 7
Ch. 28, sec. 84..	amended	200 4	<b>LAWS 1905</b>		
Ch. 28, sec. 98..	amended	91 2	Ch. 24, sec. 1..	amended	200 7
Ch. 130, sec. 1..	amended	* 25 1	Ch. 125..	repealed	235 100
<b>LAWS 1893</b>			<b>LAWS 1907</b>		
Ch. 50, sec. 1-6..	repealed	* 51 23	Ch. 75..	repealed	235 100
Ch. 50, sec. 7..	repealed	* 51 23	Ch. 85, sec. 1..	repealed	* 51 23
Ch. 56..	added to	142 11	Ch. 85, sec. 2..	repealed	* 51 23
Ch. 56, sec. 3..	amended	142 1	Ch. 85, sec. 3..	repealed	* 51 23
Ch. 56, sec. 4..	amended	142 2	Ch. 85, sec. 4..	repealed	* 51 23
Ch. 56, sec. 5..	repealed	142 19	Ch. 85, sec. 5..	repealed	* 51 23
Ch. 56, sec. 6..	amended	142 6	Ch. 85, sec. 6..	repealed	* 51 23
Ch. 56, sec. 7..	amended	142 7	Ch. 124, sec. 11..	amended	* 50 8
Ch. 56, sec. 8..	amended	142 8	Ch. 124, sec. 13..	amended	* 50 4
Ch. 56, sec. 9..	amended	142 9	Ch. 134..	repealed	235 100
Ch. 56, sec. 10..	amended	142 10	<b>LAWS 1909</b>		
			Ch. 97..	added to	220 1
			Ch. 124, sec. 1..	amended	* 87 1
			Ch. 160..	added to	143 13

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		1967 Stats.	
		Ch.	Sec.
Ch. 160	added to	143	14
Ch. 160, sec. 1	amended	143	1
Ch. 160, sec. 2	amended	143	2
Ch. 160, sec. 3	amended	143	3
Ch. 160, sec. 4	amended	143	4
Ch. 160, sec. 5	amended	143	5
Ch. 160, sec. 6	amended	143	6
Ch. 160, sec. 7	amended	143	7
Ch. 160, sec. 8	amended	143	8
Ch. 160, sec. 10	amended	143	9
Ch. 160, sec. 11	amended	143	10
Ch. 160, sec. 17	amended	143	11
Ch. 160, sec. 22	amended	143	12
Ch. 207, sec. 1	amended	70	2
Ch. 249	added to	76	2
Ch. 249	added to	85	2
Ch. 249	added to	85	3
Ch. 249	added to	200	1
Ch. 249	added to	200	2
Ch. 249	added to	200	3
Ch. 249	added to	204	1
Ch. 249	added to	* 93	1
Ch. 249	added to	* 93	2
Ch. 249	added to	* 93	3
Ch. 249	added to	* 93	4
Ch. 249	added to	* 93	6
Ch. 249, sec. 242,			
page 963	repealed	1	1
Page 231, sec. 3	amended	158	4
Page 234, sec. 4	amended	158	3
Page 235, sec. 2	amended	158	2
Pages 316-319,			
sec. 1-8	repealed	* 29	2
Page 320, sec. 1	amended	29	1
<b>LAWS 1911</b>			
Ch. 57, sec. 2	amended	39	1
Ch. 57, sec. 3	amended	92	1
Ch. 126, sec. 1	amended	143	1
Ch. 126, sec. 3	amended	143	3
Ch. 126, sec. 4	amended	143	4
<b>LAWS 1913</b>			
Ch. 109, sec. 1	amended	143	2
Ch. 170, sec. 1	amended	*105	2
Ch. 172, sec. 1	amended	54	8
Ch. 172, sec. 3	amended	54	9
Ch. 172, sec. 4	amended	54	10
Ch. 172, sec. 5	amended	54	11
Ch. 172, sec. 6	repealed	54	19
Ch. 172, sec. 7	amended	54	13
Ch. 172, sec. 8	repealed	54	19
Ch. 172, sec. 9	amended	54	14
Ch. 172, sec. 14	repealed	54	19
Ch. 172, sec. 16	repealed	54	19
<b>LAWS 1915</b>			
Ch. 28, sec. 1	amended	70	2
Ch. 80, sec. 1	amended	54	13
<b>LAWS 1917</b>			
Ch. 92, sec. 1	repealed	164	16
Ch. 117, sec. 9	amended	80	1

		1967 Stats.	
		Ch.	Sec.
Ch. 117, sec. 10	amended	80	2
Ch. 143, sec. 1	amended	107	4
<b>LAWS 1919</b>			
Ch. 89, sec. 4	repealed	158	5
Ch. 125, sec. 1	amended	98	2
Ch. 158	added to	181	1
Ch. 160, sec. 1	amended	* 8	27
Ch. 160, sec. 2	amended	* 8	28
Ch. 160, sec. 5	repealed	* 8	73
Ch. 160, sec. 6	amended	* 8	29
Ch. 160, sec. 7	repealed	* 8	73
Ch. 182, sec. 1	amended	98	1
<b>LAWS 1921</b>			
Ch. 50, sec. 1	repealed	163	7
Ch. 50, sec. 2, 3, 5,			
7, 9	repealed	163	7
Ch. 50, sec. 4	repealed	163	7
Ch. 50, sec. 8	repealed	163	7
Ch. 50, sec. 10	repealed	163	7
Ch. 50, sec. 11	repealed	163	7
Ch. 99, sec. 4	amended	* 57	1
Ch. 166, sec. 2	amended	* 26	23
<b>LAWS 1923</b>			
Ch. 8	repealed	235	100
Ch. 21, sec. 1	amended	90	1
Ch. 70, sec. 1			
and 2	repealed	163	7
Ch. 75, sec. 2	amended	223	2
Ch. 75, sec. 3	amended	223	3
Ch. 75, sec. 6	amended	223	4
Ch. 75, sec. 7	amended	223	9
Ch. 75, sec. 12	amended	223	11
Ch. 75, sec. 14	amended	223	12
Ch. 75, sec. 15	amended	223	17
Ch. 75, sec. 17	amended	223	22
Ch. 138, sec. 2	amended	206	1
Ch. 151, sec. 5	amended	107	5
Ch. 174, sec. 1	amended	* 65	2
Ch. 183, sec. 2	amended	70	1
<b>LAWS EX. SESS. 1925</b>			
Ch. 45, sec. 1	amended	124	1
Ch. 63, sec. 2	repealed	235	100
Ch. 85, sec. 1	amended	* 65	2
<b>LAWS 1927</b>			
Ch. 191, sec. 1	amended	* 81	1
Ch. 211, sec. 9	amended	223	11
Ch. 254, sec. 41	amended	164	10
Ch. 255	added to	* 78	5
Ch. 255, sec. 22	amended	163	4
Ch. 255, sec. 23	amended	* 78	3
Ch. 255, sec. 24	amended	* 78	1
Ch. 255, sec. 25	amended	* 78	4
Ch. 255, sec. 118	amended	*105	1
Ch. 255, sec. 142	amended	228	1
Ch. 255, sec. 143	amended	163	5
Ch. 255, sec. 144	amended	228	3
Ch. 255, sec. 146	amended	228	4
Ch. 255, sec. 148	amended	228	5

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	1967 Stats.	
	Ch.	Sec.
Ch. 255, sec. 149.. amended	228	6
Ch. 278 .....	148	1
<b>LAWS 1929</b>		
Ch. 78 .....	120	10
Ch. 79, sec. 1.. repealed *	29	2
Ch. 209, sec. 7.. amended	223	16
Ch. 209, sec. 8.. amended	223	22
<b>LAWS 1931</b>		
Ch. 82, sec. 1.. amended *	144	7
Ch. 111, sec. 2.. amended	99	1
<b>LAWS 1933</b>		
Ch. 13, sec. 1.. amended	231	1
Ch. 13, sec. 1.. amended	47	7
Ch. 15, sec. 3.. amended	142	4
Ch. 15, sec. 4.. amended	142	5
Ch. 34, sec. 1.. repealed *	101	1
Ch. 43, sec. 1.. amended *	144	7
Ch. 44, sec. 2.. amended	142	9
Ch. 89 .....	235	100
Ch. 111, sec. 1.. repealed	163	7
Ch. 173, sec. 3.. amended	180	3
Ch. 173, sec. 12.. amended	180	4
Ch. 173, sec. 13.. amended	180	5
Ch. 173, sec. 14.. amended	180	6
Ch. 173, sec. 15.. amended	180	7
Ch. 173, sec. 18.. amended	180	8
Ch. 173, sec. 19.. amended	180	9
Ch. 173, sec. 27.. amended	180	14
Ch. 173, sec. 31.. amended	180	15
Ch. 175, sec. 6.. repealed *	63	9
Ch. 176 .....	118	3
Ch. 176 .....	118	4
Ch. 176 .....	118	5
Ch. 176 .....	118	7
Ch. 176 .....	118	8
Ch. 176 .....	118	10
Ch. 176, sec. 1.. repealed	118	11
Ch. 176, sec. 2.. amended	118	2
Ch. 176, sec. 2.. amended *	8	41
Ch. 176, sec. 3.. amended	118	6
Ch. 176, sec. 3.. amended *	8	42
Ch. 176, sec. 4.. repealed	118	11
Ch. 176, sec. 5.. amended	118	9
Ch. 176, sec. 5.. amended *	8	43
<b>LAWS EX. SESS. 1933</b>		
Ch. 62 .....	38	1
Ch. 62, sec. 23-M amended *	75	2
Ch. 62, sec. 23-N amended *	75	3
Ch. 62, sec. 23-O amended *	75	4
Ch. 62, sec. 23-P amended *	75	5
Ch. 62, sec. 23-Q amended *	75	6
Ch. 62, sec. 23-R amended *	75	7
Ch. 62, sec. 62.. amended	237	23
Ch. 62, sec. 77.. amended *	75	1
<b>LAWS 1935</b>		
Ch. 18 .....	15	11
Ch. 18, sec. 2.. amended	15	1

	1967 Stats.	
	Ch.	Sec.
Ch. 18, sec. 3.. amended	15	2
Ch. 18, sec. 4.. amended	15	3
Ch. 18, sec. 5.. repealed	15	12
Ch. 18, sec. 6.. amended	15	4
Ch. 18, sec. 8.. amended	15	5
Ch. 18, sec. 9.. amended	15	6
Ch. 18, sec. 10.. amended	15	7
Ch. 18, sec. 11.. amended	15	8
Ch. 18, sec. 12.. repealed	15	12
Ch. 18, sec. 14.. amended	15	9
Ch. 18, sec. 17.. amended	15	10
Ch. 75, sec. 1.. repealed	118	11
Ch. 86, sec. 1-10.. repealed	54	19
Ch. 86, sec. 13-19.. repealed	54	19
Ch. 114, sec. 3.. amended	134	13
Ch. 114, sec. 7.. amended	134	14
Ch. 169, sec. 3.. amended	88	1
Ch. 169, sec. 4.. amended	88	2
Ch. 169, sec. 4.. amended *	15	1
Ch. 169, sec. 8.. amended	88	3
<b>LAWS 1937</b>		
Ch. 72, sec. 48.. amended	154	6
Ch. 72, sec. 50.. amended	164	9
Ch. 72, sec. 87.. amended	154	7
Ch. 72, sec. 100.. amended	154	8
Ch. 115, sec. 1.. amended *	105	2
Ch. 137, sec. 5.. amended	240	44
Ch. 217, sec. 1.. amended *	75	2
Ch. 217, sec. 1.. amended *	75	3
Ch. 217, sec. 1.. amended *	75	4
Ch. 217, sec. 1.. amended *	75	5
Ch. 217, sec. 1.. amended *	75	6
Ch. 217, sec. 1.. amended *	75	7
Ch. 218, sec. 4.. amended	40	1
Ch. 220, sec. 2.. repealed	163	7
Ch. 220, sec. 4.. repealed	163	7
Ch. 220, sec. 5.. repealed	163	7
Ch. 229, sec. 5.. amended	28	1
<b>LAWS 1939</b>		
Ch. 6, sec. 1.. amended	71	1
Ch. 13 .....	205	2
Ch. 13, sec. 7.. amended	205	1
Ch. 34, sec. 15.. amended	164	5
Ch. 34, sec. 22.. amended	51	1
Ch. 112, sec. 10.. amended	240	46
Ch. 139, sec. 2.. amended	210	1
Ch. 171, sec. 3.. amended	169	2
Ch. 183, sec. 1.. amended *	8	27
Ch. 183, sec. 3.. repealed *	8	73
Ch. 187, sec. 6.. amended	217	2
Ch. 190, sec. 9.. amended	240	45
Ch. 204, sec. 4.. amended	26	7
Ch. 207, sec. 2.. amended	185	1
Ch. 207, sec. 5.. amended	185	2
Ch. 207, sec. 13.. amended	185	3
Ch. 207, sec. 14.. amended	185	4
Ch. 207, sec. 18.. amended	185	5
<b>LAWS 1941</b>		
Ch. 5, sec. 1.. amended	198	1
Ch. 71, sec. 4.. amended *	50	3

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		1967 Stats.	
		Ch.	Sec.
Ch. 71, sec. 7..	amended	* 50	6
Ch. 71, sec. 8..	repealed	* 50	12
Ch. 71, sec. 10..	amended	* 50	7
Ch. 71, sec. 13..	amended	* 50	10
Ch. 71, sec. 14..	amended	* 50	11
Ch. 71, sec. 19..	amended	* 50	9
Ch. 71, sec. 20..	amended	* 50	5
Ch. 71, sec. 21..	amended	* 50	1
Ch. 157, sec. 1..	amended	169	1
Ch. 184, sec. 1..	amended	15	1
Ch. 203, sec. 1..	amended	64	1
Ch. 208, sec. 17..	amended	180	1
Ch. 210 .....	added to	178	1
Ch. 210 .....	added to	178	2
Ch. 210 .....	added to	178	3
Ch. 210 .....	added to	178	4
Ch. 210 .....	added to	178	5
Ch. 210, sec. 34..	repealed	* 11	10
Ch. 210, sec. 35..	repealed	* 11	10
Ch. 210, sec. 36..	repealed	* 11	10
Ch. 210, sec. 37..	repealed	* 11	10
Ch. 210, sec. 38..	repealed	* 11	10
Ch. 210, sec. 39..	repealed	* 11	10
Ch. 220, sec. 1..	amended	* 75	2
Ch. 220, sec. 2..	amended	* 75	3
Ch. 220, sec. 3..	amended	* 75	4
Ch. 231, sec. 1..	amended	6	1
Ch. 249, sec. 2..	amended	* 48	1
Ch. 252, sec. 7..	amended	22	1
Ch. 252, sec. 19..	amended	22	3

**LAWS 1943**

Ch. 117, sec. 4..	amended	240	39
Ch. 122 .....	repealed	235	100
Ch. 131, sec. 3..	amended	180	3
Ch. 131, sec. 11..	amended	180	5
Ch. 131, sec. 15..	amended	180	8
Ch. 131, sec. 16..	amended	180	9
Ch. 162, sec. 1..	amended	*110	11
Ch. 162, sec. 4..	amended	54	15
Ch. 162, sec. 5..	amended	54	16
Ch. 162, sec. 6..	amended	54	17
Ch. 162, sec. 7..	repealed	54	19
Ch. 207 .....	added to	67	1
Ch. 267 .....	added to	* 39	8-11
Ch. 267, sec. 1..	amended	* 39	1
Ch. 267, sec. 2..	amended	* 39	2
Ch. 267, sec. 3-12	repealed	* 39	13

**LAWS 1945**

Ch. 63, sec. 1..	amended	* 14	1
Ch. 66, sec. 4..	amended	54	15
Ch. 66, sec. 5..	amended	54	16
Ch. 66, sec. 6..	amended	54	17
Ch. 66, sec. 7..	repealed	54	19
Ch. 115, sec. 1..	repealed	* 8	73
Ch. 115, sec. 2..	repealed	* 8	73
Ch. 115, sec. 3..	repealed	* 8	73
Ch. 115, sec. 4..	repealed	* 8	73
Ch. 159, sec. 6..	amended	26	10
Ch. 182, sec. 11..	amended	182	1

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		1967 Stats.	
		Ch.	Sec.
Ch. 183, sec. 2..	amended	* 51	6
Ch. 183, sec. 3..	amended	* 51	5
Ch. 183, sec. 4..	amended	* 51	7
Ch. 183, sec. 5..	amended	* 51	8
Ch. 183, sec. 6..	amended	* 51	11
Ch. 183, sec. 7..	repealed	* 51	23
Ch. 183, sec. 8..	amended	* 51	19
Ch. 183, sec. 9..	amended	* 51	21
Ch. 205, sec. 1..	amended	* 70	1
Ch. 205, sec. 2..	amended	* 70	2
Ch. 205, sec. 3..	amended	* 70	3
Ch. 205, sec. 4..	amended	* 70	4
Ch. 205, sec. 5..	amended	* 70	5
Ch. 205, sec. 7..	amended	* 70	6
Ch. 216 .....	added to	*139	13
Ch. 216 .....	added to	*139	14
Ch. 216, sec. 2..	amended	13	1
Ch. 216, sec. 3..	amended	13	2
Ch. 216, sec. 6..	amended	13	3
Ch. 216, sec. 7..	amended	13	4
Ch. 216, sec. 8..	amended	13	5
Ch. 216, sec. 11..	amended	13	6
Ch. 216, sec. 12..	repealed	13	29
Ch. 216, sec. 14..	amended	13	8
Ch. 216, sec. 17..	amended	13	10
Ch. 216, sec. 18..	amended	13	11
Ch. 216, sec. 19..	repealed	13	29
Ch. 220, sec. 1-6..	repealed	54	19
Ch. 235 .....	added to	49	7
Ch. 235 .....	added to	49	8
Ch. 235, sec. 11..	amended	49	1
Ch. 235, sec. 49..	amended	49	2
Ch. 235, sec. 50..	repealed	49	9
Ch. 235, sec. 57..	amended	49	3
Ch. 235, sec. 70..	amended	49	4
Ch. 235, sec. 72..	amended	49	5
Ch. 257 .....	added to	* 79	1
Ch. 261, sec. 3..	amended	160	2
Ch. 263, sec. 14..	repealed	233	24
Ch. 264 .....	added to	77	1
Ch. 264 .....	added to	77	2
Ch. 264 .....	added to	77	3
Ch. 264 .....	added to	77	4
Ch. 264, sec. 6..	amended	164	7
Ch. 264, sec. 16..	repealed	227	9
Ch. 264, sec. 19..	repealed	227	9

**LAWS 1947**

Ch. 6, sec. 11..	amended	164	6
Ch. 36, sec. 1..	amended	*134	6
Ch. 36, sec. 2..	amended	*134	1
Ch. 36, sec. 3..	amended	*134	2
Ch. 36, sec. 4..	amended	*134	3
Ch. 36, sec. 6..	amended	*134	4
Ch. 36, sec. 7..	amended	*134	5
Ch. 59, sec. 1..	amended	26	4
Ch. 59, sec. 2..	amended	26	5
Ch. 59, sec. 3..	amended	26	6
Ch. 71 .....	added to	* 28	1
Ch. 71 .....	added to	* 28	2
Ch. 71, sec. 3..	amended	* 28	6
Ch. 71, sec. 7..	amended	* 28	7

		1967 Stats.	
		Ch.	Sec.
Ch. 71, sec. 10	amended	* 28	3
Ch. 71, sec. 14	amended	* 28	4
Ch. 71, sec. 19	amended	* 28	5
Ch. 79	added to	150	2
Ch. 79	added to	150	3
Ch. 79	added to	150	10
Ch. 79	added to	150	13
Ch. 79	added to	150	14
Ch. 79	added to	150	26
Ch. 79	added to	150	27
Ch. 79	added to	* 12	1
Ch. 79	added to	* 12	3
Ch. 79	added to	* 95	1
Ch. 79	added to	* 95	2
Ch. 79	added to	* 95	3
Ch. 79	added to	* 95	4
Ch. 79	added to	* 95	15
Ch. 79, sec. .02.07	repealed	237	28
Ch. 79, sec. .02.08	amended	150	1
Ch. 79, sec. .03.07	amended	237	15
Ch. 79, sec. .03.08	repealed	237	28
Ch. 79, sec. .04.01	amended	237	16
Ch. 79, sec. .04.04	amended	237	17
Ch. 79, sec. .04.08	repealed	237	28
Ch. 79, sec. .04.09	amended	237	18
Ch. 79, sec. .04.10	repealed	237	28
Ch. 79, sec. .04.11	repealed	237	28
Ch. 79, sec. .04.12	repealed	237	28
Ch. 79, sec. .04.13	repealed	237	28
Ch. 79, sec. .04.15	repealed	237	28
Ch. 79, sec. .05.14	amended	150	4
Ch. 79, sec. .06.04	amended	150	6
Ch. 79, sec. .06.05	amended	150	7
Ch. 79, sec. .11.08	amended	150	8
Ch. 79, sec. .11.09	repealed	150	9
Ch. 79, sec. .12.19	amended	* 95	10
Ch. 79, sec. .13.02	amended	* 95	11
Ch. 79, sec. .13.12	amended	150	11
Ch. 79, sec. .13.14	amended	* 95	12
Ch. 79, sec. .13.16	amended	* 95	13
Ch. 79, sec. .13.17	amended	* 95	14
Ch. 79, sec. .14.01	amended	150	12
Ch. 79, sec. .17.09	amended	150	15
Ch. 79, sec. .17.11	amended	150	16
Ch. 79, sec. .17.12	amended	150	17
Ch. 79, sec. .17.13	amended	150	18
Ch. 79, sec. .17.15	amended	150	19
Ch. 79, sec. .17.16	amended	150	20
Ch. 79, sec. .17.19	amended	150	21
Ch. 79, sec. .17.24	amended	150	22
Ch. 79, sec. .17.53	amended	150	23
Ch. 79, sec. .17.54	amended	150	24
Ch. 79, sec. .17.56	amended	150	25
Ch. 79, sec. .17.58	repealed	237	28
Ch. 79, sec. .24.04	amended	150	28
Ch. 79, sec. .29.13	amended	150	30
Ch. 79, sec. .31.19	amended	150	31
Ch. 80	added to	151	6
Ch. 80	added to	151	7
Ch. 80, sec. 1	amended	50	11
Ch. 80, sec. 25	amended	50	1

		1967 Stats.	
		Ch.	Sec.
Ch. 80, sec. 26	amended	50	2
Ch. 80, sec. 28	amended	50	3
Ch. 80, sec. 42	amended	50	4
Ch. 80, sec. 43	amended	50	5
Ch. 80, sec. 48	amended	151	1
Ch. 80, sec. 50	amended	50	6
Ch. 80, sec. 52	amended	50	7
Ch. 80, sec. 55	amended	50	10
Ch. 80, sec. 57	amended	151	5
Ch. 91, sec. 4	amended	* 91	1
Ch. 91, sec. 5	amended	42	1
Ch. 102, sec. 1	amended	223	12
Ch. 104, sec. 1	amended	47	16
Ch. 108, sec. 1	amended	47	8
Ch. 109, sec. 1	amended	231	1
Ch. 109, sec. 1	amended	47	7
Ch. 123, sec. 2	amended	80	1
Ch. 165	added to	207	2
Ch. 165, sec. 3	amended	68	1
Ch. 165, sec. 4	amended	68	2
Ch. 165, sec. 23	amended	* 9	7
Ch. 165, sec. 23	amended	* 68	2
Ch. 165, sec. 23	amended	207	1
Ch. 165, sec. 25	amended	* 9	8
Ch. 169, sec. 1	amended	* 8	76
Ch. 249	repealed	235	100
Ch. 258, sec. 3	amended	158	1
Ch. 274, sec. 2	amended	127	1
Ch. 274, sec. 11	amended	127	2
Ch. 274, sec. 13	amended	127	3
Ch. 274, sec. 16	amended	127	4
Ch. 274, sec. 18	amended	127	8
Ch. 274, sec. 19	amended	127	5
Ch. 274, sec. 20	amended	127	7
Ch. 274, sec. 39	amended	127	6
<b>LAWS 1949</b>			
Ch. 16, sec. 1	amended	89	1
Ch. 20, sec. 3	repealed	49	9
Ch. 34, sec. 1	amended	47	17
Ch. 34, sec. 2	amended	47	8
Ch. 41, sec. 6	amended	145	9
Ch. 48, sec. 1	amended	*100	1
Ch. 49, sec. 11	amended	* 9	7
Ch. 49, sec. 11	amended	207	1
Ch. 95, sec. 1 & 2	repealed	* 19	11
Ch. 120, sec. 1	amended	182	1
Ch. 190, sec. 17	amended	* 95	13
Ch. 215	added to	26	11
Ch. 222	added to	79	6
Ch. 222	added to	79	7
Ch. 222, sec. 1	amended	79	1
Ch. 222, sec. 2	amended	79	2
Ch. 222, sec. 4	amended	188	4
Ch. 222, sec. 5	amended	79	3
Ch. 222, sec. 10	amended	79	4
Ch. 222, sec. 18	amended	79	5
Ch. 240, sec. 2	amended	127	1
<b>LAWS 1951</b>			
Ch. 16, sec. 1	amended	223	2
Ch. 43, sec. 1	amended	*114	1

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		1967 Stats.	
		Ch.	Sec.
Ch. 92, sec. 13	amended *	50	5
Ch. 120, sec. 1	amended	21	1
Ch. 125, sec. 3	amended *	84	1
Ch. 125, sec. 4	amended *	84	2
Ch. 125, sec. 6	amended *	84	3
Ch. 127, sec. 1	repealed	186	1
Ch. 157, sec. 1	amended *	124	1
Ch. 178, sec. 2	amended	203	2
Ch. 178, sec. 3	amended	203	1
Ch. 178, sec. 4	amended	203	3
Ch. 184, sec. 3	amended	5	1
Ch. 184, sec. 6	amended	213	1
Ch. 207, sec. 4	amended	161	1
Ch. 210, sec. 1	amended	20	1
Ch. 271, sec. 40	amended	228	3

<b>LAWS 1st EX. SESS. 1951</b>			
Ch. 11	added to	*149	61
Ch. 11, sec. 1	amended *	149	2

<b>LAWS 2nd EX. SESS. 1951</b>			
Ch. 19, sec. 3	amended *	149	1

<b>LAWS 1953</b>			
Ch. 9, sec. 1	repealed	163	7
Ch. 10, sec. 2	repealed	163	7
Ch. 11, sec. 1	repealed	163	7
Ch. 48, sec. 2	amended	180	4
Ch. 48, sec. 9	amended	180	14
Ch. 48, sec. 10	amended	180	15
Ch. 71, sec. 4	repealed	49	9
Ch. 93, sec. 3	amended	188	2
Ch. 121	repealed	235	100
Ch. 133	added to	219	1
Ch. 133	added to	219	2
Ch. 144, sec. 2	amended	65	1
Ch. 223, sec. 1	amended	203	2
Ch. 223, sec. 2	amended	203	1
Ch. 235, sec. 11	amended	22	1
Ch. 235, sec. 12	amended	22	3
Ch. 235, sec. 16	amended	22	2
Ch. 250, sec. 21	repealed *	11	10
Ch. 250, sec. 22	repealed *	11	10
Ch. 250, sec. 23	repealed *	11	10
Ch. 250, sec. 24	repealed *	11	10
Ch. 250, sec. 25	repealed *	11	10
Ch. 251, sec. 8-11	repealed *	39	13

<b>LAWS EX. SESS. 1953</b>			
Ch. 4, sec. 1	amended *	110	13
Ch. 4, sec. 2	amended *	110	12
Ch. 4, sec. 3	amended	54	18

<b>LAWS 1955</b>			
Ch. 12,			
sec. 75.08.056	amended *	38	1
Ch. 12,			
sec. 75.20.100	amended	48	1
Ch. 12,			
sec. 75.32.090	amended	193	1
Ch. 13	added to	145	3
Ch. 13	added to	145	11

		1967 Stats.	
		Ch.	Sec.
Ch. 13,			
sec. 32.12.010	amended	145	1
Ch. 13,			
sec. 32.12.020	amended	145	2
Ch. 13,			
sec. 32.20.240	amended	145	5
Ch. 13,			
sec. 32.20.250	amended	145	6
Ch. 13,			
sec. 32.20.270	amended	145	7
Ch. 13,			
sec. 32.20.290	amended	145	8
Ch. 23, sec. 1	amended	71	2
Ch. 32	repealed	235	100
Ch. 33	added to	133	4
Ch. 33	added to *	54	2
Ch. 33,			
sec. 30.04.090	amended	133	1
Ch. 33,			
sec. 30.04.090	amended *	54	1
Ch. 33,			
sec. 30.04.140	amended	133	2
Ch. 33,			
sec. 30.20.015	amended	133	5
Ch. 33,			
sec. 30.24.030	amended	133	3
Ch. 33,			
sec. 30.24.060	amended	209	1
Ch. 36	added to	45	1
Ch. 36	added to	62	1
Ch. 36	added to	62	2
Ch. 36	added to	62	3
Ch. 36	added to	62	4
Ch. 36	added to	62	5
Ch. 36,			
sec. 77.32.020	amended	10	1
Ch. 42, sec. 3	repealed	200	11
Ch. 65, sec. 5	amended	131	1
Ch. 68, sec. 2	amended *	29	1
Ch. 68, sec. 2	amended	12	1
Ch. 71, sec. 1	amended	13	13
Ch. 71, sec. 2	amended	13	15
Ch. 71, sec. 3	amended	13	16
Ch. 71, sec. 4	amended	13	17
Ch. 71, sec. 5	amended	13	19
Ch. 71, sec. 6	amended	13	20
Ch. 122, sec. 9	amended	49	6
Ch. 131, sec. 1	amended	163	6
Ch. 133, sec. 7	amended	200	10
Ch. 150, sec. 11	amended *	9	8
Ch. 157, sec. 24	amended *	67	3
Ch. 186, sec. 1	amended *	57	1
Ch. 191	added to *	55	1
Ch. 193, sec. 10	amended	240	49
Ch. 193, sec. 14	amended	240	50
Ch. 206, sec. 1	amended *	134	1
Ch. 206, sec. 2	amended *	134	4
Ch. 206, sec. 3	amended *	134	5
Ch. 218, sec. 4	amended	158	1
Ch. 218, sec. 5	amended *	67	6
Ch. 236, sec. 2	amended *	26	23

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		1967 Stats.	
		Ch.	Sec.
Ch. 236, sec. 5	amended *	26	24
Ch. 236, sec. 6	amended *	26	25
Ch. 255, sec. 1	repealed	163	7
Ch. 274, sec. 9	amended	50	3
Ch. 274, sec. 21	amended	151	1
Ch. 303, sec. 1	amended	150	11
Ch. 303, sec. 3	amended *	95	12
Ch. 303, sec. 4	amended	150	12
Ch. 303, sec. 11	amended	150	17
Ch. 303, sec. 22	repealed	150	29
Ch. 304, sec. 3	amended	217	1
Ch. 327, sec. 1	repealed	54	19
Ch. 327, sec. 2	repealed	54	19
Ch. 327, sec. 3	repealed	54	19
Ch. 327, sec. 4	repealed	54	19
Ch. 385, sec. 1	amended *	26	27

**LAWS EX. SESS. 1955**

Ch. 8, sec. 6	amended	237	19
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**LAWS 1957**

Ch. 23, sec. 3	amended	180	2
Ch. 23, sec. 8	amended	180	10
Ch. 23, sec. 11	amended	180	11
Ch. 23, sec. 12	amended	180	12
Ch. 23, sec. 13	amended	180	13
Ch. 52, sec. 23	amended	188	2
Ch. 52, sec. 48	amended	22	2
Ch. 76, sec. 4	amended	151	4
Ch. 80, sec. 10	amended	145	4
Ch. 82, sec. 3	amended *	91	2
Ch. 91, sec. 1	amended *	26	6
Ch. 100, sec. 1	amended *	51	8
Ch. 101, sec. 1	amended	223	3
Ch. 101, sec. 4	amended	223	19
Ch. 101, sec. 5	amended	223	20
Ch. 101, sec. 6	amended	223	21
Ch. 101, sec. 8	amended	223	5
Ch. 101, sec. 9	amended	223	6
Ch. 101, sec. 11	amended	188	1
Ch. 101, sec. 12	amended	223	8
Ch. 101, sec. 13	amended	223	18
Ch. 101, sec. 14	amended	223	9
Ch. 116, sec. 1	amended	160	2
Ch. 140, sec. 2	amended	161	1
Ch. 147, sec. 2	amended	47	6
Ch. 147, sec. 3	amended *	5	2
Ch. 170, sec. 1	amended	5	1
Ch. 176, sec. 1	amended	10	1
Ch. 179, sec. 2	repealed *	8	73
Ch. 179, sec. 3	repealed *	8	73
Ch. 179, sec. 4	repealed *	8	73
Ch. 179, sec. 5	repealed *	8	73
Ch. 202, sec. 1	amended	11	1
Ch. 212, sec. 1	amended *	8	50
Ch. 223, sec. 1	amended	118	2
Ch. 223, sec. 2	repealed	118	11
Ch. 223, sec. 4	repealed	118	11
Ch. 223, sec. 5	amended	118	9
Ch. 224, sec. 10	repealed	164	16
Ch. 224, sec. 11	repealed	164	16

		1967 Stats.	
		Ch.	Sec.
Ch. 227, sec. 1	amended	200	7
Ch. 227, sec. 3	amended	134	15
Ch. 227, sec. 4	amended	134	16
Ch. 227, sec. 4	amended	200	8
Ch. 227, sec. 8	amended	134	17
Ch. 232	added to	238	1
Ch. 232	added to	238	4
Ch. 232	added to	238	5
Ch. 232	added to	238	6
Ch. 232	added to	238	7
Ch. 232	added to	238	8
Ch. 232	added to	238	9
Ch. 232	added to	238	10
Ch. 232	added to	238	11
Ch. 232	added to	238	12
Ch. 232	added to	238	14
Ch. 232	added to	238	15
Ch. 232	added to	238	16
Ch. 232	added to	238	17
Ch. 232	added to	238	18
Ch. 232	added to	238	19
Ch. 232	added to	238	20
Ch. 232	added to	238	25
Ch. 232	added to	238	26
Ch. 232	added to	238	27
Ch. 232	added to	238	28
Ch. 232	added to	238	29
Ch. 232	added to	238	31
Ch. 232	added to	238	33
Ch. 232	added to	238	34
Ch. 232	added to	238	35
Ch. 232	added to	238	36
Ch. 232	added to	238	37
Ch. 232	added to	238	39
Ch. 232	added to	238	40
Ch. 232	added to	238	46
Ch. 232	added to	238	47
Ch. 232	added to	238	48
Ch. 232	added to	238	49
Ch. 232	added to	238	50
Ch. 232	added to	238	51
Ch. 232	added to	238	52
Ch. 232	added to	238	53
Ch. 232	added to	238	54
Ch. 232	added to	238	55
Ch. 232	added to	238	56
Ch. 232	added to	238	57
Ch. 232	added to	238	58
Ch. 232	added to	238	60
Ch. 232	added to	238	61
Ch. 232	added to	238	62
Ch. 232	added to	238	63
Ch. 232, sec. 1	repealed	238	66
Ch. 232, sec. 2	repealed	238	66
Ch. 232, sec. 3	amended	238	2
Ch. 232, sec. 3	amended *	61	1
Ch. 232, sec. 4	amended	238	3
Ch. 232, sec. 6	repealed	238	66
Ch. 232, sec. 7	amended	238	13
Ch. 232, sec. 8	repealed	238	66
Ch. 232, sec. 9	repealed	238	66

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		1967 Stats.	
		Ch.	Sec.
Ch. 232, sec. 10	amended	238	21
Ch. 232, sec. 11	amended	238	22
Ch. 232, sec. 12	amended	238	23
Ch. 232, sec. 13	amended	238	24
Ch. 232, sec. 14	repealed	238	66
Ch. 232, sec. 15	repealed	238	66
Ch. 232, sec. 16	repealed	238	66
Ch. 232, sec. 17	amended	238	30
Ch. 232, sec. 18	repealed	238	66
Ch. 232, sec. 19	repealed	238	66
Ch. 232, sec. 20	amended	238	32
Ch. 232, sec. 21	repealed	238	66
Ch. 232, sec. 22	repealed	238	66
Ch. 232, sec. 23	amended	238	38
Ch. 232, sec. 24	amended	238	41
Ch. 232, sec. 25	amended	238	42
Ch. 232, sec. 26	amended	238	43
Ch. 232, sec. 27	repealed	238	66
Ch. 278, sec. 7	amended	* 26	22
Ch. 286, sec. 1	amended	* 26	20

**LAWS 1959**

Ch. 5, sec. 3	amended	* 91	2
Ch. 12, sec. 6	repealed	235	100
Ch. 25	added to	104	3
Ch. 25, sec. 71.02.230			
	amended	*127	3
Ch. 25, sec. 71.02.320			
	amended	*127	2
Ch. 25, sec. 71.02.410			
	amended	*127	1
Ch. 25, sec. 71.02.420			
	repealed	*127	11
Ch. 25, sec. 71.02.430			
	repealed	*127	11
Ch. 25, sec. 71.02.450			
	amended	24	1
Ch. 25, sec. 71.06.030			
	amended	104	1
Ch. 25, sec. 71.06.060			
	amended	104	2
Ch. 25, sec. 71.06.090			
	repealed	104	7
Ch. 25, sec. 71.06.100			
	amended	104	4
Ch. 25, sec. 71.06.110			
	repealed	104	7
Ch. 25, sec. 71.06.130			
	amended	104	5
Ch. 25, sec. 71.06.140			
	amended	104	6
Ch. 26	added to	59	1
Ch. 26	added to	59	2
Ch. 26	added to	172	1
Ch. 26	added to	172	2
Ch. 26	added to	172	3
Ch. 26	added to	172	4
Ch. 26	added to	172	5
Ch. 26	added to	172	6
Ch. 26	added to	172	7
Ch. 26	added to	172	8

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		1967 Stats.	
		Ch.	Sec.
Ch. 26	added to	172	9
Ch. 26	added to	172	10
Ch. 26	added to	172	11
Ch. 26	added to	172	12
Ch. 26	added to	172	13
Ch. 26	added to	172	14
Ch. 26	added to	172	15
Ch. 26	added to	172	16
Ch. 26	added to	172	17
Ch. 26	added to	172	18
Ch. 26	added to	172	19
Ch. 26	added to	172	20
Ch. 26	added to	172	21
Ch. 26	added to	* 30	2-6
Ch. 26	added to	* 33	1
Ch. 26	added to	* 60	1
Ch. 26	added to	* 60	2
Ch. 26, sec. 74.08.025			
	amended	* 31	1
Ch. 26, sec. 74.09.090			
	repealed	* 30	7
Ch. 26, sec. 74.09.120			
	amended	* 30	1
Ch. 26, sec. 74.11.010			
	repealed	118	11
Ch. 26, sec. 74.11.020			
	repealed	118	11
Ch. 26, sec. 74.11.030			
	repealed	118	11
Ch. 26, sec. 74.11.040			
	repealed	118	11
Ch. 26, sec. 74.11.050			
	repealed	118	11
Ch. 26, sec. 74.11.060			
	repealed	118	11
Ch. 26, sec. 74.11.070			
	repealed	118	11
Ch. 26, sec. 74.14.010			
	repealed	172	23
Ch. 26, sec. 74.14.020			
	repealed	172	23
Ch. 26, sec. 74.14.030			
	repealed	172	23
Ch. 26, sec. 74.14.040			
	repealed	172	23
Ch. 26, sec. 74.14.050			
	repealed	172	23
Ch. 26, sec. 74.14.060			
	repealed	172	23
Ch. 26, sec. 74.14.070			
	repealed	172	23
Ch. 26, sec. 74.14.080			
	repealed	172	23
Ch. 26, sec. 74.14.090			
	repealed	172	23
Ch. 26, sec. 74.14.100			
	repealed	172	23
Ch. 26, sec. 74.14.110			
	repealed	172	23
Ch. 26, sec. 74.14.120			
	repealed	172	23

	1967 Stats.		1967 Stats.	
	Ch.	Sec.	Ch.	Sec.
Ch. 26, sec. 74.14.130			Ch. 28, sec. 72.33.180	
repealed	172	23	amended	141 10
Ch. 26, sec. 74.14.140			Ch. 28, sec. 72.36.050	
repealed	172	23	amended	112 1
Ch. 26, sec. 74.14.150			Ch. 28, sec. 72.68.040	
repealed	172	23	amended	60 1
Ch. 26, sec. 74.16.030			Ch. 28, sec. 72.68.050	
amended	78	1	amended	60 2
Ch. 26, sec. 74.16.180			Ch. 28, sec. 72.68.060	
repealed	59	3	amended	60 3
Ch. 26, sec. 74.16.200			Ch. 28, sec. 72.68.070	
repealed	59	3	amended	60 4
Ch. 26, sec. 74.16.210			Ch. 28, sec. 72.68.080	
repealed	59	3	amended	*122 10
Ch. 26, sec. 74.16.220			Ch. 28, sec. 72.68.100	
repealed	59	3	amended	*122 11
Ch. 26, sec. 74.16.230			Ch. 33, sec. 1. . . . .	amended 58 1
repealed	59	3	Ch. 37, sec. 3. . . . .	amended 151 5
Ch. 26, sec. 74.16.240			Ch. 47, sec. 1. . . . .	amended 60 1
repealed	59	3	Ch. 47, sec. 2. . . . .	amended 60 2
Ch. 26, sec. 74.16.250			Ch. 47, sec. 3. . . . .	amended 60 3
repealed	59	3	Ch. 47, sec. 4. . . . .	amended 60 4
Ch. 26, sec. 74.16.260			Ch. 54 . . . . .	added to 240 37
repealed	59	3	Ch. 54 . . . . .	added to 240 38
Ch. 26, sec. 74.16.270			Ch. 54, sec. 1. . . . .	amended 240 34
repealed	59	3	Ch. 54, sec. 22. . . . .	amended 240 35
Ch. 26, sec. 74.16.280			Ch. 54, sec. 29. . . . .	amended *120 6
repealed	59	3	Ch. 61, sec. 1. . . . .	amended 141 10
Ch. 26, sec. 74.16.290			Ch. 84, sec. 2. . . . .	amended 223 14
repealed	59	3	Ch. 84, sec. 3. . . . .	amended 223 10
Ch. 26, sec. 74.16.296			Ch. 84, sec. 4. . . . .	amended 223 4
repealed	59	3	Ch. 84, sec. 5. . . . .	amended 223 15
Ch. 26, sec. 74.16.297			Ch. 84, sec. 6. . . . .	amended 223 16
repealed	59	3	Ch. 84, sec. 7. . . . .	amended 223 18
Ch. 28 . . . . .	added to	141 2	Ch. 92, sec. 2. . . . .	amended * 50 1
Ch. 28 . . . . .	added to	141 3	Ch. 92, sec. 3. . . . .	amended * 50 2
Ch. 28 . . . . .	added to	141 4	Ch. 92, sec. 5. . . . .	amended * 50 4
Ch. 28 . . . . .	added to	141 5	Ch. 92, sec. 6. . . . .	repealed * 50 12
Ch. 28 . . . . .	added to	141 6	Ch. 92, sec. 7. . . . .	amended * 50 6
Ch. 28 . . . . .	added to	141 7	Ch. 92, sec. 8. . . . .	amended * 50 7
Ch. 28 . . . . .	added to	141 8	Ch. 92, sec. 9. . . . .	amended * 50 8
Ch. 28 . . . . .	added to	141 9	Ch. 92, sec. 11. . . . .	amended * 50 11
Ch. 28 . . . . .	added to	*122 1	Ch. 92, sec. 12. . . . .	amended * 50 9
Ch. 28 . . . . .	added to	*122 4	Ch. 92, sec. 13. . . . .	amended * 50 5
Ch. 28 . . . . .	added to	*122 5	Ch. 95, sec. 1. . . . .	amended *124 1
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Ch. 28, sec. 72.06.090			Ch. 138, sec. 8. . . . .	amended 180 13
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Ch. 28, sec. 72.33.060			Ch. 139 . . . . .	added to 240 43
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Ch. 189, sec. 1.	amended	138	1
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Ch. 192, sec. 1.	amended	28	1
Ch. 200, sec. 2.	amended	188	5
Ch. 202, sec. 1.	amended	* 88	1
Ch. 202, sec. 2.	amended	* 88	2
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Ch. 204, sec. 21.	amended	*120	2
Ch. 204, sec. 43.	amended	*120	3
Ch. 208, sec. 1.	amended	*149	1
Ch. 212, sec. 9.	amended	180	1
Ch. 220, sec. 4.	amended	* 26	21
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Ch. 234, sec. 2.	amended	237	2
Ch. 234, sec. 6.	amended	237	5
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Ch. 282, sec. 60.	amended	199	1
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Ch. 325, sec. 3.	amended	* 97	1
Ch. 331, sec. 11.	repealed	* 35	1

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Ch. 12	added to	* 74	4	Ch. 12, sec. 46.12.110	repealed	140	10
Ch. 12	added to	* 74	5		amended	140	2
Ch. 12	added to	* 74	6	Ch. 12, sec. 46.12.120	amended	140	3
Ch. 12	added to	* 74	7		repealed	140	10
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Ch. 12	added to	* 145	51	Ch. 12, sec. 46.16.137	amended	32	19
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Ch. 12	added to	* 145	62	Ch. 12, sec. 46.16.240	amended	32	21
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Ch. 12, sec. 46.04.680	amended	32	1	Ch. 12, sec. 46.16.070	amended	* 83	56
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					repealed	32	19
				Ch. 12, sec. 46.16.260	amended	32	20
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					repealed	* 145	80

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amended	*145	56	amended	32 76
Ch. 12, sec. 46.37.390			Ch. 12, sec. 46.70.020	
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Ch. 12, sec. 46.44.030			Ch. 12, sec. 46.70.030	
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Ch. 12, sec. 46.44.045			Ch. 12, sec. 46.70.040	
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Ch. 13, sec. 47.20.360			Ch. 14, sec. 81.80.316	
amended *145	16		repealed	170 6
Ch. 13, sec. 47.20.410			Ch. 14, sec. 81.80.317	
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repealed	156 1		amended *149	12
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Ch. 15, sec. 82.16.050		
amended	*149	25
Ch. 15, sec. 82.32.070		
amended	* 89	2
Ch. 15, sec. 82.32.090		
amended	*149	26
Ch. 15, sec. 82.32.130		
amended	237	20
Ch. 15, sec. 82.32.160		
amended	* 26	49
Ch. 15, sec. 82.32.170		
amended	* 26	50
Ch. 15, sec. 82.32.180		
amended	* 26	51
Ch. 15, sec. 82.32.210		
amended	* 89	3
Ch. 15, sec. 82.32.340		
amended	* 89	4
Ch. 15, sec. 82.36.010		
amended	153	1
Ch. 15, sec. 82.36.020		
amended	* 83	2
Ch. 15, sec. 82.36.020		
amended	*145	75
Ch. 15, sec. 82.36.090		
amended	153	2
Ch. 15, sec. 82.36.100		
amended	* 83	3
Ch. 15, sec. 82.36.180		
amended	* 89	6
Ch. 15, sec. 82.36.230		
amended	153	3
Ch. 15, sec. 82.36.270		
amended	153	4
Ch. 15, sec. 82.36.275		
amended	86	1
Ch. 15, sec. 82.36.370		
amended	153	5
Ch. 15, sec. 82.36.400		
amended	153	6
Ch. 15, sec. 82.40.010		
amended	196	1

Ch. 15, sec. 82.40.020		
amended	* 83	6
Ch. 15, sec. 82.40.047		
amended	86	2
Ch. 15, sec. 82.40.240		
amended	196	2
Ch. 15, sec. 82.40.240		
amended	*149	8
Ch. 15, sec. 82.40.250		
amended	* 89	8
Ch. 15, sec. 82.40.270		
amended	196	3
Ch. 15, sec. 82.40.290		
amended	* 83	7
Ch. 15, sec. 82.44.010		
amended	121	4
Ch. 15, sec. 82.44.110		
amended	121	1
Ch. 15, sec. 82.44.120		
amended	121	2
Ch. 15, sec. 82.44.140		
amended	121	3
Ch. 15, sec. 82.48.010		
amended	* 9	1
Ch. 15, sec. 82.48.020		
amended	* 9	2
Ch. 15, sec. 82.48.020		
amended	*149	27
Ch. 15, sec. 82.48.030		
amended	* 9	3
Ch. 15, sec. 82.48.040		
repealed	* 9	9
Ch. 15, sec. 82.48.050		
repealed	* 9	9
Ch. 15, sec. 82.48.070		
amended	* 9	4
Ch. 15, sec. 82.48.080		
amended	* 9	5
Ch. 15, sec. 82.48.110		
amended	* 9	6
Ch. 15, sec. 82.50.010		
amended	*149	44
Ch. 15, sec. 82.50.020		
amended	*149	45
Ch. 15, sec. 82.50.030		
amended	*149	46
Ch. 15, sec. 82.50.040		
amended	*149	47
Ch. 15, sec. 82.50.050		
amended	*149	48
Ch. 15, sec. 82.50.070		
amended	*149	49
Ch. 15, sec. 82.50.101		
amended	*149	50
Ch. 15, sec. 82.50.105		
amended	*149	51
Ch. 15, sec. 82.50.110		
amended	*149	52
Ch. 15, sec. 82.50.120		
amended	*149	53

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		1967 Stats.				1967 Stats.	
		Ch.	Sec.			Ch.	Sec.
Ch. 15, sec. 82.50.130				Ch. 49, sec. 2	amended	71	2
	amended	*149	54	Ch. 62, sec. 2	amended	47	6
Ch. 15, sec. 82.50.140				Ch. 80, sec. 1	amended	145	1
	amended	*149	55	Ch. 95, sec. 1-5	repealed	* 19	11
Ch. 15, sec. 82.50.180				Ch. 99, sec. 1	amended	* 46	1
	amended	*149	56	Ch. 101, sec. 1	amended	*110	15
Ch. 15, sec. 82.50.190				Ch. 110	repealed	235	100
	amended	*149	57	Ch. 114, sec. 1	amended	6	1
Ch. 15, sec. 82.50.200				Ch. 128, sec. 1	amended	32	26
	amended	*149	58	Ch. 132, sec. 2	amended	50	2
Ch. 15, sec. 83.01.010				Ch. 132, sec. 6	amended	151	3
	amended	* 26	15	Ch. 134, sec. 2	amended	32	35
Ch. 15, sec. 83.44.010				Ch. 143, sec. 1	amended	*133	3
	amended	*149	29	Ch. 150, sec. 8	amended	208	1
Ch. 15, sec. 84.04.110				Ch. 153	added to	*136	7
	amended	* 26	16	Ch. 153	added to	*136	8
Ch. 15, sec. 84.08.030				Ch. 153, sec. 7	amended	*136	6
	amended	*149	30	Ch. 157, sec. 1	amended	* 50	10
Ch. 15, sec. 84.12.350				Ch. 157, sec. 2	amended	* 50	3
	amended	* 26	17	Ch. 167, sec. 1	amended	* 43	1
Ch. 15, sec. 84.16.110				Ch. 167, sec. 9	amended	*105	3
	amended	* 26	18	Ch. 168, sec. 3	amended	*149	33
Ch. 15, sec. 84.36.010				Ch. 173, sec. 3	repealed	170	6
	amended	*145	35	Ch. 178	added to	* 63	3
Ch. 15, sec. 84.36.010				Ch. 178, sec. 1	amended	* 63	1
	amended	*149	31	Ch. 178, sec. 4	amended	* 63	2
Ch. 15, sec. 84.36.150				Ch. 178, sec. 8	repealed	* 63	8
	amended	*149	32	Ch. 179, sec. 1	amended	* 8	47
Ch. 15, sec. 84.40.020				Ch. 182, sec. 2	amended	*120	5
	amended	*149	35	Ch. 188, sec. 1	amended	238	44
Ch. 15, sec. 84.40.040				Ch. 188, sec. 4	repealed	238	66
	amended	*149	36	Ch. 188, sec. 6	amended	238	45
Ch. 15, sec. 84.40.050				Ch. 188, sec. 7	repealed	238	66
	repealed	*149	62	Ch. 188, sec. 8	amended	238	59
Ch. 15, sec. 84.40.060				Ch. 188, sec. 9	repealed	238	66
	amended	*149	37	Ch. 188, sec. 10	repealed	238	66
Ch. 15, sec. 84.40.130				Ch. 192, sec. 5	amended	205	1
	amended	*149	38	Ch. 193, sec. 1	amended	23	1
Ch. 15, sec. 84.40.140				Ch. 194, sec. 4	amended	150	19
	repealed	*149	62	Ch. 194, sec. 9	amended	150	28
Ch. 15, sec. 84.40.180				Ch. 197, sec. 16	repealed	237	28
	repealed	*149	62	Ch. 198, sec. 1	repealed	* 8	73
Ch. 15, sec. 84.40.190				Ch. 198, sec. 2	repealed	* 8	73
	amended	*149	39	Ch. 198, sec. 3	repealed	* 8	73
Ch. 15, sec. 84.40.260				Ch. 198, sec. 4	repealed	* 8	73
	repealed	*149	62	Ch. 198, sec. 6	repealed	* 8	73
Ch. 15, sec. 84.52.050				Ch. 198, sec. 7	repealed	* 8	73
	amended	*133	3	Ch. 198, sec. 8	repealed	* 8	73
Ch. 15, sec. 84.60.050				Ch. 198, sec. 9	repealed	* 8	73
	amended	*145	36	Ch. 198, sec. 10	repealed	* 8	73
Ch. 15, sec. 84.60.060				Ch. 198, sec. 11	repealed	* 8	73
	amended	*145	37	Ch. 201, sec. 1	amended	32	25
Ch. 28, sec. 1	amended	* 39	3	Ch. 214, sec. 2	amended	32	108
Ch. 28, sec. 2	amended	* 39	4	Ch. 214, sec. 4	amended	32	107
Ch. 28, sec. 3	amended	* 39	5	Ch. 216, sec. 17	amended	147	1
Ch. 28, sec. 4	amended	* 39	6	Ch. 218, sec. 1	amended	143	6
Ch. 28, sec. 5	amended	* 39	7	Ch. 219, sec. 6	amended	* 82	1
Ch. 29, sec. 6	amended	215	1	Ch. 221	added to	240	20
Ch. 37, sec. 1	amended	199	1	Ch. 221	added to	240	21
Ch. 42, sec. 1	amended	* 87	1	Ch. 221, sec. 1	amended	240	16
Ch. 49, sec. 1	amended	71	1	Ch. 221, sec. 2	amended	240	17

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		1967 Stats.	
		Ch.	Sec.
Ch. 221, sec. 3	amended	240	18
Ch. 221, sec. 20	amended	240	19
Ch. 222, sec. 3	amended	49	3
Ch. 227, sec. 1	amended	* 28	6
Ch. 229, sec. 2	amended	*107	1
Ch. 229, sec. 3	amended	*107	2
Ch. 233, sec. 1	amended	*145	40
Ch. 234, sec. 1	repealed	59	3
Ch. 239, sec. 1	amended	* 74	27
Ch. 240, sec. 3	amended	217	1
Ch. 240, sec. 11	amended	217	2
Ch. 249	added to	177	17
Ch. 249	added to	177	18
Ch. 249	added to	177	19
Ch. 249, sec. 1	amended	177	1
Ch. 249, sec. 2	amended	177	2
Ch. 249, sec. 7	amended	177	3
Ch. 249, sec. 8	amended	177	4
Ch. 249, sec. 9	amended	177	5
Ch. 249, sec. 11	amended	177	6
Ch. 249, sec. 12	amended	177	7
Ch. 249, sec. 15	amended	177	8
Ch. 249, sec. 16	amended	177	9
Ch. 249, sec. 17	amended	177	10
Ch. 249, sec. 18	amended	177	11
Ch. 249, sec. 20	amended	177	12
Ch. 249, sec. 22	amended	177	13
Ch. 249, sec. 23	amended	177	14
Ch. 249, sec. 29	amended	177	15
Ch. 249, sec. 34	amended	177	16
Ch. 255, sec. 8	amended	42	1
Ch. 257, sec. 5	amended	108	12
Ch. 260, sec. 1	amended	185	4
Ch. 271, sec. 1	amended	124	1
Ch. 276, sec. 2	amended	164	15
Ch. 280, sec. 6	amended	133	5
Ch. 287, sec. 1	amended	92	1
Ch. 288, sec. 14	amended	79	9
Ch. 289, sec. 1	amended	68	2
Ch. 291, sec. 6	amended	127	7
Ch. 293, sec. 2	repealed	*149	62
Ch. 299, sec. 1	amended	* 42	1
Ch. 299, sec. 120	amended	241	1
Ch. 302, sec. 6	amended	137	1
Ch. 304, sec. 4	amended	142	1

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Ch. 5, sec. 15	amended	26	10
Ch. 7, sec. 2	amended	* 83	3
Ch. 7, sec. 3	amended	* 83	6
Ch. 7, sec. 5	amended	32	74
Ch. 7, sec. 6	amended	* 83	8
Ch. 7, sec. 11	amended	* 83	56
Ch. 7, sec. 14	repealed	* 83	61
Ch. 13, sec. 3	amended	47	10
Ch. 13, sec. 4	amended	47	11
Ch. 14, sec. 1	amended	47	12
Ch. 14, sec. 2	amended	47	13
Ch. 14, sec. 5	amended	47	14
Ch. 18, sec. 3	amended	* 80	1
Ch. 20, sec. 2	repealed	* 8	73

		1967 Stats.	
		Ch.	Sec.
Ch. 20, sec. 3	repealed	* 8	73
Ch. 21, sec. 5	amended	*145	2
Ch. 21, sec. 27	amended	32	63
Ch. 21, sec. 27	amended	174	2
Ch. 21, sec. 28	amended	32	64
Ch. 21, sec. 28	repealed	174	6
Ch. 21, sec. 29	amended	32	5
Ch. 21, sec. 29	recodified	32	118
Ch. 21, sec. 33	repealed	* 83	61
Ch. 21, sec. 34	amended	32	50
Ch. 22, sec. 2	amended	151	2
Ch. 24, sec. 6	amended	*149	40

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Ch. 4	added to	194	1
Ch. 4	added to	194	2
Ch. 4	added to	194	3
Ch. 4	added to	194	4
Ch. 4	added to	194	5
Ch. 4	added to	194	6
Ch. 4	added to	194	7
Ch. 4	added to	194	8
Ch. 4	added to	194	9
Ch. 4	added to	218	1
Ch. 4	added to	218	2
Ch. 4	added to	* 36	1
Ch. 4	added to	*103	2-10
Ch. 4	added to	*144	11
Ch. 4	added to	*144	17
Ch. 4	added to	*144	18
Ch. 4	added to	*144	19
Ch. 4, sec. 36.16.032	amended	* 77	1
Ch. 4, sec. 36.17.020	amended	218	3
Ch. 4, sec. 36.17.020	amended	* 77	2
Ch. 4, sec. 36.18.010	amended	26	8
Ch. 4, sec. 36.18.020	amended	26	9
Ch. 4, sec. 36.21.011	amended	*146	7
Ch. 4, sec. 36.23.030	amended	* 34	2
Ch. 4, sec. 36.23.070	amended	* 34	3
Ch. 4, sec. 36.29.020	amended	173	1
Ch. 4, sec. 36.32.120	amended	* 59	1
Ch. 4, sec. 36.32.240	amended	*144	15
Ch. 4, sec. 36.32.250	amended	97	1
Ch. 4, sec. 36.32.250	amended	*144	16
Ch. 4, sec. 36.32.320	amended	218	4
Ch. 4, sec. 36.33.110	amended	230	1

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		1967 Stats.				1967 Stats.	
		Ch.	Sec.			Ch.	Sec.
Ch. 4, sec. 36.34.020				Ch. 70, sec. 1	amended	108	7
	amended *144	1		Ch. 75, sec. 1	amended	135	1
Ch. 4, sec. 36.45.010				Ch. 77	added to	126	4
	amended 164	14		Ch. 77	added to	126	6
Ch. 4, sec. 36.48.020				Ch. 77, sec. 1	amended	126	5
	amended 132	3		Ch. 77, sec. 4	amended	126	1
Ch. 4, sec. 36.48.100				Ch. 77, sec. 7	amended	126	2
	amended 132	4		Ch. 77, sec. 9	amended	126	3
Ch. 4, sec. 36.62.252				Ch. 79, sec. 1	amended	228	1
	amended * 36	3		Ch. 91, sec. 1	amended	185	1
Ch. 4, sec. 36.62.110				Ch. 91, sec. 3	amended	185	5
	amended * 36	2		Ch. 106, sec. 3	amended	32	113
Ch. 4, sec. 36.67.020				Ch. 106, sec. 10	amended	32	114
	amended 107	2		Ch. 106, sec. 23	amended	32	115
Ch. 4, sec. 36.67.040				Ch. 106, sec. 29	amended	32	116
	amended 107	3		Ch. 107, sec. 1	amended	177	10
Ch. 4, sec. 36.69.010				Ch. 109, sec. 1	amended	47	9
	amended 63	1		Ch. 111, sec. 1	amended *135	3	
Ch. 4, sec. 36.69.020				Ch. 113, sec. 2	amended * 83	7	
	amended 63	2		Ch. 118, sec. 1	repealed	118	11
Ch. 4, sec. 36.69.030				Ch. 118, sec. 2	repealed	118	11
	amended 63	3		Ch. 118, sec. 3	repealed	118	11
Ch. 4, sec. 36.69.130				Ch. 118, sec. 5	repealed	118	11
	amended 63	4		Ch. 120, sec. 2	amended	32	36
Ch. 4, sec. 36.69.140				Ch. 124, sec. 1	amended	240	51
	amended 63	5		Ch. 134, sec. 1	repealed	118	11
Ch. 4, sec. 36.69.190				Ch. 135, sec. 1	amended	118	6
	amended 63	6		Ch. 139, sec. 1	amended * 24	1	
Ch. 4, sec. 36.69.900				Ch. 145, sec. 1	amended	240	22
	amended 63	7		Ch. 145, sec. 2	amended	240	23
Ch. 4, sec. 36.81.121				Ch. 145, sec. 3	amended	240	24
	amended * 83	26		Ch. 145, sec. 4	amended	240	25
Ch. 4, sec. 36.88.220				Ch. 145, sec. 6	amended	240	27
	amended *145	63		Ch. 145, sec. 7	amended	240	28
Ch. 7, sec. 1	amended *149	4		Ch. 150, sec. 1	amended	115	1
Ch. 15, sec. 1	amended 79	1		Ch. 159, sec. 3	amended	164	2
Ch. 15, sec. 4	amended 79	4		Ch. 164, sec. 1	amended	218	3
Ch. 15, sec. 5	repealed 79	8		Ch. 164, sec. 2	amended * 77	1	
Ch. 16, sec. 2	amended 25	1		Ch. 167, sec. 1	amended *107	1	
Ch. 16, sec. 6	amended 25	2		Ch. 167, sec. 2	amended *107	2	
Ch. 17, sec. 1	repealed * 51	23		Ch. 168, sec. 1	amended *149	13	
Ch. 17, sec. 2	repealed * 51	23		Ch. 169, sec. 5	amended 174	1	
Ch. 17, sec. 3	repealed * 51	23		Ch. 169, sec. 9	amended * 3	1	
Ch. 24, sec. 1	amended *145	43		Ch. 169, sec. 11	amended	32	37
Ch. 24, sec. 2	repealed *145	47		Ch. 169, sec. 18	amended	32	38
Ch. 24, sec. 3	amended *145	41		Ch. 169, sec. 20	amended	60	1
Ch. 25, sec. 13	amended 188	3		Ch. 169, sec. 26	amended * 3	2	
Ch. 27, sec. 1	amended 238	22		Ch. 169, sec. 30	amended	32	39
Ch. 27, sec. 2	repealed 238	66		Ch. 169, sec. 33	amended	32	40
Ch. 27, sec. 3	repealed 238	66		Ch. 169, sec. 35	amended	32	41
Ch. 31, sec. 1	amended 64	1		Ch. 169, sec. 36	amended	32	42
Ch. 35, sec. 1	amended * 84	3		Ch. 169, sec. 37	amended	32	43
Ch. 38, sec. 22	amended 71	3		Ch. 169, sec. 39	amended * 3	3	
Ch. 39, sec. 4	amended 167	11		Ch. 169, sec. 40	amended	32	44
Ch. 39, sec. 8	amended *147	5		Ch. 169, sec. 41	amended	32	45
Ch. 39, sec. 9	amended 32	27		Ch. 169, sec. 43	amended	32	46
Ch. 48, sec. 1	amended * 84	1		Ch. 169, sec. 44	amended	32	47
Ch. 48, sec. 2	amended * 84	2		Ch. 169, sec. 49	amended * 3	4	
Ch. 51, sec. 2	repealed			Ch. 169, sec. 55	amended * 3	5	
	and reenacted 191	6		Ch. 169, sec. 65	amended	32	63
Ch. 59, sec. 8	amended 170	3		Ch. 169, sec. 66	amended	32	64

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		1967 Stats.	
		Ch.	Sec.
Ch. 174, sec. 7	amended	127	2
Ch. 174, sec. 10	amended	127	8
Ch. 174, sec. 11	amended	127	5
Ch. 176, sec. 3	amended	145	2
Ch. 176, sec. 7	amended	145	6
Ch. 176, sec. 9	amended	145	7
Ch. 176, sec. 18	amended	145	10
Ch. 194, sec. 1	amended	133	1
Ch. 195, sec. 1	amended	237	15
Ch. 195, sec. 2	amended	237	16
Ch. 195, sec. 7	amended	150	5
Ch. 197, sec. 8	amended	*145	7
Ch. 197, sec. 9	repealed	*145	8
Ch. 199, sec. 1	amended	121	4
Ch. 199, sec. 5	amended	121	2
Ch. 199, sec. 6	amended	* 9	3
Ch. 199, sec. 9	amended	*149	53
Ch. 202, sec. 1	amended	198	1
Ch. 204, sec. 3	amended	*145	57
Ch. 207, sec. 4	amended	* 97	1
Ch. 211, sec. 1	repealed	* 30	7
Ch. 211, sec. 2	repealed	* 30	7
Ch. 211, sec. 3	repealed	* 30	7
Ch. 211, sec. 4	repealed	* 30	7
Ch. 211, sec. 5	repealed	* 30	7
Ch. 232, sec. 1	amended	240	40
Ch. 236	added to	234	11
Ch. 236	added to	234	12
Ch. 236	added to	234	13
Ch. 236	added to	234	14
Ch. 236	added to	234	15
Ch. 236, sec. 2	amended	234	1
Ch. 236, sec. 3	amended	234	2
Ch. 236, sec. 4	amended	234	3
Ch. 236, sec. 6	amended	234	4
Ch. 236, sec. 8	amended	234	5
Ch. 236, sec. 11	amended	234	6
Ch. 236, sec. 12	amended	234	7
Ch. 236, sec. 13	amended	234	8
Ch. 236, sec. 15	amended	234	9
Ch. 236, sec. 18	amended	234	10
Ch. 237, sec. 1	amended	237	7
Ch. 244, sec. 1	amended	*149	18
Ch. 246, sec. 3	amended	49	2

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Ch. 2, sec. 1	repealed	* 8	73
Ch. 2, sec. 2	repealed	* 8	73
Ch. 2, sec. 3	repealed	* 8	73
Ch. 2, sec. 4	repealed	* 8	73
Ch. 2, sec. 6	repealed	* 8	73
Ch. 2, sec. 7	repealed	* 8	73
Ch. 2, sec. 8	repealed	* 8	73
Ch. 2, sec. 9	repealed	* 8	73
Ch. 2, sec. 10	repealed	* 8	73
Ch. 2, sec. 11	repealed	* 8	73
Ch. 2, sec. 13	repealed	* 8	73
Ch. 2, sec. 15	repealed	* 8	73
Ch. 2, sec. 16	repealed	* 8	73
Ch. 2, sec. 17	repealed	* 8	73
Ch. 2, sec. 18	repealed	* 8	73

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		1967 Stats.	
		Ch.	Sec.
Ch. 3, sec. 9	amended	*145	5
Ch. 3, sec. 18	amended	*145	12
Ch. 3, sec. 35	amended	*145	68
Ch. 3, sec. 51	amended	202	2
Ch. 3, sec. 52	amended	*145	61
Ch. 7, sec. 1	amended	*112	4
Ch. 9, sec. 1	amended	193	1
Ch. 14, sec. 13	amended	50	4
Ch. 14, sec. 14	amended	50	5
Ch. 14, sec. 19	amended	50	10
Ch. 14, sec. 20	amended	50	8
Ch. 14, sec. 21	amended	50	9
Ch. 17	added to	128	3
Ch. 17	added to	128	4
Ch. 17	added to	160	1
Ch. 17, sec. 3	amended	128	1
Ch. 17, sec. 4	amended	128	2
Ch. 20, sec. 1	amended	*114	1
Ch. 22, sec. 3	amended	* 83	4
Ch. 22, sec. 16	amended	* 89	7
Ch. 22, sec. 19	amended	* 83	5
Ch. 28, sec. 2	amended	*149	14
Ch. 28, sec. 8	amended	* 26	49
Ch. 28, sec. 13	amended	*149	33

**LAWS 1965**

Ch. 5	added to	* 62	4
Ch. 5	added to	* 62	5
Ch. 5	added to	* 62	6
Ch. 5	added to	* 62	7
Ch. 5, sec. 6	amended	* 62	1
Ch. 5, sec. 11	amended	* 62	2
Ch. 5, sec. 13	amended	* 62	3
Ch. 7	added to	7	2-12
Ch. 7	added to	52	1
Ch. 7	added to	52	26
Ch. 7	added to	100	1
Ch. 7	added to	105	7
Ch. 7	added to	105	8
Ch. 7	added to	105	9
Ch. 7	added to	105	10
Ch. 7	added to	105	16
Ch. 7	added to	119	2-10
Ch. 7	added to	241	5
Ch. 7	added to	241	6
Ch. 7	added to	241	8
Ch. 7	added to	241	9
Ch. 7	added to	* 37	1
Ch. 7	added to	* 44	2
Ch. 7	added to	* 44	3
Ch. 7	added to	* 66	1
Ch. 7, sec. 35.10.210	amended	73	14
Ch. 7, sec. 35.10.220	amended	73	15
Ch. 7, sec. 35.10.230	amended	73	16
Ch. 7, sec. 35.10.240	amended	73	17
Ch. 7, sec. 35.10.260	amended	73	18

		1967 Stats.				1967 Stats.	
		Ch.	Sec.			Ch.	Sec.
Ch.	7, sec. 35.10.270			Ch.	7, sec. 35.43.075		
	amended	73	19		amended	52	4
Ch.	7, sec. 35.10.280			Ch.	7, sec. 35.43.080		
	amended	73	20		amended	52	5
Ch.	7, sec. 35.10.290			Ch.	7, sec. 35.43.130		
	amended	73	21		amended	52	6
Ch.	7, sec. 35.13.015			Ch.	7, sec. 35.43.160		
	amended	73	7		amended	52	7
Ch.	7, sec. 35.13.020			Ch.	7, sec. 35.43.180		
	amended	73	8		amended	52	8
Ch.	7, sec. 35.13.030			Ch.	7, sec. 35.44.010		
	amended	73	9		amended	52	9
Ch.	7, sec. 35.13.080			Ch.	7, sec. 35.44.030		
	amended	73	10		amended	52	10
Ch.	7, sec. 35.13.090			Ch.	7, sec. 35.44.140		
	amended	73	11		amended	52	11
Ch.	7, sec. 35.13.100			Ch.	7, sec. 35.44.360		
	amended	73	12		amended	52	12
Ch.	7, sec. 35.13.110			Ch.	7, sec. 35.45.030		
	amended	73	13		amended *	44	1
Ch.	7, sec. 35.13.248			Ch.	7, sec. 35.49.010		
	amended	146	1		amended	52	13
Ch.	7, sec. 35.13.260			Ch.	7, sec. 35.49.060		
	amended *	42	2		amended	52	14
Ch.	7, sec. 35.17.110			Ch.	7, sec. 35.49.070		
	repealed	100	2		amended	52	15
Ch.	7, sec. 35.17.115			Ch.	7, sec. 35.49.080		
	repealed	100	2		amended	52	16
Ch.	7, sec. 35.20.100			Ch.	7, sec. 35.50.020		
	amended	241	2		amended	52	17
Ch.	7, sec. 35.20.130			Ch.	7, sec. 35.50.070		
	amended	241	3		amended	52	18
Ch.	7, sec. 35.20.190			Ch.	7, sec. 35.50.230		
	amended	241	4		amended	52	19
Ch.	7, sec. 35.22.130			Ch.	7, sec. 35. 53.010		
	amended	123	2		amended	52	20
Ch.	7, sec. 35.23.340			Ch.	7, sec. 35.53.020		
	repealed	164	16		amended	52	21
Ch.	7, sec. 35.23.620			Ch.	7, sec. 35.53.050		
	amended	241	7		amended	52	22
Ch.	7, sec. 35.31.010			Ch.	7, sec. 35.53.070		
	amended	164	11		amended	52	23
Ch.	7, sec. 35.31.020			Ch.	7, sec. 35.58.040		
	amended	164	12		amended	105	1
Ch.	7, sec. 35.31.040			Ch.	7, sec. 35.58.100		
	amended	164	13		amended	105	2
Ch.	7, sec. 35.32.010-			Ch.	7, sec. 35.58.120		
	35.32.210 repealed	7	13		amended	105	3
Ch.	7, sec. 35.37.080			Ch.	7, sec. 35.58.140		
	repealed	107	6		amended	105	4
Ch.	7, sec. 35.38.020			Ch.	7, sec. 35.58.150		
	amended	132	5		amended	105	5
Ch.	7, sec. 35.38.040			Ch.	7, sec. 35.58.180		
	amended	132	6		amended	105	6
Ch.	7, sec. 35.41.010			Ch.	7, sec. 35.58.240		
	amended *	144	12		amended	105	11
Ch.	7, sec. 35.43.030			Ch.	7, sec. 35.58.270		
	amended	52	2		amended	105	12
Ch.	7, sec. 35.43.050			Ch.	7, sec. 35.58.450		
	amended	52	3		amended	105	13

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		1967 Stats.	
		Ch.	Sec.
Ch. 7, sec. 35.58.460			
	amended	105	14
Ch. 7, sec. 35.58.530			
	amended	105	15
Ch. 7, sec. 35.63.100			
	amended	*144	8
Ch. 7, sec. 35.67.120			
	amended	52	24
Ch. 7, sec. 35.77.010			
	amended	* 83	27
Ch. 7, sec. 35.79.030			
	amended	123	1
Ch. 7, sec. 35.79.030			
	amended	*129	1
Ch. 7, sec. 35.80.010			
	amended	111	1
Ch. 7, sec. 35.80.020			
	amended	111	2
Ch. 7, sec. 35.80.030			
	amended	111	3
Ch. 7, sec. 35.86.010			
	amended	*144	13
Ch. 7, sec. 35.86.020			
	amended	*144	14
Ch. 7, sec. 35.86.070			
	amended	*144	6
Ch. 7, sec. 35.91.020			
	amended	113	1
Ch. 7, sec. 35.92.080			
	amended	107	1
Ch. 7, sec. 35.92.100			
	amended	52	25
Ch. 8	added to	27	1
Ch. 8	added to	41	1
Ch. 8	added to	81	1
Ch. 8	added to	120	1-9
Ch. 8	added to	120	11-13
Ch. 8	added to	157	1
Ch. 8	added to	157	2
Ch. 8	added to	157	3
Ch. 8	added to	157	4
Ch. 8	added to	157	5
Ch. 8	added to	157	6
Ch. 8	added to	157	7
Ch. 8	added to	157	8
Ch. 8	added to	240	14
Ch. 8	added to	240	15
Ch. 8	added to	* 16	3
Ch. 8	added to	* 16	5
Ch. 8	added to	* 16	6-12
Ch. 8	added to	* 27	1
Ch. 8	added to	* 27	2
Ch. 8	added to	* 27	3
Ch. 8	added to	* 27	4
Ch. 8	added to	* 41	4
Ch. 8	added to	* 64	1
Ch. 8	added to	* 64	3
Ch. 8	added to	* 64	4
Ch. 8	added to	*100	2
Ch. 8	added to	*102	2
Ch. 8	added to	*102	3

		1967 Stats.	
		Ch.	Sec.
Ch. 8	added to	*102	4
Ch. 8	added to	*102	5
Ch. 8	added to	*102	6
Ch. 8	added to	*102	7
Ch. 8	added to	*104	1
Ch. 8	added to	*104	6
Ch. 8	added to	*115	2-6
Ch. 8	added to	*125	1
Ch. 8	added to	*125	2
Ch. 8, sec. 43.01.050			
	amended	212	1
Ch. 8, sec. 43.03.028			
	amended	19	1
Ch. 8, sec. 43.03.060			
	amended	* 16	4
Ch. 8, sec. 43.03.110			
	amended	* 16	1
Ch. 8, sec. 43.17.010			
	amended	242	12
Ch. 8, sec. 43.17.010			
	amended	* 26	12
Ch. 8, sec. 43.17.020			
	amended	242	13
Ch. 8, sec. 43.17.020			
	amended	* 26	13
Ch. 8, sec. 43.19.190			
	amended	* 8	51
Ch. 8, sec. 43.19.190			
	amended	*104	2
Ch. 8, sec. 43.19.1902			
	amended	*104	3
Ch. 8, sec. 43.19.1904			
	amended	*104	4
Ch. 8, sec. 43.19.1923			
	amended	*104	5
Ch. 8, sec. 43.19.210			
	repealed	*104	7
Ch. 8, sec. 43.20.010			
	amended	*102	1
Ch. 8, sec. 43.20.040			
	amended	*102	8
Ch. 8, sec. 43.20.050			
	amended	*102	9
Ch. 8, sec. 43.20.060			
	amended	*102	10
Ch. 8, sec. 43.20.070			
	amended	26	1
Ch. 8, sec. 43.20.080			
	amended	26	2
Ch. 8, sec. 43.20.090			
	amended	26	3
Ch. 8, sec. 43.21.140			
	amended	53	1
Ch. 8, sec. 43.23.010			
	amended	240	1
Ch. 8, sec. 43.23.020			
	amended	240	2
Ch. 8, sec. 43.23.030			
	amended	240	3
Ch. 8, sec. 43.23.040			
	amended	240	4

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		1967 Stats.		1967 Stats.	
		Ch.	Sec.	Ch.	Sec.
Ch. 8, sec. 43.23.050				Ch. 9, sec. 29.33.020	
	amended	240	5		amended *109 12
Ch. 8, sec. 43.23.060				Ch. 9, sec. 29.33.040	
	amended	240	6		amended *109 13
Ch. 8, sec. 43.23.070				Ch. 9, sec. 29.33.050	
	amended	240	7		amended *109 14
Ch. 8, sec. 43.23.080				Ch. 9, sec. 29.33.060	
	amended	240	8		amended *109 15
Ch. 8, sec. 43.23.090				Ch. 9, sec. 29.33.070	
	amended	240	9		amended *109 16
Ch. 8, sec. 43.23.100				Ch. 9, sec. 29.33.080	
	amended	240	10		amended *109 17
Ch. 8, sec. 43.23.110				Ch. 9, sec. 29.33.100	
	amended	240	11		amended *109 20
Ch. 8, sec. 43.23.150				Ch. 9, sec. 29.33.110	
	repealed and reenacted	240	12		amended *109 21
Ch. 8, sec. 43.23.160				Ch. 9, sec. 29.33.120	
	repealed and reenacted	240	13		amended *109 22
Ch. 8, sec. 43.31.040				Ch. 9, sec. 29.39.010	
	amended	221	2		amended *109 4
Ch. 8, sec. 43.46.020				Ch. 9, sec. 29.39.030	
	amended *125		3		amended *109 5
Ch. 8, sec. 43.46.030				Ch. 9, sec. 29.42.050	
	amended *125		4		amended * 32 2
Ch. 8, sec. 43.51.040				Ch. 9, sec. 29.51.060	
	amended * 90		1		amended *109 9
Ch. 8, sec. 43.60.010-				Ch. 9, sec. 29.51.170	
43.60.220	repealed	*147	15		amended *109 28
Ch. 8, sec. 43.74.015				Ch. 9, sec. 29.54.070	
	amended	188	6		amended *109 10
Ch. 8, sec. 43.76.010-				Ch. 9, sec. 29.59.010	
43.76.930	repealed	162	19		amended 225 1
Ch. 8, sec. 43.82.010				Ch. 9, sec. 29.59.040	
	amended	229	1		amended *109 29
Ch. 8, sec. 43.84.080				Ch. 9, sec. 29.59.070	
	amended	211	1		repealed 225 4
Ch. 8, sec. 43.84.090				Ch. 9, sec. 29.65.030	
	amended	66	1		amended *109 30
Ch. 8, sec. 43.85.030				Ch. 9, sec. 29.85.160	
	amended	132	1		amended *109 31
Ch. 8, sec. 43.85.150				Ch. 10, sec. 2	amended 221 2
	amended	132	2	Ch. 15, sec. 1-7	repealed 236 18
Ch. 8, sec. 43.88.160				Ch. 22, sec. 1	repealed 100 2
	amended * 8		49	Ch. 25, sec. 3	amended 174 4
Ch. 9	added to * 32		1	Ch. 25, sec. 4	amended 174 3
Ch. 9	added to * 73		1-7	Ch. 26, sec. 16	amended 164 8
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Ch. 9	added to *109		7	Ch. 28, sec. 1	recodified 32 118
Ch. 9	added to *109		8	Ch. 29, sec. 1	amended 138 1
Ch. 9	added to *130		1	Ch. 29, sec. 2	amended 138 2
Ch. 9, sec. 29.04.040				Ch. 30, sec. 4	repealed 172 23
	amended *109		1	Ch. 35, sec. 1	repealed 118 11
Ch. 9, sec. 29.10.080				Ch. 53	added to 176 1
	amended *109		3	Ch. 53, sec. 6	amended 190 8
Ch. 9, sec. 29.27.072				Ch. 53, sec. 13	amended 190 1
	amended	96	1	Ch. 53, sec. 14	amended 190 2
Ch. 9, sec. 29.27.074				Ch. 53, sec. 46	amended 190 9
	amended	96	2	Ch. 53, sec. 51	amended 190 3
Ch. 9, sec. 29.27.076				Ch. 53, sec. 64	amended 190 4
	amended	96	3	Ch. 53, sec. 66	amended 190 5

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		1967 Stats.	
		Ch.	Sec.
Ch. 53, sec. 111	amended	190	6
Ch. 53, sec. 135	amended	190	7
Ch. 56, sec. 1	repealed	163	7
Ch. 56, sec. 16	repealed *	63	9
Ch. 57, sec. 1	amended	135	1
Ch. 58, sec. 2	amended	52	8
Ch. 68, sec. 1	repealed *	74	30
Ch. 68, sec. 2	amended	32	76
Ch. 68, sec. 3	repealed *	74	30
Ch. 68, sec. 4	repealed *	74	30
Ch. 73, sec. 1	amended *	40	1
Ch. 73, sec. 1	repealed *	40	2
Ch. 74, sec. 4	amended	30	1
Ch. 74, sec. 6	amended	30	2
Ch. 74, sec. 8	amended	30	3
Ch. 74, sec. 9	amended	30	4
Ch. 76, sec. 1	amended	47	15
Ch. 76, sec. 2	amended	47	11
Ch. 103, sec. 1	amended *	8	76
Ch. 111, sec. 2	amended	173	1
Ch. 112, sec. 1	amended	51	1
Ch. 113, sec. 1	amended	97	1
Ch. 117, sec. 1	amended	32	103
Ch. 124, sec. 4	amended	61	1
Ch. 124, sec. 6	amended	32	47
Ch. 126, sec. 1	amended	168	14
Ch. 128, sec. 1	amended	78	1
Ch. 135, sec. 1	amended	86	1
Ch. 135, sec. 2	amended	86	2
Ch. 136, sec. 1	repealed *	8	73
Ch. 136, sec. 2	repealed *	8	73
Ch. 137, sec. 2	amended	174	8
Ch. 137, sec. 3	repealed *	83	61
Ch. 139	added to	* 67	2
Ch. 139, sec. 3	amended *	67	1
Ch. 139, sec. 10	amended *	67	3
Ch. 139, sec. 16	amended *	67	5
Ch. 141, sec. 1	amended	206	1
Ch. 145	added to	168	1
Ch. 145	added to	168	8
Ch. 145	added to	175	2, 3
Ch. 145	added to	*106	3
Ch. 145, sec. 11.04.015			
	amended	168	2
Ch. 145, sec. 11.04.035			
	amended	168	3
Ch. 145, sec. 11.16.050			
	amended	168	4
Ch. 145, sec. 11.20.040			
	amended	168	5
Ch. 145, sec. 11.20.050			
	amended	168	17
Ch. 145, sec. 11.24.010			
	amended	168	6
Ch. 145, sec. 11.40.010			
	amended	168	7
Ch. 145, sec. 11.44.015			
	amended	168	9
Ch. 145, sec. 11.44.070			
	amended	168	10

		1967 Stats.	
		Ch.	Sec.
Ch. 145, sec. 11.44.080			
	amended	168	11
Ch. 145, sec. 11.52.010			
	amended	168	12
Ch. 145, sec. 11.52.020			
	amended	168	13
Ch. 145, sec. 11.52.050			
	amended	168	14
Ch. 145, sec. 11.56.110			
	amended	168	18
Ch. 145, sec. 11.56.110			
	amended *	106	2
Ch. 145, sec. 11.80.020			
	amended	168	15
Ch. 153, sec. 2	amended *	76	1
Ch. 155, sec. 2	amended	127	3
Ch. 155, sec. 3	amended	127	4
Ch. 156	added to	32	117
Ch. 156, sec. 20	amended	242	12
Ch. 156, sec. 20	amended *	26	12
Ch. 156, sec. 21	amended	242	13
Ch. 156, sec. 21	amended *	26	13
Ch. 157, sec. 2	amended	164	7
Ch. 157, sec. 4	repealed	227	9
Ch. 158, sec. 16	amended	122	1

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Ch. 2, sec. 146	repealed *	8	73
Ch. 23, sec. 2	amended	32	61
Ch. 31, sec. 6	amended	240	32
Ch. 31, sec. 10	amended	240	33
Ch. 33, sec. 5	amended *	89	8
Ch. 33, sec. 6	amended	196	3
Ch. 36, sec. 1	repealed *	30	7
Ch. 36, sec. 2	repealed *	30	7
Ch. 38, sec. 1	amended	180	11
Ch. 38, sec. 2	amended	180	12
Ch. 44, sec. 6	amended	240	30
Ch. 49, sec. 1	amended	12	1
Ch. 49, sec. 1	amended *	29	1
Ch. 49, sec. 2	amended	12	2
Ch. 55, sec. 1	amended	168	2
Ch. 68, sec. 1	amended *	6	1
Ch. 70, sec. 19	amended	150	16
Ch. 71, sec. 19	amended *	28	5
Ch. 79, sec. 1	amended	153	1
Ch. 79, sec. 2	amended *	83	2
Ch. 79, sec. 4	amended	153	2
Ch. 79, sec. 6	amended *	89	6
Ch. 79, sec. 9	amended	153	3
Ch. 79, sec. 15	amended	153	5
Ch. 81, sec. 1	amended	50	11
Ch. 81, sec. 5	amended	50	6
Ch. 81, sec. 6	amended	50	7
Ch. 81, sec. 7	amended	50	9
Ch. 82, sec. 1	amended	66	1
Ch. 88, sec. 3	amended	73	7
Ch. 88, sec. 4	amended	73	8
Ch. 88, sec. 5	amended	73	9
Ch. 88, sec. 6	amended	73	10
Ch. 88, sec. 7	amended	73	11

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				1967 Stats.						1967 Stats.	
				Ch.	Sec.					Ch.	Sec.
Ch. 88, sec. 8	amended	73	12			Ch. 155, sec. 15	amended	*145	58		
Ch. 88, sec. 9	amended	73	13			Ch. 155, sec. 59	amended	32	67		
Ch. 89, sec. 2	repealed	* 8	73			Ch. 155, sec. 62	amended	32	68		
Ch. 90, sec. 5	amended	172	22			Ch. 155, sec. 70	amended	232	5		
Ch. 90, sec. 6	repealed	172	23			Ch. 156, sec. 2	amended	225	2		
Ch. 92, sec. 1	amended	*149	51			Ch. 156, sec. 3	amended	225	3		
Ch. 92, sec. 2	amended	*149	52			Ch. 156, sec. 5	amended	*109	9		
Ch. 98, sec. 1	repealed	* 8	73			Ch. 157	added to	114	12		
Ch. 98, sec. 2	repealed	* 8	73			Ch. 157	added to	* 23	1		
Ch. 98, sec. 3	repealed	* 8	73			Ch. 157, sec. 2-403	amended	114	8		
Ch. 98, sec. 4	repealed	* 8	73			Ch. 157, sec. 2-706	amended	114	13		
Ch. 98, sec. 5	repealed	* 8	73			Ch. 157, sec. 4-406	amended	114	1		
Ch. 99, sec. 1	amended	* 28	3			Ch. 157, sec. 6-102	amended	114	2		
Ch. 99, sec. 4	amended	* 28	4			Ch. 157, sec. 6-109	amended	114	3		
Ch. 99, sec. 8	amended	* 28	5			Ch. 157, sec. 9-302	amended	114	4		
Ch. 101, sec. 12	amended	*109	2			Ch. 157, sec. 9-403	amended	114	5		
Ch. 101, sec. 14	amended	*109	28			Ch. 157, sec. 9-404	amended	114	6		
Ch. 103, sec. 3	amended	* 32	2			Ch. 157, sec. 9-405	amended	114	7		
Ch. 104, sec. 1	amended	* 2	1			Ch. 157, sec. 9-406	amended	114	9		
Ch. 104, sec. 2	repealed	* 2	2			Ch. 157, sec. 9-407	amended	114	10		
Ch. 106, sec. 1	amended	32	14			Ch. 157, sec. 9-408 (new)					
Ch. 111, sec. 2	amended	*145	65				added to	114	11		
Ch. 111, sec. 5	amended	*145	66			Ch. 159, sec. 1	repealed	* 8	73		
Ch. 114, sec. 1	amended	20	1			Ch. 159, sec. 2	repealed	* 8	73		
Ch. 117, sec. 3	amended	88	2			Ch. 163, sec. 1-11	repealed	* 7	24		
Ch. 117, sec. 3	amended	* 15	1			Ch. 168, sec. 2	repealed	*132	3		
Ch. 117, sec. 5	amended	88	3			Ch. 170, sec. 38	amended	32	51		
Ch. 119, sec. 1	amended	32	54			Ch. 170, sec. 38	amended	* 94	15		
Ch. 119, sec. 3	amended	32	58			Ch. 170, sec. 40	amended	69	2		
Ch. 120, sec. 12	amended	32	75			Ch. 170, sec. 40	amended	*145	77		
Ch. 121	added to	* 20	1-5			Ch. 170, sec. 43	amended	167	1		
Ch. 121, sec. 9	amended	167	4			Ch. 170, sec. 45	recodified	32	118		
Ch. 121, sec. 10	amended	232	2			Ch. 170, sec. 50	amended	126	3		
Ch. 121, sec. 12	amended	167	2			Ch. 170, sec. 52	repealed	* 94	16		
Ch. 121, sec. 13	amended	167	3			Ch. 170, sec. 62	amended	108	5		
Ch. 121, sec. 22	amended	*145	55			Ch. 170, sec. 63	amended	108	13		
Ch. 121, sec. 23	amended	32	71			Ch. 170, sec. 64	amended	*145	68		
Ch. 121, sec. 27	amended	167	5			Ch. 171, sec. 1	amended	*140	3		
Ch. 121, sec. 29	amended	167	6			Ch. 171, sec. 2	amended	*149	2		
Ch. 121, sec. 42	recodified	32	118			Ch. 173, sec. 1	amended	*149	4		
Ch. 121, sec. 43	amended	167	7			Ch. 173, sec. 4	amended	*149	6		
Ch. 121, sec. 43	amended	*145	52			Ch. 173, sec. 5	amended	*149	8		
Ch. 123, sec. 3	amended	36	1			Ch. 173, sec. 6	amended	*149	10		
Ch. 125	added to	*137	3			Ch. 173, sec. 12	amended	*149	16		
Ch. 125	added to	*137	4			Ch. 173, sec. 13	amended	*149	19		
Ch. 125, sec. 2	amended	*137	1			Ch. 173, sec. 14	amended	87	1		
Ch. 125, sec. 4	amended	*137	2			Ch. 173, sec. 18	amended	*149	22		
Ch. 127, sec. 2	amended	65	1			Ch. 173, sec. 19	amended	*149	23		
Ch. 127, sec. 4	amended	*100	1			Ch. 173, sec. 21	amended	*149	24		
Ch. 128, sec. 4	amended	* 5	1			Ch. 173, sec. 22	amended	*149	25		
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