

1979

SESSION LAWS

OF THE

STATE OF WASHINGTON

REGULAR SESSION
FORTY-SIXTH LEGISLATURE

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DENNIS W. COOPER
Code Reviser

**PERTINENT FACTS CONCERNING THE WASHINGTON
SESSION LAWS**

1. EDITIONS AVAILABLE

- (a) *General Information.* The session laws are printed successively in two editions;
 - (i) a temporary pamphlet edition consisting of a series of one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
 - (ii) a bound volume edition containing the accumulation of all laws adopted in the legislative session. Both editions contain a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition—where and how obtained—price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98504 at one dollar per set, remittance to accompany order. (No sales tax required.)
- (c) *Permanent bound edition—when and how obtained—price.* The permanent bound edition of the session laws may be ordered from the State Law Librarian, Temple of Justice, Olympia, Washington 98504 at four dollars per volume. (No sales tax required.) The laws of the 1979 Regular and 1st Extraordinary sessions will be printed in two volumes. All orders must be accompanied by remittance.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

3. PARTIAL VETOES

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

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

5. EFFECTIVE DATE OF LAWS

- (a) The state Constitution provides that, unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 1979 regular session to be June 7, 1979 (midnight June 6). The pertinent date for the laws of the 1979 1st Extraordinary session is September 1, 1979 (midnight August 31).
- (b) Laws which carry an emergency clause take effect immediately upon approval by the Governor.
- (c) Laws which prescribe an effective date, take effect upon that date.

6. INDEX AND TABLES

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

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CHAPTER 1

[Initiative Measure No. 335]

MORAL NUISANCES

AN ACT Relating to moral nuisances; amending section 1, chapter 127, Laws of 1913 and RCW 7.48.050; amending section 2, chapter 127, Laws of 1913 and RCW 7.48.060; amending section 3, chapter 127, Laws of 1913 and RCW 7.48.070; amending section 4, chapter 127, Laws of 1913 and RCW 7.48.080; amending section 5, chapter 127, Laws of 1913 as amended by section 1, chapter 94, Laws of 1927 and RCW 7.48.090; amending section 6, chapter 127, Laws of 1913 as amended by section 2, chapter 94, Laws of 1927 and RCW 7.48.100; and adding new sections to chapter 127, Laws of 1913 and to chapter 7.48 RCW.

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

Section 1. Section 1, chapter 127, Laws of 1913 and RCW 7.48.050 are each amended to read as follows:

~~((Whoever shall erect, establish, maintain, continue, use, own or lease any building or place used for the purpose of lewdness, assignation or prostitution is guilty of a nuisance, and the building or place, or the ground itself, in or upon which lewdness, assignation or prostitution is conducted, permitted or carried on, continued or exists, and the furniture, fixtures, musical instruments, and contents are also declared a nuisance, and shall be enjoined and abated as hereinafter provided.))~~ The definitions set forth in this section shall apply throughout this chapter as they relate to moral nuisances.

(1) "Knowledge" or "knowledge of such nuisance" means having knowledge of the contents and character of the patently offensive sexual conduct which appears in the lewd matter, or knowledge of the acts of lewdness, assignation, or prostitution which occur on the premises.

(2) "Lewd matter" is synonymous with "obscene matter" and means any matter:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(b) Which depicts or describes patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, excretory functions, or lewd exhibition of the genitals or genital area.

Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political, or scientific value.

(3) "Lewdness" shall have and include all those meanings which are assigned to it under the common law.

(4) "Matter" shall mean a motion picture film or a publication or both.

(5) "Moral nuisance" means a nuisance which is injurious to public morals.

(6) "Motion picture film" shall include any:

(a) Film or plate negative;

(b) Film or plate positive;

(c) Film designed to be projected on a screen for exhibition;

(d) Films, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape or any other medium used to electronically reproduce images on a screen.

(7) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(8) "Place" includes, but is not limited to, any building, structure, or places, or any separate part or portion thereof, whether permanent or not, or the ground itself.

(9) "Publication" shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or a motion picture film which is offered for sale or exhibited in a coin-operated machine.

(10) "Sale" means a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer of possession of, lewd matter.

NEW SECTION. Sec. 2. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

The following are declared to be moral nuisances:

(1) Any and every place in the state where lewd films are publicly exhibited as a regular course of business, or possessed for the purpose of such exhibition;

(2) Any and every place in the state where a lewd film is publicly and repeatedly exhibited, or possessed for the purpose of such exhibition;

(3) Any and every lewd film which is publicly exhibited, or possessed for such purpose at a place which is a moral nuisance under this section;

(4) Any and every place of business in the state in which lewd publications constitute a principal part of the stock in trade;

(5) Any and every lewd publication possessed at a place which is a moral nuisance under this section;

(6) Every place which, as a regular course of business, is used for the purpose of lewdness, assignation, or prostitution, and every such place in or upon which acts of lewdness, assignation, or prostitution are conducted, permitted, carried on, continued, or exist;

(7) All public houses or places of resort where illegal gambling is carried on or permitted; all houses or places within any city, town, or village, or upon any public road, or highway where drunkenness, illegal gambling,

fighting, or breaches of the peace are carried on or permitted; all opium dens, or houses, or places of resort where opium smoking is permitted.

NEW SECTION. Sec. 3. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

The following are also declared to be moral nuisances, as personal property used in conducting and maintaining a moral nuisance:

(1) All moneys paid as admission price to the exhibition of any lewd film found to be a moral nuisance;

(2) All valuable consideration received for the sale of any lewd publication which is found to be a moral nuisance;

(3) The furniture, fixtures, and contents of a place which is a moral nuisance.

From and after service of a copy of the notice of hearing of the application for a preliminary injunction, provided for in section 8 of this 1977 amendatory act, upon the place or its manager, acting manager, or person then in charge, all such persons are deemed to have knowledge of the acts, conditions, or things which make such place a moral nuisance. Where the circumstantial proof warrants a determination that a person had knowledge of the moral nuisance prior to such service of process, the court shall make such finding.

NEW SECTION. Sec. 4. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

In addition to any other remedy provided by law, any act, occupation, structure, or thing which is a moral nuisance may be abated, and the person doing such act or engaged in such occupation, and the owner and agent of the owner of any such structure or thing, may be enjoined as provided in this chapter.

NEW SECTION. Sec. 5. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

The attorney general, prosecuting attorney, city attorney, city prosecutor, or any citizen of the county may maintain an action of an equitable nature in the name of the state of Washington upon the relation of such attorney general, prosecuting attorney, city attorney, city prosecutor, or citizen, to abate a moral nuisance, to perpetually enjoin all persons from maintaining the same, and to enjoin the use of any structure or thing adjudged to be a moral nuisance.

If such action is instituted by a private person, the complainant shall execute a bond to the person against whom complaint is made, with good and sufficient surety to be approved by the court or clerk thereof, in the sum of not less than five hundred dollars, to secure to the party enjoined the damages he may sustain if such action is wrongfully brought, and the court finds there was no reasonable grounds or cause for said action and the case is dismissed for that reason before trial or for want of prosecution. No bond

shall be required of the attorney general, prosecuting attorney, city attorney, or city prosecutor, and no action shall be maintained against such public official for his official action when brought in good faith.

Sec. 6. Section 2, chapter 127, Laws of 1913 and RCW 7.48.060 are each amended to read as follows:

~~((Whenever a nuisance exists, as defined in RCW 7.48.050, the prosecuting attorney or any citizen of the county may maintain an action in equity in the name of the state of Washington upon the relation of such prosecuting attorney or citizen, to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same, and the owner or the agent of the building or ground upon which said nuisance exists. In such action, the court or judge may upon the presentation of a petition therefor alleging that the nuisance complained of exists, allow a temporary injunction if it shall be made to appear to the satisfaction of the court or judge that such nuisance exists. At least three days' notice in writing shall be given the defendant of the hearing of the application. Any violation of the provisions of injunction herein provided shall be a contempt as hereinafter provided:))~~ The action provided for in section 5 of this 1977 amendatory act shall be brought in any court of competent jurisdiction in the county in which the property is located. Such action shall be commenced by the filing of a verified complaint alleging the facts constituting the nuisance. After the filing of said complaint, application for a temporary injunction may be made to the court in which the action is filed, or to a judge thereof, who shall grant a hearing within ten days after the filing.

NEW SECTION. Sec. 7. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

Where such application for a temporary injunction is made, the court or judge thereof may, on application of the complainant showing good cause, issue an ex parte restraining order, restraining the defendant and all other persons from removing or in any manner interfering with the personal property and contents of the place where such nuisance is alleged to exist, until the decision of the court or judge granting or refusing such temporary injunction and until the further order of the court thereon, except that pending such decision, the stock in trade may not be so restrained, but an inventory and full accounting of all business transactions may be required.

The restraining order may be served by handing to and leaving a copy of such order with any person in charge of such place or residing therein, or by posting a copy thereof in a conspicuous place at or upon one or more of the principal doors or entrances to such place, or by both such delivery and posting. The officer serving such restraining order shall forthwith make and return into court an inventory of the personal property and contents situated in and used in conducting or maintaining such nuisance.

Any violation of such restraining order is a contempt of court, and where such order is posted, mutilation or removal thereof while the same

remains in force is a contempt of court if such posted order contains therein a notice to that effect.

NEW SECTION. Sec. 8. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

A copy of the complaint, together with a notice of the time and place of the hearing of the application for a temporary injunction, shall be served upon the defendant at least three days before such hearing. The place may also be served by posting such papers in the same manner as is provided for in section 7 of this 1977 amendatory act in the case of a restraining order. If the hearing is then continued at the instance of any defendant, the temporary writ as prayed shall be granted as a matter of course.

Before or after the commencement of the hearing of an application for a temporary injunction, the court, on application of either of the parties or on its own motion, may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application for the temporary injunction. Any evidence received upon an application for a temporary injunction which would be admissible in the trial on the merits becomes a part of the record of the trial and need not be repeated as to such parties at the trial on the merits.

NEW SECTION. Sec. 9. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

If upon hearing, the allegations of the complaint are sustained to the satisfaction of the court or judge, the court or judge shall issue a temporary injunction without additional bond, restraining the defendant and any other person from continuing the nuisance.

If at the time the temporary injunction is granted, it further appears that the person owning, in control of, or in charge of the nuisance so enjoined had received three days notice of the hearing, then the court shall declare a temporary forfeiture of the use of the real property upon which such public nuisance is located and the personal property located therein, and shall forthwith issue an order closing such place against its use for any purpose until a final decision is rendered on the application for a permanent injunction, unless:

(1) The person owning, in control of, or in charge of such nuisance shows to the satisfaction of the court or judge, by competent and admissible evidence which is subject to cross-examination, that the nuisance complained of has been abated by such person; or

(2) The owner of such property, as a "good faith" lessor, has taken action to void said lease as is authorized by section 17 of this 1977 amendatory act.

Such order shall also continue in effect for such further period as the order authorized in section 7 of this 1977 amendatory act provides. If no order has been issued pursuant to section 7 of this 1977 amendatory act, then an order restraining the removal or interference with the personal

property and contents located therein shall be issued. Such restraining order shall be served and the inventory of such property shall be made and filed as provided for in section 7 of this 1977 amendatory act.

Such order shall also require such persons to show cause within thirty days why such closing order should not be made permanent, as provided for in section 15 of this 1977 amendatory act.

NEW SECTION. Sec. 10. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

The owner of any real or personal property to be closed or restrained, or which has been closed or restrained, may appear after the filing of the complaint and before the hearing on the application for a permanent injunction.

The court, if satisfied of the good faith of the owner of the real property and of the innocence on the part of any owner of the personal property of any knowledge of its use as a nuisance, and that with reasonable care and diligence such owner could not have known thereof shall, at the time of the hearing on the application for the temporary injunction and upon payment of all costs incurred and upon the filing of a bond by the owner of the real property with sureties to be approved by the clerk in the full value of the property to be ascertained by the court, conditioned that such owner will immediately abate the nuisance and prevent the same from being established or kept, refrain from issuing any order closing such real property or restraining the removal or interference with such personal property, and, if such temporary injunction has already been issued, shall cancel said order and shall deliver such real or personal property, or both, to the respective owners thereof. The release of any real or personal property under this section shall not release it from any judgment, lien, penalty, or liability to which it may be subjected by law.

Sec. 11. Section 3, chapter 127, Laws of 1913 and RCW 7.48.070 are each amended to read as follows:

~~((In such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal approved by the prosecuting attorney in writing or in open court. If the court is of the opinion that the action ought not to be dismissed, he may direct the prosecuting attorney to prosecute such action to judgment, and if the action is continued more than once, upon the application of either party, any citizen of the county or the prosecuting attorney may be substituted for the complaining party and prosecute said action to judgment. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for said action, the costs may be taxed to such citizen who originally brought such action.))~~ The action provided for in section 5 of this 1977 amendatory act

shall be set down for trial at the first term of the court and shall have precedence over all other cases except crimes, election contests, or injunctions.

NEW SECTION. Sec. 12. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

In such action, an admission or finding of guilty of any person under the criminal laws against lewdness, prostitution, or assignation at any such place is admissible for the purpose of proving the existence of such nuisance, and is prima facie evidence of such nuisance and of knowledge of, and of acquiescence and participation therein, on the part of the person charged with maintaining such nuisance.

NEW SECTION. Sec. 13. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

At all hearings upon the merits, evidence of the general reputation of the building or place constituting the alleged nuisance, of the inmates thereof, and of those resorting thereto, is admissible for the purpose of proving the existence of such nuisance.

NEW SECTION. Sec. 14. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

If the action is brought by a person who is a citizen of the county, and the court finds that there were no reasonable grounds or probable cause for bringing said action, and the case is dismissed before trial for that reason or for want of prosecution, the costs, including attorney's fees, may be taxed to such person.

If the existence of the nuisance is established upon the trial, a judgment shall be entered which shall perpetually enjoin the defendant and any other person from further maintaining the nuisance at the place complained of, and the defendant from maintaining such nuisance elsewhere. The entire expenses of such abatement, including attorney's fees, shall be recoverable by the plaintiff as a part of his costs of the lawsuit.

If the complaint is filed by a person who is a citizen of the county, it shall not be dismissed except upon a sworn statement by the complainant and his attorney, setting forth the reason why the action should be dismissed and the dismissal approved by the prosecuting attorney in writing or in open court. If the judge is of the opinion that the action should not be dismissed, he may direct the prosecuting attorney to prosecute said action to judgment at the expense of the county, and if the action is continued for more than one term of court, any person who is a citizen of the county or has an office therein, or the attorney general, the prosecuting attorney, city attorney, or city prosecutor, may be substituted for the complainant and prosecute said action to judgment.

NEW SECTION. Sec. 15. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

If the existence of a nuisance is admitted or established in an action as provided for in section 5 of this 1977 amendatory act or in a criminal proceeding, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the place of all personal property and contents used in conducting the nuisance and not already released under authority of the court as provided for in sections 9 and 10 of this 1977 amendatory act, and shall direct the sale of such thereof as belong to the defendants notified or appearing, in the manner provided for the sale of chattels under execution. Lewd matter shall be destroyed and shall not be sold.

Such judgment shall impose a penalty of three hundred dollars for the maintenance of such nuisance, which penalty shall be imposed against the person or persons found to have maintained the nuisance, and, in case any owner or agent of the building found to have had actual or constructive notice of the maintenance of such nuisance, against such owner or agent, and against the building kept or used for the purposes of maintaining a moral nuisance, which penalty shall be collected by execution as in civil actions, and when collected, shall be paid into the current expense fund of the county in which the judgment is had.

Such order shall also require the renewal for one year of any bond furnished by the owner of the real property, as provided in section 10 of this 1977 amendatory act or, if not so furnished, shall continue for one year any closing order issued at the time of granting the temporary injunction, or, if no such closing order was then issued, shall include an order directing the effectual closing of the place against its use for any purpose and keeping it closed for a period of one year unless sooner released.

The owner of any place closed and not released under bond may then appear and obtain such release in the manner and upon fulfilling the requirements provided in section 10 of this 1977 amendatory act.

Owners of unsold personal property and contents so seized must appear and claim the same within ten days after such order of abatement is made, and prove innocence to the satisfaction of the court of any knowledge of such use thereof, and that with reasonable care and diligence they could not have known thereof. If such innocence is established, such unsold personal property and contents shall be delivered to the owner, otherwise it shall be sold as provided in this section. For removing and selling the personal property and contents, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the place and keeping it closed, a reasonable sum shall be allowed by the court.

Sec. 16. Section 4, chapter 127, Laws of 1913 and RCW 7.48.080 are each amended to read as follows:

In case of the violation of any injunction granted under the provisions of RCW 7.48.050 through (~~7.48.110~~) 7.48.100 as now or hereafter amended,

the court or judge may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an information under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause an attachment to issue, under which the defendant shall be arrested. The trial may be had upon ((~~affidavit~~)) affidavits, or either party may demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of this section shall be punished by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than three nor more than six months, or by both fine and imprisonment.

NEW SECTION. Sec. 17. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

If a tenant or occupant of a building or tenement, under a lawful title, uses such place for the purposes of maintaining a moral nuisance, such use makes void at the option of the owner the lease or other title under which he holds, and without any act of the owner causes the right of possession to revert and vest in such owner, who may without process of law make immediate entry upon the premises.

Sec. 18. Section 5, chapter 127, Laws of 1913 as amended by section 1, chapter 94, Laws of 1927 and RCW 7.48.090 are each amended to read as follows:

~~((If the existence of a nuisance be established in an action as provided in RCW 7.48.050 through 7.48.110, or in a criminal proceeding, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place where such nuisance is maintained, of all furniture, musical instruments and movable property, used in conducting the nuisance, and may direct the sale thereof in the manner provided for the sale of chattels under execution, and there shall be entered as a part of the judgment in the case, an order effectually closing the building or place against its use for any purpose, and so keeping it closed for a period of not exceeding six months, and such judgment shall contain a decree perpetually enjoining the person or persons found to have maintained such nuisance, from maintaining such nuisance, and such judgment shall impose a penalty of three hundred dollars for the maintenance of such nuisance, which penalty shall be imposed against the person or persons found to have maintained the nuisance, and, in case the owner, or agent, of the building is found to have had actual or constructive notice of the maintenance of such nuisance, against such owner, or agent, and against the building kept or used for the purposes prohibited by RCW 7.48.050 through 7.48.110, which penalty shall be collected by execution as in civil actions, and when collected, shall be paid into the current expense fund of the county in which the judgment is had. If any person shall break and enter or use a building or place so directed to be closed, he shall be punished as for~~

~~contempt as provided in RCW 7.48.080. For removing and selling all movable property, and collecting the penalty, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property, or collecting money, on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.)) Lewd matter is contraband, and there are no property rights therein. All personal property declared to be a moral nuisance in sections 2 and 3 of this 1977 amendatory act and all moneys and other consideration declared to be a moral nuisance under section 4 of this 1977 amendatory act are the subject of forfeiture to the local government and are recoverable as damages in the county wherein such matter is sold, exhibited, or otherwise used. Such moneys may be traced to and shall be recoverable from persons who, under section 8 of this 1977 amendatory act, have knowledge of the nuisance at the time such moneys are received by them.~~

Upon judgment against the defendants in legal proceedings brought pursuant to RCW 7.48.050 through 7.48.100 as now or hereafter amended, an accounting shall be made by such defendant or defendants of all moneys received by them which have been declared to be a public nuisance under this section. An amount equal to the sum of all moneys estimated to have been taken in as gross income from such unlawful commercial activity shall be forfeited to the general funds of the city and county governments wherein such matter is sold or exhibited, to be shared equally, as a forfeiture of the fruits of an unlawful enterprise and as partial restitution for damages done to the public welfare, public health, and public morals.

Where the action is brought pursuant to RCW 7.48.050 through 7.48.100 as now or hereafter amended, special injury need not be proven, and the costs of abatement are a lien on both the real and personal property used in maintaining the nuisance. Costs of abatement include, but are not limited to the following:

- (1) Investigative costs;
- (2) Court costs;
- (3) Reasonable attorney's fees arising out of the preparation for and trial of the cause, appeals therefrom, and other costs allowed on appeal;
- (4) Printing costs of trial and appellate briefs, and all other papers filed in such proceedings.

Sec. 19. Section 6, chapter 127, Laws of 1913 as amended by section 2, chapter 94, Laws of 1927 and RCW 7.48.100 are each amended to read as follows:

~~((The proceeds of the sale of the personal property, as provided in RCW 7.48.090, shall be applied in payment of the costs of the action and abatement, and the penalty imposed upon the owners of such personal property, and the balance, if any, shall be paid to the person owning such property prior to said sale.)) The provisions of any criminal statutes with respect to the exhibition of, or the possession with the intent to exhibit, any obscene~~

film shall not apply to a motion picture projectionist, usher, or ticket taker acting within the scope of his employment, if such projectionist, usher, or ticket taker (1) has no financial interest in the place wherein he is so employed, other than his salary, and (2) freely and willingly gives testimony regarding such employment in any judicial proceedings brought under RCW 7.48.050 through 7.48.100 as now or hereafter amended, including pretrial discovery proceedings incident thereto, when and if such is requested, and upon being granted immunity by the trial judge sitting in such matters.

NEW SECTION. Sec. 20. If any provision of this 1977 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.

Filed in Office of Secretary of State January 18, 1977.

Passed by the vote of the people at the November 8, 1977 state general election.

Proclamation signed by the Governor, December 8, 1977.

CHAPTER 2

[Initiative Measure No. 345]

SALES AND USE TAX EXEMPTION—FOOD PRODUCTS

AN ACT Relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; and prescribing an effective date.

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

Section 1. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(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 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, 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 RCW: 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 RCW;

(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 auctioneers 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 RCW;

(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 whether owned by or leased with or without drivers and 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, 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 whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user 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 nonresidents 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 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 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.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in

this state as well as in one or more other states but the exemption for non-residents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen.

(31) Sales of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided

primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

Sec. 2. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030 are each amended to read as follows:

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 acquired 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 RCW 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 RCW 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 RCW;

(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 a nonresident of this state of any

motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; 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 whether owned by or leased with or without driver to the permit holder and 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 authority 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 whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(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 RCW: 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 (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 RCW or chapter 82.12 RCW;

(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 tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber

either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

(26) In respect to the use of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

NEW SECTION. Sec. 3. The provisions of this 1977 amendatory act shall take effect July 1, 1978.

Filed in Office of Secretary of State April 4, 1977.

Passed by the vote of the people at the November 8, 1977 state general election.

Proclamation signed by the Governor, December 8, 1977.

CHAPTER 3

[Initiative Measure No. 59]
FAMILY FARM WATER ACT

AN ACT Relating to the withdrawal of public waters for use in irrigation of agricultural lands; establishing family farm permits and other water permit classifications; and adding a new chapter to Title 90 RCW.

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

NEW SECTION. Section 1. This chapter shall be known and may be cited as the "Family Farm Water Act".

NEW SECTION. Sec. 2. Nothing in this chapter shall affect any right to withdraw and use public waters if such rights were in effect prior to the effective date of the act, and nothing herein shall modify the priority of any such existing right.

NEW SECTION. Sec. 3. The people of the state of Washington recognize that it is in the public interest to conserve and use wisely the public surface and ground waters of the state in a manner that will assure the maximum benefit to the greatest possible number of its citizens. The maximum benefit to the greatest number of citizens through the use of water for the irrigation of agricultural lands will result from providing for the use of such water on family farms. To assure that future permits issued for the use of public waters for irrigation of agricultural lands will be made on the basis of deriving such maximum benefits, in addition to any other requirements in the law, all permits for the withdrawal of public waters for the purpose of irrigating agricultural lands after the effective date of this act shall be issued in accord with the provisions of this chapter.

NEW SECTION. Sec. 4. For the purposes of this chapter, the following definitions shall be applicable:

(1) "Family farm" means a geographic area including not more than two thousand acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than two thousand acres of irrigated agricultural lands in the state of Washington which are irrigated under rights acquired after the effective date of this act.

(2) "Person" means any individual, corporation, partnership, limited partnership, organization, or other entity whatsoever, whether public or private. The term "person" shall include as one person all corporate or partnership entities with a common ownership of more than one-half of the assets of each of any number of such entities.

(3) "Controlling interest" means a property interest that can be transferred to another person, the percentage interest so transferred being sufficient to effect a change in control of the landlord's rights and benefits.

Ownership of property held in trust shall not be deemed a controlling interest where no part of the trust has been established through expenditure or assignment of assets of the beneficiary of the trust and where the rights of the family farm permit which is a part of the trust cannot be transferred to another by the beneficiary of the trust under terms of the trust. Each trust of a separate donor origin shall be treated as a separate entity and the administration of property under trust shall not represent a controlling interest on the part of the trust officer.

(4) "Department" means the department of ecology of the state of Washington.

(5) "Application", "permit" and "public waters" shall have the meanings attributed to these terms in chapters 90.03 and 90.44 RCW.

(6) "Public water entity" means any public or governmental entity with authority to administer and operate a system to supply water for irrigation of agricultural lands.

NEW SECTION. Sec. 5. After the effective date of this act, all permits issued for the withdrawal of public waters for the purpose of irrigating agricultural lands shall be classified as follows and issued with the conditions set forth in this chapter:

(1) "Family farm permits". Such permits shall limit the use of water withdrawn for irrigation of agricultural lands to land qualifying as a family farm.

(2) "Family farm development permits". Such permits may be issued to persons without any limit on the number of acres to be irrigated during a specified period of time permitted for the development of such land into family farms and the transfer of the controlling interest of such irrigated lands to persons qualifying for family farm permits. The initial period of time allowed for development and transfer of such lands to family farm status shall not exceed ten years. Such time limit may be extended by the department for not to exceed an additional ten years upon a showing to the department that an additional period of time is needed for orderly development and transfer of controlling interests to persons who can qualify for family farm permits.

(3) "Publicly owned land permits". Such permits shall be issued only to governmental entities permitting the irrigation of publicly owned lands.

(4) "Public water entity permits". Such permits may be issued to public water entities under provisions requiring such public water entity, with respect to delivery of water for use in the irrigation of agricultural lands, to make water deliveries under the same provisions as would apply if separate permits were issued for persons eligible for family farm permits, permits to develop family farms, or for the irrigation of publicly owned land: PROVIDED, HOWEVER, That such provisions shall not apply with respect to

water deliveries on federally authorized reclamation projects if such federally authorized projects provide for acreage limitations in water delivery contracts.

NEW SECTION. Sec. 6. (1) The right to withdraw water for use for the irrigation of agricultural lands under authority of a family farm permit shall have no time limit but shall be conditioned upon the land being irrigated complying with the definition of a family farm as defined at the time the permit is issued: **PROVIDED, HOWEVER,** That if the acquisition by any person of land and water rights by gift, devise, bequest, or by way of bona fide satisfaction of a debt, would otherwise cause land being irrigated pursuant to a family farm permit to lose its status as a family farm, such acquisition shall be deemed to have no effect upon the status of family farm water permits pertaining to land held or acquired by the person acquiring such land and water rights if all lands held or acquired are again in compliance with the definition of a family farm within five years from the date of such acquisition.

(2) If the department determines that water is being withdrawn under a family farm permit for use on land not in conformity with the definition of a family farm, the department shall notify the holder of such family farm permit by personal service of such fact and the permit shall be suspended two years from the date of receipt of notice unless the person having a controlling interest in said land satisfies the department that such land is again in conformity with the definition of a family farm. The department may, upon a showing of good cause and reasonable effort to attain compliance on the part of the person having the controlling interest in such land, extend the two year period prior to suspension. If conformity is not achieved prior to five years from the date of notice the rights of withdrawal shall be canceled.

NEW SECTION. Sec. 7. (1) At any time that the holder of a family farm development permit or a publicly owned land permit shall transfer the controlling interest of all or any portion of the land entitled to water under such permit to a person who can qualify to receive water for irrigation of such land under a family farm permit, the department shall, upon request, issue a family farm permit to such person under the same conditions as would have been applicable if such request had been made at the time of the granting of the original family farm development permit. If the permit under which water is available is held by a public water entity prior to the transfer of the controlling interest to a person who qualifies for a family farm permit, such entity shall continue delivery of water to such land without any restriction on the length of time of delivery not applicable generally to all its water customers.

(2) The issuance of a family farm permit secured through the acquisition of land and water rights from the holder of a family farm development permit, or from the holder of a publicly owned land permit, where water

delivery prior to the transfer is from a public water entity, may be conditioned upon the holder of the family farm permit issued continuing to receive water through the facilities of the public water entity.

NEW SECTION. Sec. 8. The department is hereby empowered to promulgate such rules as may be necessary to carry out the provisions of this chapter. Decisions of the department, other than rule making, shall be subject to review in accordance with chapter 43.21B RCW.

NEW SECTION. Sec. 9. This chapter is exempted from the rule of strict construction and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

NEW SECTION. Sec. 10. If any provision of this act, or its application to any person, organization, or circumstance is held invalid or unconstitutional, the remainder of the act, or the application of the provision to other persons, organizations, or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 90 RCW.

Filed in Office of Secretary of State August 16, 1976.

Passed by the vote of the people at the November 8, 1977 state general election.

Proclamation signed by the Governor, December 8, 1977.

CHAPTER 4

[Initiative Measure No. 350]

SCHOOL ATTENDANCE NEAREST RESIDENCE

AN ACT Relating to school attendance; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and a new chapter to Title 28A RCW; and providing penalties.

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

NEW SECTION. Section 1. Notwithstanding any other provision of law, after the effective date of this act no school board, school district, educational service district board, educational service district, or county committee, nor the superintendent of public instruction, nor the state board of education, nor any of their respective employees, agents or delegates shall directly or indirectly require any student to attend a school other than the school which is geographically nearest or next nearest the student's place of residence within the school district of his or her residence and which offers the course of study pursued by such student, except in the following instances:

(1) If a student requires special education, care or guidance, he may be assigned and transported to the school offering courses and facilities for such special education, care or guidance;

(2) If there are health or safety hazards, either natural or man made, or physical barriers or obstacles, either natural or man made, between the student's place of residence and the nearest or next nearest school; or

(3) If the school nearest or next nearest to his place of residence is unfit or inadequate because of overcrowding, unsafe conditions or lack of physical facilities.

NEW SECTION. Sec. 2. In every such instance where a student is assigned and transported to a school other than the one nearest his place of residence, he shall be assigned and transported to the next geographically nearest school with the necessary and applicable courses and facilities within the school district of his or her residence.

NEW SECTION. Sec. 3. For purposes of section 1 of this act, "indirectly require any student to attend a school other than the school which is geographically nearest or next nearest the student's place of residence within the school district of his or her residence and which offers the course of study pursued by such student" includes, but is not limited to, implementing, continuing, pursuing, maintaining or operating any plan involving (1) the redefining of attendance zones; (2) feeder schools; (3) the re-organization of the grade structure of the schools; (4) the pairing of schools; (5) the merging of schools; (6) the clustering of schools; or (7) any other combination of grade restructuring, pairing, merging or clustering: **PROVIDED,** That nothing in this chapter shall limit the authority of any school district to close school facilities.

NEW SECTION. Sec. 4. For the purposes of section 1 of this act "special education, care or guidance" includes the education, care or guidance of students who are physically, mentally or emotionally handicapped.

NEW SECTION. Sec. 5. The prohibitions of this chapter shall not preclude the establishment of schools offering specialized or enriched educational programs which students may voluntarily choose to attend, or of any other voluntary option offered to students.

NEW SECTION. Sec. 6. This chapter shall not prevent any court of competent jurisdiction from adjudicating constitutional issues relating to the public schools.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are added to chapter 223, Laws of 1969 ex. sess. and shall constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or

the application of the provision to other persons or circumstances is not affected.

Filed in Office of Secretary of State February 28, 1978.

Passed by the vote of the people at the November 7, 1978 state general election.

Proclamation signed by the Governor, December 7, 1978.

CHAPTER 5

[Senate Bill No. 2065]

URBAN ARTERIAL BONDS—REAUTHORIZATION—EXPENDITURES

AN ACT Relating to urban arterial bonds; amending section 14, chapter 83, Laws of 1967 ex. sess. as amended by section 22, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.080; reenacting and amending section 45, chapter 83, Laws of 1967 ex. sess. as last amended by section 18, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.420; amending section 46, chapter 83, Laws of 1967 ex. sess. as amended by section 5, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.421; amending section 47, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.422; amending section 48, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.423; amending section 49, chapter 83, Laws of 1967 ex. sess. as last amended by section 19, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.424; amending section 51, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.426; amending section 52, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.427; adding new sections to chapter 47.26 RCW and directing their codification; creating new sections; repealing section 21, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.4251; and declaring an emergency.

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

Section 1. Section 14, chapter 83, Laws of 1967 ex. sess. as amended by section 22, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.080 are each amended to read as follows:

There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for expenses of the urban arterial board, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with (~~RCW 47.26.4251~~) section 8 of this 1979 act, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

NEW SECTION. Sec. 2. Moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account, in addition to the purposes mentioned in RCW 47.26.080, as now or hereafter amended, may be expended for the following purposes: (1) To reimburse the motor vehicle fund for all moneys advanced to cities and towns for preliminary engineering on urban arterial projects between July 1, 1978, and the effective date of this

1979 act, together with interest on such advances, pursuant to agreements with the state transportation commission; and (2) to reimburse any city or town for the amount of the urban arterial trust account share of construction costs incurred and paid by the city or town with respect to any urban arterial project approved for preliminary engineering by the urban arterial board between July 1, 1977, and the effective date of this 1979 act. The urban arterial share of such construction costs shall be determined by the board in accordance with its adopted rules.

Sec. 3. Section 45, chapter 83, Laws of 1967 ex. sess. as last amended by section 18, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.420 are each reenacted and amended to read as follows:

In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there are hereby authorized for issuance general obligation bonds of the state of Washington, the first authorization of which shall be in the sum of two hundred million dollars, and the second authorization of which, to be known as series II bonds, shall be in the sum of sixty million dollars which shall be issued and sold in such amounts and at such times as determined to be necessary by the state (~~(highway)~~) transportation commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state (~~(highway)~~) transportation commission, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state (~~(highway)~~) transportation commission.

Sec. 4. Section 46, chapter 83, Laws of 1967 ex. sess. as amended by section 5, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.421 are each amended to read as follows:

Each of such first authorization bonds and series II bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in Seattle or New York City, as to principal alone, or as to both principal and interest under such regulations

as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

Sec. 5. Section 47, chapter 83, Laws of 1967 ex. sess. and RCW 47.26-.422 are each amended to read as follows:

The first authorization bonds and the series II bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of ~~((RCW 47.26.420 through 47.26.427))~~ sections 3 through 11 of this 1979 act and RCW 47.26.425 shall be legal investment for any of the funds of the state, except the permanent school fund.

Sec. 6. Section 48, chapter 83, Laws of 1967 ex. sess. and RCW 47.26-.423 are each amended to read as follows:

The money arising from the sale of ~~((said))~~ the first authorization bonds and the series II bonds shall be deposited in the state treasury to the credit of the urban arterial trust account in the motor vehicle fund, and such money shall be available only for the construction and improvement of county and city urban arterials, and for payment of the expense incurred in the printing, issuance, and sale of any such bonds.

Sec. 7. Section 49, chapter 83, Laws of 1967 ex. sess. as last amended by section 19, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.424 are each amended to read as follows:

~~((Bonds issued under the provisions of RCW 47.26.420 through 47.26-.427))~~ The first authorization and series II bonds shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in ~~((RCW 47.26.420 through 47.26.427))~~ sections 3 through 11 of this 1979 act and RCW 47.26.425 from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any such bonds and the interest thereon ~~((issued under the provisions of RCW 47.26.420 through 47.26.427))~~, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all such bonds ~~((issued under the provisions of RCW 47.26.420 through 47.26.427))~~.

NEW SECTION. Sec. 8. There is added to chapter 47.26 RCW a new section to be codified as RCW 47.26.4252 to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3 of this 1979 act, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund, subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3 of this 1979 act. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.100 as now existing or hereafter amended. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II bonds or interest on those bond issues.

NEW SECTION. Sec. 9. There is added to chapter 47.26 RCW a new section to be codified as RCW 47.26.4255 to read as follows:

Except as otherwise provided by statute, the series II bonds issued under authority of RCW 47.26.420, as reenacted by section 3 of this 1979 act, the bonds authorized by RCW 47.60.560 through 47.60.640, and any general obligation bonds of the state of Washington which may be authorized by the forty-sixth legislature or thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

Sec. 10. Section 51, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.426 are each amended to read as follows:

At least one year prior to the date any interest is due and payable on such first authorization bonds and series II bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.425 and 47.26.4252, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds

are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the highway bond retirement fund, (~~hereby created~~) maintained in the office of the state treasurer, 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. 11. Section 52, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.427 are each amended to read as follows:

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement 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.

NEW SECTION. Sec. 12. Nothing in this 1979 act shall be construed to impair the obligations of any first authorization bonds issued or to be issued under RCW 47.26.420 through 47.26.427, or to enlarge the original authorization thereof over two hundred million dollars, and the retirement of and issuance of the remainder of the authorized amount of such bonds shall proceed in accordance with law under the supervision of the state finance committee.

NEW SECTION. Sec. 13. Section 21, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.4251 are each repealed.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 16, 1979.

Passed the House January 17, 1979.

Approved by the Governor January 26, 1979.

Filed in Office of Secretary of State January 26, 1979.

CHAPTER 6

[Engrossed Senate Bill No. 2111]

TAXATION OF TIMBER AND FOREST LANDS

AN ACT Relating to revenue and taxation of timber and forest lands; amending section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 347, Laws of 1977 ex. sess. and RCW 82.04.291; amending section 6, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 347, Laws of 1977 ex. sess. and RCW 84.33-.060; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 347, Laws of 1977 ex. sess. and RCW 84.33.080; amending section 9, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.200; repealing section 9, chapter 123, Laws of 1975-76 2nd ex. sess. (uncodified); and declaring an emergency.

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

Section 1. Section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 347, Laws of 1977 ex. sess. and RCW 82.04.291 are each amended to read as follows and, as amended, shall be recodified as a section of chapter 84.33 RCW:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be two and nine-tenths percent and between October 1, 1974 and (~~December 31, 1978~~) June 30, 1981, inclusive, six and one-half percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner

Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) The department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax account A and a state timber tax reserve account in the state general fund and any interest earned on the investment of cash balances shall be deposited in these accounts. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax account A and state timber tax reserve account as follows:

YEAR OF COLLECTION	ACCOUNT A	RESERVE ACCOUNT
1973 through 1982	100%	0%
1983 and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and September 30, 1974 inclusive. The revenues from such surtax shall be deposited in the state timber tax reserve account. Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve account pursuant to subsection (3) of RCW 84.33.080 reduce the balance in such account to less than five hundred thousand dollars, but in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

Sec. 2. Section 6, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 347, Laws of 1977 ex. sess. and RCW 84.33.060 are each amended to read as follows:

In each year commencing with 1972 (~~and ending with 1981~~), solely for the purpose of determining, calculating and fixing, pursuant to chapter 84.52 RCW, the dollar rates for all regular and excess levies for the state and each timber county and taxing district lying wholly or partially in such county within which there was timber on January 1 of such year, the assessor of such timber county shall, for each such district, add to the amount of

the "assessed valuation of the property" of all property other than timber the product of:

(a) The portion indicated below for each year of the value of timber therein as shown on the timber roll prepared in accordance with RCW 84.33.050 for such year; and

(b) The assessment ratio applied generally by such assessor in computing the assessed value of other property in his county:

YEAR	PORTION OF TIMBER ROLL
1972 through 1977	100%
1978 and thereafter	80%
((1979	60%
1980	40%
1981	20%
1982 and thereafter	None))

Sec. 3. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 347, Laws of 1977 ex. sess. and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972 ~~((and ending with 1981))~~, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above):

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%
1974 through 1977	100%
1978 and thereafter	80%
((1979	60%
1980	40%
1981	20%))

On or before December 31 of each year commencing with 1972 ~~((and ending with 1981))~~, the department of revenue shall determine the proportion that each taxing district's timber factor bears to the sum of the timber

factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the twentieth day of the second month of each calendar quarter, commencing February 20, 1974 (~~and ending November 20, 1982~~), the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion and pay into the state general fund for the support of the common schools the state's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax account A collected upon timber harvested in the preceding calendar quarter, but in no event shall any such quarterly payment to a taxing district, when added to such payments made to such district the previous quarters of the same year, exceed, respectively one-fourth, one-half, three-fourths, or the full amount of the timber factor for such district determined in December of the preceding year.

The balance in state timber tax account A, if any, on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 and ending November 20, 1982 shall be transferred to the state timber tax reserve account.

(3) If the balance in state timber tax account A immediately prior to such twentieth day of the second month of each calendar quarter is not sufficient to permit a payment of one-fourth, one-half, three-fourths, or the full amount, as the case may be, which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber tax reserve account to state timber tax account A.

(4) If, after the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in August of any year commencing with 1974, the balance in the state timber reserve account exceeds two million dollars, the amount of the excess shall be applied first, subject to legislative appropriation of funds allocated from the state timber reserve account, for activities undertaken by the department of revenue forest tax division and for the activities undertaken by the department of natural resources relating to classification of lands as required by this chapter. If following the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in November of 1977 and each year thereafter, the balance in the state timber tax reserve account exceeds two million dollars, the department of revenue shall determine on or before December 31 of such year, an amount to be distributed to the taxing districts the following calendar year, which distribution shall be determined in the following manner: **PROVIDED**, That the amount of such excess reserve account distribution shall be limited to that amount which, when added to

the total account A distribution for the same calendar year, will allow a percentage increase or decrease in total calendar year distributions equal to the percentage increase or decrease in excise tax collections between the preceding calendar year and the current calendar year:

(a) The department of revenue shall calculate a harvest factor and a harvest factor proportion for each taxing district, in the manner provided in subsection (5) of this section except that for years before 1978 there shall be used the aggregate value of timber harvested for as many quarters for which information is available;

(b) By multiplying the amount of such excess by the harvest factor proportion for each taxing district respectively, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state;

(c) Along with each quarterly payment pursuant to subsection (2) of this section, the state treasurer shall pay, out of the state timber reserve account, to the treasurer of each timber county for the account of each local taxing district one-fourth of such district's portion (determined pursuant to (b) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber tax reserve account such additional one-fourth amount due the state.

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

Sec. 4. Section 9, chapter 187, Laws of 1974 ex. sess. and RCW 84.33-.200 are each amended to read as follows:

(1) The legislature shall review the system of distribution and allocation of all timber excise tax revenues in January, 1975 and each year thereafter to provide a uniform and equitable distribution and allocation of such revenues to the state and local taxing districts.

(2) In order to allow legislative review of the rules and regulations to be adopted by the department of revenue establishing the stumpage value index provided for in RCW 82.04.291(3), such rules and regulations shall be effective not less than sixty days after transmitting to the staffs of the senate and house ways and means committees (or their successor committees) the same proposed rules and regulations as shall have been previously filed with the office of the code reviser pursuant to RCW 34.04.025(1)(a).

~~((3) The ways and means committees of the house and senate, with the advice of the department of revenue, the department of natural resources, office of the superintendent of public instruction, county government, and affected landowners, shall review the yield tax rate and rate structure prior to December 31, 1978, and shall recommend modification of the rate and rate structure as necessary so that timber bears an equitable and proportionate tax share in conformance with the provisions of this chapter-))~~

(3) In the event that a permanent timber tax rate is not set in 1979, a joint timber tax advisory committee shall be established. The joint advisory committee shall be composed of members of the house of representatives and the senate and co-chaired by a member of the house revenue committee and a member of the senate ways and means committee. The joint advisory committee shall recommend a rate level and distribution system on or before the convening of the forty-seventh legislature.

(4) The department of revenue and the department of natural resources shall make available to the revenue committees of the senate and house of representatives of the state legislature information and data, as it may be available, pertaining to the status of forest land grading throughout the state, the collection of timber excise tax revenues, the distribution and allocation of timber excise tax revenues to the state and local taxing districts, and any other information as may be necessary for the proper legislative review and implementation of the timber excise tax system, and in addition, the departments shall provide an annual report of such matters in January of each year to such committees.

NEW SECTION. Sec. 5. Section 9, chapter 123, Laws of 1975-'76 2nd ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 6. The tax rate provided in RCW 82.04.291 applies retrospectively to January 1, 1979.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 28, 1979.

Passed the House February 27, 1979.

Approved by the Governor March 1, 1979.

Filed in Office of Secretary of State March 1, 1979.

CHAPTER 7

[House Bill No. 26]

HIGHWAYS ENVIRONMENTAL IMPACT

AN ACT Relating to the environmental impact of highways; repealing section 1, chapter 24, Laws of 1971 ex. sess. and RCW 47.04.110; repealing section 2, chapter 24, Laws of 1971 ex. sess. and RCW 47.04.120; and repealing section 3, chapter 24, Laws of 1971 ex. sess. and RCW 47.04.130.

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

NEW SECTION. Section 1. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 24, Laws of 1971 ex. sess. and RCW 47.04.110;
- (2) Section 2, chapter 24, Laws of 1971 ex. sess. and RCW 47.04.120;

and

- (3) Section 3, chapter 24, Laws of 1971 ex. sess. and RCW 47.04.130.

Passed the House January 24, 1979.

Passed the Senate February 28, 1979.

Approved by the Governor March 2, 1979.

Filed in Office of Secretary of State March 2, 1979.

CHAPTER 8

[House Bill No. 342]

SECURITIES—CODE CORRECTION

AN ACT Relating to securities; reenacting section 31, chapter 282, Laws of 1959 as last amended by section 1, chapter 172, Laws of 1977 ex. sess. and by section 2, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.310; and declaring an emergency.

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

Section 1. Section 31, chapter 282, Laws of 1959 as last amended by section 1, chapter 172, Laws of 1977 ex. sess. and by section 2, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.310 are each reenacted to read as follows:

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

- (1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing; but this exemption shall not include any security payable solely from revenues to be received from a nongovernmental industrial or commercial enterprise unless such payments shall be made or unconditionally guaranteed by a person whose securities are exempt from registration by subsections (7) or (8) of this section.

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

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

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

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

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

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

(8) Any security listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing. The director shall have power at any

time by written order to withdraw the exemption so granted as to any particular security.

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

(10) Any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the director is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on June 10, 1959, within sixty days thereafter (or within thirty days before they are reopened if they are closed on June 10, 1959).

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

The notice shall consist of the following:

- (a) The name and address of the issuer;
- (b) The names, addresses, and telephone numbers of the current officers and directors of the issuer;
- (c) A short description of the security, price per security, and the number of securities to be offered;
- (d) A statement of the nature and purposes of the organization as a basis for the exemption under this section;
- (e) A statement of the proposed use of the proceeds of the sale of the security; and
- (f) A statement that the issuer shall provide to a prospective purchaser written information regarding the securities offered prior to consummation of any sale, which information shall include the following statements: (i) "ANY PROSPECTIVE PURCHASER IS ENTITLED TO REVIEW FINANCIAL STATEMENTS OF THE ISSUER WHICH SHALL BE FURNISHED UPON REQUEST."; (ii) "RECEIPT OF NOTICE OF

EXEMPTION BY THE WASHINGTON ADMINISTRATOR OF SECURITIES DOES NOT SIGNIFY THAT THE ADMINISTRATOR HAS APPROVED OR RECOMMENDED THESE SECURITIES, NOR HAS THE ADMINISTRATOR PASSED UPON THE OFFERING. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE."; and (iii) "THE RETURN OF THE FUNDS OF THE PURCHASER IS DEPENDENT UPON THE FINANCIAL CONDITION OF THE ORGANIZATION."

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

Section 1. RCW 21.20.310 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 172 § 1 added to subsection (1) "; but this exemption shall not include any security payable solely from revenues to be received from a nongovernmental industrial or commercial enterprise unless such payments shall be made or unconditionally guaranteed by a person whose securities are exempt from registration by subsections (7) or (8) of this section"

In subsection (2) the phrase ", if the security is recognized as a valid obligation by the issuer or guarantor" was deleted and identical material was added as in subsection (1).

(2) 1977 ex.s. c 188 § 2 changed the phrase "the effective date of this chapter" to "June 10, 1959" in subsection 10. A new subsection (11) was also added regarding tax exempt status of nonprofit organizations.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Passed the House January 24, 1979.

Passed the Senate February 26, 1979.

Approved by the Governor March 2, 1979

Filed in Office of Secretary of State March 2, 1979.

CHAPTER 9

[House Bill No. 343]

WASHINGTON STATE HISTORICAL SOCIETY—CODE CORRECTION

AN ACT Relating to the Washington state historical society; reenacting section 1, chapter 177, Laws of 1903 as amended by section 14, chapter 75, Laws of 1977 and by section 2, chapter 81, Laws of 1977 ex. sess. and RCW 27.28.010; reenacting section 1, chapter 187, Laws of 1925 ex. sess. as last amended by section 15, chapter 75, Laws of 1977 and by section 3, chapter 81, Laws of 1977 ex. sess. and RCW 27.32.010; and declaring an emergency.

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

Section 1. Section 1, chapter 177, Laws of 1903 as amended by section 14, chapter 75, Laws of 1977 and by section 2, chapter 81, Laws of 1977 ex. sess. and RCW 27.28.010 are each reenacted to read as follows:

The Washington state historical society, a corporation existing under the laws of the state of Washington, be and the same is hereby created the trustee of the state for the intent and purposes hereinafter mentioned, viz.:

It shall be the duty of the said society

- (1) To collect books, maps, charts, papers and materials illustrative of the history of this state, and of its progress and development.
- (2) To procure from pioneers authentic narrative of their experiences and of incidents relating to the early settlement of this state.
- (3) To gather data and information concerning the origin, history, language and customs of native Indian tribes.
- (4) To procure and purchase books, papers and pamphlets for the several departments of its collections; climatic, health and mortuary statistics, and such other books, maps, charts, papers and materials as will facilitate the investigation of the historical, scientific and literary subjects.
- (5) To bind, shelf, store and safely keep the unbound books, documents, manuscripts, pamphlets and newspaper files now or hereafter to come into its possession.
- (6) To catalogue the collections of said society for the convenient reference of persons having occasion to consult same.
- (7) To prepare periodically a report of the work of the society as may be useful to the state and the people thereof.
- (8) To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors without charge.

Sec. 2. Section 1, chapter 187, Laws of 1925 ex. sess. as last amended by section 15, chapter 75, Laws of 1977 and by section 3, chapter 81, Laws of 1977 ex. sess. and RCW 27.32.010 are each reenacted to read as follows:

The Eastern Washington state historical society, a corporation existing under the laws of the state of Washington, be and the same is hereby created a trustee of the state of Washington for the intent and purposes hereinafter mentioned:

It shall be the duty of the said society

- (1) To collect books, maps, charts, papers and materials illustrative of the history of this state, and of its progress and development.
- (2) To procure from pioneers authentic narrative of their experiences and of incidents relating to the early settlement of this state.
- (3) To gather data and information concerning the origin, history, language and customs of native Indian tribes.
- (4) To procure and purchase books, papers and pamphlets for the several departments of its collections, climatic, health and mortuary statistics, and such other books, maps, charts, papers and materials as will facilitate the investigation of the historical, scientific and literary subjects.
- (5) To bind, shelf, store and safely keep the unbound books, documents, manuscripts, pamphlets and newspaper files now or hereafter to come into its possession.

(6) To catalogue the collections of said society for the convenient reference of persons having occasion to consult same.

(7) To prepare periodically a report of the work of the society as may be useful to the state and people thereof.

(8) To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors, without charge.

(9) To develop, purchase, and acquire through gift, loan, or otherwise, collections of history and art, which through exhibit and exhibition, will promote a better understanding of the cultural development of the state, and to otherwise encourage the application of history and art.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

Section 1. RCW 27.28.010 was amended twice during the 1977 regular and extraordinary sessions of the legislature, each without reference to the other.

(1) 1977 c 75 § 14 changed language in subsection (7) from "To prepare biennially for publication a report of its collections and such other matters relating to the work of the society . . ." to now read "To prepare periodically a report of the work of the society . . .".

(2) 1977 ex.s. c 81 § 2 in subsection (3) changed to phrase "our Indian tribes" to "native Indian tribes".

Sec. 2. RCW 27.32.010 was amended twice during the 1977 regular and extraordinary sessions of the legislature, each without reference to the other.

(1) 1977 c 75 § 15 changed language in subsection (7) from "To prepare biennially for publication a report of its collections and such other matters relating to the work of the society . . ." to now read "To prepare periodically a report of the work of the society . . .".

(2) 1977 ex.s. c 81 § 3 in subsection (3) changed the phrase "our Indian tribes" to "native Indian tribes".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with both amendments included therein.

Passed the House January 24, 1979.

Passed the Senate February 26, 1979.

Approved by the Governor March 2, 1979.

Filed in Office of Secretary of State March 2, 1979.

CHAPTER 10

[House Bill No. 344]

STATE DEPARTMENTS—CODE CORRECTION

AN ACT Relating to state government; reenacting section 1, chapter 7, Laws of 1977 as amended by section 20, chapter 151, Laws of 1977 ex. sess. and by section 5, chapter 334, Laws of 1977 ex. sess. and RCW 43.17.010; reenacting section 2, chapter 7, Laws of 1977 as amended by section 21, chapter 151, Laws of 1977 ex. sess. and by section 6, chapter 334, Laws of 1977 ex. sess. and RCW 43.17.020; amending and reenacting section 11, chapter 239, Laws of 1969 ex. sess. as amended by section 6, chapter 25, Laws of 1977 ex.

sess. and by section 4, chapter 110, Laws of 1977 ex. sess. and RCW 43.41.110; reenacting section 43.51.040, chapter 8, Laws of 1965 as last amended by section 57, chapter 75, Laws of 1977 and by section 1, chapter 123, Laws of 1977 ex. sess. and RCW 43.51.040; and declaring an emergency.

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

Section 1. Section 1, chapter 7, Laws of 1977 as amended by section 20, chapter 151, Laws of 1977 ex. sess. and by section 5, chapter 334, Laws of 1977 ex. sess. and RCW 43.17.010 are each reenacted to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, (12) the department of revenue, and (13) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 2. Section 2, chapter 7, Laws of 1977 as amended by section 21, chapter 151, Laws of 1977 ex. sess. and by section 6, chapter 334, Laws of 1977 ex. sess. and RCW 43.17.020 are each reenacted to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, (12) the director of revenue, and (13) the director of retirement systems.

Such officers, except the secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01-.041, and the director of game shall be appointed by the game commission.

Sec. 3. Section 11, chapter 239, Laws of 1969 ex. sess. as amended by section 6, chapter 25, Laws of 1977 ex. sess. and by section 4, chapter 110, Laws of 1977 ex. sess. and RCW 43.41.110 are each amended and reenacted to read as follows:

The office of (~~(program planning and fiscal)~~) financial management shall:

(1) Provide technical assistance to the governor and the legislature in identifying needs and in planning to meet those needs through state programs and a plan for expenditures.

(2) Perform the comprehensive planning functions and processes necessary or advisable for state program planning and development, preparation of the budget, inter-departmental and inter-governmental coordination and cooperation, and determination of state capital improvement requirements.

(3) Provide assistance and coordination to state agencies and departments in their preparation of plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning.

(6) Encourage educational and research programs that further planning and provide administrative and technical services therefor.

(7) Carry out the provisions of RCW 43.62.010 through 43.62.050 relating to the state census.

(8) Be the official state participant in the federal-state cooperative program for local population estimates and as such certify all city and county special censuses to be considered in the allocation of state and federal revenues.

(9) Be the official state center for processing and dissemination of federal decennial or quinquennial census data in cooperation with other state agencies.

(10) Be the official state agency certifying annexations, incorporations, or disincorporations to the United States bureau of the census.

(11) Review all United States bureau of the census population estimates used for federal revenue sharing purposes and provide a liaison for local governments with the United States bureau of the census in adjusting or correcting revenue sharing population estimates.

~~((10))~~ (12) Provide fiscal notes depicting the expected fiscal impact of proposed legislation in accordance with chapter 43.88A RCW.

Sec. 4. Section 43.51.040, chapter 8, Laws of 1965 as last amended by section 57, chapter 75, Laws of 1977 and by section 1, chapter 123, Laws of 1977 ex. sess. and RCW 43.51.040 are each reenacted to read as follows:

The commission shall:

(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 or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than forty years, and upon such conditions as shall be approved by the commission: PROVIDED, That leases exceeding a twenty-year term shall require a unanimous vote of the commission: PROVIDED FURTHER, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: PROVIDED FURTHER, That television station leases shall be subject to the provisions of RCW 43.51.063, only: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year intervals. 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.

NEW SECTION. Sec. 5. 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.

EXPLANATORY NOTE

Section 1. RCW 43.17.010 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 151 § 20, part of a comprehensive act creating the department of transportation, changed the "department of highways" to the "department of transportation."

(2) 1977 ex.s. c 334 § 5 redesignated the "department of motor vehicles" as the "department of licensing."

Sec. 2. RCW 43.17.020 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 151 § 21, part of a comprehensive act creating the department of transportation, changed "director of highways" to "secretary of transportation", and "state highway commission" to "transportation commission as prescribed by section 4 of this 1977 amendatory act". ("section 4, etc." since translated to RCW 47.01.041.) In regard to the governor making a temporary appointment "until the next meeting of the senate," the phrase ", when he shall present to that body his nomination for office" was deleted.

(2) 1977 ex.s. c 334 § 6 redesignated the "director of motor vehicles" as the "director of licensing".

Sec. 3. RCW 43.41.110 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 25 § 6 added a new subsection (8) relating to providing "fiscal notes depicting the expected fiscal impact of proposed legislation". Herein the subsection is renumbered as (12).

(2) 1977 ex.s. c 110 § 4 added new subsections (8) through (11) regarding duties related to various censuses.

(3) "office of program planning and fiscal management" changed to "office of financial management" in accordance with redesignation by 1977 ex.s. c 114 § 1 (RCW 43.41.035).

Sec. 4. RCW 43.51.040 was amended twice during the 1977 regular and extraordinary sessions of the legislature, each without reference to the other.

(1) 1977 c 75 § 57 deleted subsection (9) which referred to reports and recommendations to the governor regarding proposed parks and parkways.

(2) 1977 ex.s. c 123 § 1 amended subsection (5) by (a) adding "or leases" to the granting of concessions in state parks and parkways; (b) changed the term of concessions or leases from twenty to forty years; (c) in the first proviso, deleted language stating that "the commission may . . . 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" and added the language beginning "leases exceeding a twenty-year term . . ." and also added three provisos relating to (i) altering and amending terms of concessions or leases, (ii) provisions regarding television stations, and (iii) provision for renegotiation of rates at five-year intervals.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with each amendment included therein.

Passed the House January 24, 1979.

Passed the Senate February 26, 1979.

Approved by the Governor March 2, 1979.

Filed in Office of Secretary of State March 2, 1979.

CHAPTER 11

[House Bill No. 345]

MOTOR VEHICLES—CODE CORRECTION

AN ACT Relating to motor vehicles; reenacting section 46.37.340, chapter 12, Laws of 1961 as last amended by section 2, chapter 148, Laws of 1977 ex. sess. and by section 27, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.340; reenacting section 46.52.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 68, Laws of 1977 ex. sess. and by section 2, chapter 369, Laws of 1977 ex. sess. and RCW 46.52.030; reenacting section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 125, Laws of 1977 ex. sess. and by section 2, chapter 204, Laws of 1977 ex. sess. and RCW 46.70.011; and declaring an emergency.

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

Section 1. Section 46.37.340, chapter 12, Laws of 1961 as last amended by section 2, chapter 148, Laws of 1977 ex. sess. and by section 27, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.340 are each reenacted to read as follows:

Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of such vehicle operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(1) Service brakes—adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in RCW 46.04.552, shall be equipped with service brakes complying with the performance requirements of RCW 46.37.351 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) Parking brakes—adequacy. Every such vehicle and combination of vehicles shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining

assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(3) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers shall not exceed forty percent of the gross weight of the towing vehicle when connected to the trailer or trailers; and

(ii) The combination of vehicles consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of RCW 46.37.351;

(b) Trailers, semitrailers, or pole trailers manufactured and assembled prior to July 1, 1965, shall not be required to be equipped with brakes when the total weight on and including the wheels of the trailer or trailers does not exceed two thousand pounds;

(c) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of RCW 46.37.351;

(d) Trucks and truck tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck tractors must be capable of complying with the performance requirements of RCW 46.37.351;

(e) Special mobile equipment as defined in RCW 46.04.552 and all vehicles designed primarily for off-highway use with braking systems which work within the power train rather than directly at each wheel;

(f) Vehicles manufactured prior to January 1, 1930, may have brakes operating on only two wheels.

(g) For a forklift manufactured after January 1, 1970, and being towed, wheels need not have brakes except for those on the rearmost axle so long as such brakes, together with the brakes on the towing vehicle, shall be adequate to stop the combination within the stopping distance requirements of RCW 46.37.351.

(4) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand pounds, manufactured or assembled after January 1,

1964, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(5) Tractor brakes protected. Every motor vehicle manufactured or assembled after January 1, 1964, and used to tow a trailer, semitrailer, or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) Trailer air reservoirs safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1964, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) Two means of emergency brake operation.

(a) Air brakes. After January 1, 1964, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty pounds per square inch nor higher than forty-five pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Vacuum brakes. After January 1, 1964, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by subsection (8) of this section, a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) Single control to operate all brakes. After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer, and every combination of such vehicles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless

the brakes on the individual vehicles are designed to be operated by a single control in the towing vehicle.

(9) Reservoir capacity and check valve.

(a) Air brakes. Every bus, truck, or truck tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) Vacuum brakes. After January 1, 1964, every truck with three or more axles equipped with vacuum assistor type brakes and every truck tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty percent.

(c) Reservoir safeguarded. All motor vehicles, trailers, semitrailers, and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) Warning devices.

(a) Air brakes. Every bus, truck, or truck tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) Vacuum brakes. After January 1, 1964, every truck tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

(c) Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single

device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

Sec. 2. Section 46.52.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 68, Laws of 1977 ex. sess. and by section 2, chapter 369, Laws of 1977 ex. sess. and RCW 46.52.030 are each reenacted to read as follows:

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of three hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of motor vehicles at Olympia, Washington. The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

Sec. 3. Section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 125, Laws of 1977 ex. sess. and by section 2, chapter 204, Laws of 1977 ex. sess. and RCW 46.70.011 are each reenacted to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers: PROVIDED, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

(4) The term "vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a mobile home, assists with the sale of the mobile home in conjunction with the sale of the real estate upon which the mobile home is located.

(5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to lease vehicles on behalf of a vehicle dealer.

(6) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of the department of motor vehicles.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:

(a) "Distributor" which means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

Section 1. RCW 46.37.340 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 148 § 2 added a new subdivision (g) to subsection (3) regarding brake requirements on forklifts.

(2) 1977 ex.s. c 355 § 27:

(a) In subsection (2) deleted ", except motorcycles and motor-driven cycles," in regard to parking brakes;

(b) In subsection (3) changed the punctuation from periods to semicolons at the end of each subdivision; deleted hyphens from "truck tractors"; in subdivision (e) added new language relating to braking systems of "vehicles designed primarily for off-highways use"; in subdivision (f) all former language, which related to brake requirements for sidecars attached to motorcycles, was deleted and new language added which reads "vehicles manufactured prior to January 1, 1930, may have brakes operating on only two wheels";

(c) In subsection (8) specifying braking systems have one control device, the phrase "except motorcycles and motor-driven cycles," was deleted;

(d) In subsection (9) the hyphen was deleted in both subdivisions (a) and (b) in "truck tractor";

(e) In subsection (10) the hyphen was deleted from "truck tractor";

(f) Throughout the section numerous commas were added.

Sec. 2. RCW 46.52.030 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 68 § 1 added ", legally standing," in reference to required information in accident reports.

(2) 1977 ex.s. c 369 § 2 changed the extent of property damage which must be reported due to an accident from one hundred dollars to three hundred dollars. In the same sentence, the phrase "the original of such report to be immediately forwarded . . ." was changed to "the original of such report shall be immediately forwarded . . .". A comma was added in the third sentence following "sheriff".

Sec. 3. RCW 46.70.011 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 125 § 1, subsection (3), deleted the comma following "new" in the reference to "new or used vehicles". Following the same phrase after "vehicles" and before the proviso language was added reading ", or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers". A new sentence was added at the end of subsection (9) providing "A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area."

Throughout the section numerous commas were added.

(2) 1977 ex.s. c 204 § 2 in subsection (4) changed punctuation at the end of subdivisions (d) and (e) from periods to "; or". A new subdivision (f) was added relating to real estate brokers or their representatives assisting with sales of real estate upon which a mobile home is located.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each with both amendments included therein.

Passed the House January 24, 1979.

Passed the Senate February 26, 1979.

Approved by the Governor March 2, 1979.

Filed in Office of Secretary of State March 2, 1979.

CHAPTER 12

[House Bill No. 346]

SALES AND USE TAXES—CODE CORRECTION

AN ACT Relating to revenue and taxation; amending and reenacting section 82.08.030, chapter 15, Laws of 1961 as last amended by section 6, chapter 166, Laws of 1977 ex. sess., by section 1, chapter 179, Laws of 1977 ex. sess. and by section 1, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.08.030; amending and reenacting section 82.12.030, chapter 15, Laws of 1961 as last amended by section 7, chapter 166, Laws of 1977 ex. sess., by section 111, chapter 169, Laws of 1977 ex. sess., by section 2, chapter 179, Laws of 1977 ex. sess., and by section 2, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.12.030; and declaring an emergency.

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

Section 1. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 6, chapter 166, Laws of 1977 ex. sess., by section 1, chapter 179, Laws of 1977 ex. sess. and by section 1, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.08.030 are each amended and reenacted to read as follows:

The tax hereby levied shall not apply to the following sales:

(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 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, 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 RCW: 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 RCW;

(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 auctioneers 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 RCW;

(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 whether owned by or leased with or without drivers and 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, 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 whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user 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 nonresidents 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 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 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.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for non-residents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(28) Sales of prescription drugs, including sales to the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a

duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen.

(31) Sales of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

~~((31))~~ (32) Sales of ferry vessels to the state of Washington for use in transporting pedestrians, vehicles, and goods within or outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such ferry vessels; also sales of or charges made for labor

and services rendered in respect to constructing or improving such ferry vessels.

Sec. 2. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 7, chapter 166, Laws of 1977 ex. sess., by section 111, chapter 169, Laws of 1977 ex. sess., by section 2, chapter 179, Laws of 1977 ex. sess., and by section 2, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.12.030 are each amended and re-enacted to read as follows:

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 acquired 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 RCW 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 RCW 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 RCW;

(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 a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property

across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; 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 whether owned by or leased with or without driver to the permit holder and 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 authority 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 whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(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 RCW: 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 regional universities, The Evergreen State College 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 (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 RCW or chapter 82.12 RCW;

(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 tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(23) In respect to the use of prescription drugs, including the use by the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to

writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

(26) In respect to the use of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

~~((26))~~ (27) In respect to the use of ferry vessels of the state of Washington in transporting pedestrian or vehicular traffic within and outside the territorial waters of the state and in respect to the use of tangible personal property which becomes a component part of any such ferry vessel.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

Section 1. RCW 82.08.030 was amended twice during the 1977 extraordinary session of the legislature, and again by Initiative Measure No. 345, each without reference to the other.

(1) 1977 ex.s. c 166 § 6 added a new subsection (31), herein amended to be subsection (32) to maintain numerical continuity, relating to sales of ferry vessels.

(2) 1977 ex.s. c 179 § 1, subsection (28), added new language to the definition of "Sales of prescription drugs" to include "sales to a state or political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge".

(3) 1979 c 2 § 1, (Initiative Measure No. 345) added new subsection (31) relating to sales of food products for human consumption.

Sec. 2. RCW 82.12.030 was amended three times during the 1977 extraordinary session of the legislature, and again by Initiative Measure No. 345, each without reference to the other.

(1) 1977 ex.s. c 166 § 7 added a new subsection (26), herein amended to be subsection (27) to maintain numerical continuity, relating to the use of ferry vessels.

(2) 1977 ex.s. c 169 § 111, in a comprehensive act changing most state colleges to state universities, changed language in subsection (13), following "Washington State University," from "the state colleges . . ." to "the regional universities, The Evergreen State College . . ."

(3) 1977 ex.s. c 179 § 2, subsection (23), referring to the use of prescription drugs, added ", including the use by the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge".

(4) 1979 c 2 § 2, (Initiative Measure No. 345) added new subsection (26) relating to the use of food products for human consumption.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by amending and reenacting the sections with all amendments included therein.

Passed the House January 24, 1979.

Passed the Senate February 26, 1979.

Approved by the Governor March 2, 1979.

Filed in Office of Secretary of State March 2, 1979.

CHAPTER 13

[House Bill No. 347]

COUNTY BOARDS OF EQUALIZATION—CODE CORRECTION

AN ACT Relating to revenue and taxation; reenacting section 84.48.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 33, Laws of 1977 and by section 2, chapter 290, Laws of 1977 ex. sess. and RCW 84.48.010; and declaring an emergency.

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

Section 1. Section 84.48.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 33, laws of 1977 and by section 2, chapter 290, Laws of 1977 ex. sess. and RCW 84.48.010 are each reenacted to read as follows:

Prior to July 1st, the county legislative authority shall form a board for the equalization of the assessment of the property of the county. The members of said board may receive up to fifty dollars per day for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county: PROVIDED, That when the county legislative authority constitute the board they shall not receive the per diem allowance. The board of equalization shall meet in open session for this purpose annually on the first Monday in July and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, and subject to the following rules:

First. They shall raise the valuation of each tract or lot or item of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the valuation of each tract or lot or item which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

Third. They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall, upon complaint in writing of any party aggrieved, reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individual who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

Fifth. The board may review all claims for either real or personal property tax exemption, and shall consider any taxpayer appeals from the decision of the assessor thereon to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount thereof.

The clerk of the board shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county legislative authority, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. The assessor shall correct the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, and he shall make duplicate abstracts of such corrected values, one copy of which shall be retained in his office, and one copy forwarded to the state board of equalization on or before the fifth day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the first Monday in July and may continue in session and adjourn from time to time during a period not to exceed four weeks, but shall remain in session not less than three days: PROVIDED, That, in addition to the several times fixed by statute, any county board of equalization may be reconvened for special or general purposes, but not later than three years after the date of adjournment of its regularly convened session by order of the department of revenue: PROVIDED, FURTHER, That the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue.

County legislative authorities as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

RCW 84.48.010 was amended twice during the 1977 regular and extraordinary sessions of the legislature, each without reference to the other.

(1) 1977 c 33 § 1 changed "county commissioners" to "county legislative authority" throughout the section, and in the last paragraph changed "Boards of county commissioners" to "County legislative authorities". The amount the members of the board may receive per day of actual attendance at meetings of the board was changed from "twenty-five dollars" to "up to fifty dollars".

(2) 1977 ex.s. c 290 § 2 added a new proviso at the end of the eighth paragraph: PROVIDED, FURTHER, That the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Passed the House January 24, 1979.

Passed the Senate February 26, 1979.

Approved by the Governor March 2, 1979.

Filed in Office of Secretary of State March 2, 1979.

CHAPTER 14

[House Bill No. 348]

HIGHER EDUCATION—CODE CORRECTION

AN ACT Relating to higher education; reenacting and amending section 28B.10.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 20, chapter 169, Laws of 1977 ex. sess. and by section 1, chapter 276, Laws of 1977 ex. sess. and RCW 28B.10.420; reenacting section 28B.10.525, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 118, Laws of 1977 ex. sess. and by section 23, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.525; reenacting and amending section 28B.10.650, chapter 223, Laws of 1969 ex. sess. as amended by section 30, chapter 169, Laws of 1977 ex. sess. and by section 1, chapter 173, Laws of 1977 ex. sess. and RCW 28B.10.650; reenacting section 51, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.205; reenacting section 17, chapter 15, Laws of 1970 ex. sess. as last amended by section 28, chapter 75, Laws of 1977 and by section 5, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.140; repealing section 1, chapter 232, Laws of 1975 1st ex. sess., section 1, chapter 201, Laws of 1977 ex. sess. and RCW 28B.40.205; and declaring an emergency.

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

Section 1. Section 28B.10.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 20, chapter 169, Laws of 1977 ex. sess. and by section 1, chapter 276, Laws of 1977 ex. sess. and RCW 28B.10.420 are each reenacted and amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, faculty members or other employees designated by the boards of regents of the state universities, the boards of trustees of the regional universities or of The Evergreen State College, or the state board for community college education pursuant to RCW 28B.10.400 through 28B.10.420 as now or hereafter amended shall be retired from their employment with their institutions of higher education not later than the end of the academic year next following their seventieth birthday.

(2) As provided in this subsection, the board of regents of a state university, the board of trustees of a regional university or The Evergreen State College, or the state board for community college education may reemploy any person who is "retired" pursuant to subsection (1) of this section, who applies for reemployment and who has reached seventy years of age on or after July 1, 1970. The following provisions shall govern such reemployment:

(a) Prior to the reemployment, the board of regents, board of trustees, or state board shall have found that the person possesses outstanding qualifications which in the judgment of the board would permit the person to continue valuable service to the institution.

(b) The period of reemployment shall not be counted as service under, or result in any eligibility for benefits or increased benefits under, any state authorized or supported annuity or retirement income plan. Reemployment shall not result in the reemployed person or employer making any contributions to any such plan.

(c) No person may be reemployed on a full time basis if such person is receiving benefits under any state authorized or supported annuity or retirement income plan. The reemployment of any person on a full time basis shall be immediately terminated upon the person's obtaining of any such benefits.

(d) A person may be reemployed on a part time basis and receive or continue to receive any benefits for which such person is eligible under any state authorized or supported annuity or retirement income plan. Such part time work, however, shall not exceed forty percent of full time employment during any year.

(e) A person reemployed pursuant to this section shall comply with all conditions of reemployment and all rules providing for the administration of this subsection which are prescribed or adopted by the board of regents, or board of trustees, or by the state board for community college education.

Sec. 2. Section 28B.10.525, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 118, Laws of 1977 ex. sess. and by section 23, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.525 are each re-enacted to read as follows:

Each member of a board of regents or board of trustees of a university or other state institution of higher education, shall be entitled to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day or portion thereof in which he or she is actually engaged in business of the board.

Sec. 3. Section 28B.10.650, chapter 223, Laws of 1969 ex. sess. as amended by section 30, chapter 169, Laws of 1977 ex. sess. and by section 1, chapter 173, Laws of 1977 ex. sess. and RCW 28B.10.650 are each re-enacted and amended to read as follows:

It is the intent of the legislature that when the state and regional universities, The Evergreen State College, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College and the board

of trustees of each community college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW 28B.16.040, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) hereof.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That this subsection shall not apply to any community college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of (~~program planning and fiscal~~) financial management, who are engaged in instruction, and exempt staff as defined in RCW 28B.16.040.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after (~~the effective date of this 1977 amendatory act~~) July 1, 1977, shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall annually report to the council for postsecondary education such information as the council deems necessary to determine compliance with the provisions of this section and the council for postsecondary education shall periodically report such information to the legislature.

Sec. 4. Section 51, chapter 169, Laws of 1977 ex. sess. and RCW 28B-.35.205 are each reenacted to read as follows:

In addition to all other powers and duties given to them by law, Central Washington University, Eastern Washington University, and Western Washington University are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That before any degree is authorized under this section it shall be subject to the review and recommendation of the council for postsecondary education.

NEW SECTION. Sec. 5. Section 1, chapter 232, Laws of 1975 1st ex. sess., section 1, chapter 201, Laws of 1977 ex. sess. and RCW 28B.40.205 are each hereby repealed.

Sec. 6. Section 17, chapter 15, Laws of 1970 ex. sess. as last amended by section 28, chapter 75, Laws of 1977 and by section 5, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.140 are each reenacted to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

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

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

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

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

with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

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

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

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

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

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

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

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations

shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: **PROVIDED, FURTHER,** That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

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

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

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community college education: **PROVIDED,** That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services: **PROVIDED FURTHER,** That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes.

(17) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association; and

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

NEW SECTION. Sec. 7. This amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

Section 1. RCW 28B.10.420 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex. s. c 169 § 20 was part of a comprehensive act redesignating Central Washington State College, Eastern Washington State College and Western Washington State College as regional universities, Central Washington University, Eastern Washington University and Western Washington University, respectively.

(2) 1977 ex. s. c 276 § 1 was a one section act allowing for the reemployment by institutions of higher education of formerly retired persons under specific limitations as set out therein and constituted a major rewrite of the section.

This reenacted section contains the substantive amendatory portions of the two aforesaid sections. As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with all amendments included therein.

Sec. 2. RCW 28B.10.525 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex. s. c 118 was a one section act wherein travel expenses for regents and trustees (in its amendatory language) was authorized ". . . for each day or ((major)) portion thereof in which he or she is actually engaged in business of the board."

(2) 1977 ex. s. c 169 § 23 was part of a comprehensive act redesignating Central Washington State College, Eastern Washington State College and Western Washington State College as regional universities, Central Washington University, Eastern Washington University and Western Washington University, respectively.

This reenacted section contains the substantive amendatory portions of the two aforesaid sections. As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with all amendments included therein.

Sec. 3. RCW 28B.10.650 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex. s. c 169 § 30 was part of a comprehensive act redesignating Central Washington State College, Eastern Washington State College and Western Washington State College as regional universities, Central Washington University, Eastern Washington University and Western Washington University, respectively.

(2) 1977 ex. s. c 173 § 1 was part of an act to limit authorized professional leaves for academic and exempt personnel of institutions of higher education and constituted a major rewrite of the section.

This reenacted section contains the substantive amendatory portions of the two aforesaid sections. As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with all amendments included therein.

Sections 4 and 5. RCW 28B.40.205 was both amended and repealed (the latter with its reenactment into a new chapter, 28B.35 RCW) during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex. s. c 169 § 15, repealing RCW 28B.40.205 (with a reenactment thereof in 1977 ex. s. c 169 § 51 as new RCW 28B.35.206), was part of a comprehensive act redesignating Central Washington State College, Eastern Washington State College and Western Washington State College as regional universities, Central Washington University, Eastern Washington University and Western Washington University, respectively.

(2) 1977 ex. s. c 201 § 1 amended the provisos in the prior statute as follows: ": PROVIDED, That before any degree is authorized under this section ((~~which has no fiscal impact~~)) it shall be subject to the review and recommendation of the council for postsecondary education(~~(-PROVIDED FURTHER, That any degree permitted under this section having additional fiscal impact shall not be authorized prior to review and recommendation by the council for postsecondary education and approval of the legislature))~~)."

The reenactment of RCW 28B.35.205 and repeal of RCW 28B.40.205 as provided in sections 4 and 5 hereof represents the apparent substantive intent of the 1977 legislative action and to give effect to the amendatory and repealing sections of the 1977 legislature.

Sec. 6. RCW 28B.50.140 was amended during the regular and again in the extraordinary sessions of the 1977 legislature, each without reference to the other.

(1) 1977 c 75 § 28 was part of a comprehensive act relating to the reduction of agency reports and amended subsection 11 as follows: ". . . under its control, and ((~~notwithstanding any other provision of law,~~)) publish such catalogues and bulletins as may become necessary;"

(2) 1977 ex. s. c 282 § 5 was part of a general act dealing with community colleges and amended this community college board of trustees functions section by adding a new subsection (16) and implementing subsection (17) (which was formerly old subsection (16)).

This reenacted section contains the substantive amendatory portions of the two aforesaid sections. As these amendments appear to be in different respects, the purpose

of this act is to give effect to each by reenacting the sections with all amendments included therein.

- Passed the House January 24, 1979.
- Passed the Senate February 26, 1979.
- Approved by the Governor March 2, 1979.
- Filed in Office of Secretary of State March 2, 1979.

CHAPTER 15

[Engrossed Substitute Senate Bill No. 2148]
SUPPLEMENTARY BUDGET

AN ACT Relating to state agencies; adopting a supplemental budget; making supplemental appropriations and authorizing expenditures; making other appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. A supplemental budget as set forth in sections 2 through 22 of this 1979 act is hereby adopted and, subject to the provisions set forth in sections 2 through 22 of this 1979 act, the several amounts specified in sections 2 through 22 of this 1979 act, 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 designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

NEW SECTION. Sec. 2. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	797,000
Total Appropriation	\$	797,000

The appropriation contained in this section shall be subject to the following condition or limitation: This appropriation shall be expended exclusively to reimburse counties for the state share of 1977 election costs.

NEW SECTION. Sec. 3. FOR THE STATE TREASURER—

TRANSFERS

General Fund—Investment Reserve Account

Appropriation: For transfer to the General Fund on or before June 30, 1979 (in addition to amounts appropriated in section 158, chapter 339, Laws of 1977 ex. sess.)

	\$	5,000,000
Total Appropriation	\$	5,000,000

NEW SECTION. Sec. 4. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	413,000
Total Appropriation	\$	413,000

The appropriation contained in this section shall be subject to the following conditions or limitations: This appropriation shall be expended for the initiation of systems development and implementation of a personnel/payroll system for the institutions of higher education including the community college system: PROVIDED, That these funds shall not be expended for costs incurred prior to the effective date of this act: PROVIDED FURTHER, That these funds shall be expended exclusively for costs associated with the contractual agreement reached with the vendor to develop the system and the cost of a project manager position in the office of financial management.

NEW SECTION. Sec. 5. FOR THE WASHINGTON STATE DATA PROCESSING AUTHORITY

General Fund Appropriation	\$	125,000
Total Appropriation	\$	125,000

The appropriation contained in this section shall be subject to the following condition or limitation: All funds shall be expended for a consultant study and evaluation of the organization and administration of the state's data processing resources. Study oversight shall be by the directors of the Washington state data processing authority and the legislative evaluation and accountability program committee.

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Department of General Administration Facilities and Services Revolving Fund Appropriation

.	\$	445,000
Total Appropriation	\$	445,000

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION—CAPITAL

General Fund—Outdoor Recreation Account

Appropriation	\$	739,000
Total Appropriation	\$	739,000

The appropriation contained in this section shall be subject to the following condition or limitation: The \$739,000 Outdoor Recreation Account appropriation is intended exclusively to replace Referendum 28 funds appropriated pursuant to section 4(12), chapter 338, Laws of 1977 ex. sess. with Initiative 215 funds.

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation—State	\$	20,472,000
General Fund Appropriation—Federal	\$	10,514,000
DSHS Construction Account	\$	893,000
Total Appropriation	\$	31,879,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$23,000 from the state general fund and \$893,000 from the DSHS construction account may be expended for the adult corrections program of which:

(a) \$23,000 from the state general fund shall be for the improvement of the fence system at the Washington corrections center;

(b) \$376,000 from the DSHS construction account shall be for the purchase and installation of an electronic perimeter security system at the Washington corrections center; and

(c) \$100,000 from the DSHS construction account shall be for contingency expenses for the 144-bed facility at the Washington state reformatory;

(d) \$417,000 from the DSHS construction account shall be expended for schematics and design development:

(i) To improve security, facilities, and utilities at the Washington state penitentiary;

(ii) To convert the 300-bed minimum security facility to a medium security facility at the Washington state penitentiary;

(iii) To renovate unused facilities at the Washington state penitentiary to provide a 100-resident minimum security unit; and

(iv) To construct and equip a 120-bed medium security unit at the Washington corrections center: PROVIDED, That the department of social and health services shall submit completed schematics and report on design development documents for these projects to the senate ways and means committee and house appropriations committee not later than June 20, 1979.

(2) Not more than \$1,047,000 from the general fund, of which \$52,000 shall be federal funds, and 74.9 FTE may be expended for the mental health program of which:

(a) \$167,000 from the general fund, of which \$27,000 shall be federal funds, and 13.3 FTE shall be expended at Western State Hospital for increased population levels;

(b) \$378,000 from the state general fund and 23.7 FTE shall be expended at Western State Hospital as an extension of emergency funding for staffing increases and 'Y' wage rating;

(c) \$407,000 from the general fund, of which \$20,000 shall be federal funds, and 30.5 FTE shall be expended at Western State Hospital for the enhancement of treatment and professional staff;

(d) \$95,000 from the general fund, of which \$5,000 shall be federal funds, and 7.4 FTE shall be expended at Eastern State Hospital for the enhancement of treatment staff; and

(e) The funds and staffing provided within these subsections shall be used exclusively for the purpose of improving treatment and professional

staff levels at Western State Hospital and Eastern State Hospital, and any unexpended balances shall be placed in allotment reserve and not be available for transfer to other programs.

(3) Not more than \$1,362,000 from the general fund, of which \$681,000 shall be federal funds, may be expended for the nursing home program of which:

(a) \$500,000 from the general fund, of which \$250,000 shall be federal funds, shall be expended for property payment adjustments within the cost reimbursement system;

(b) \$750,000 from the general fund, of which \$375,000 shall be federal funds, shall be expended for food payment adjustments within the cost reimbursement system; and

(c) \$112,000 from the general fund, of which \$56,000 shall be federal funds, shall be expended for the conducting of an audit to determine the validity of reported costs within the cost reimbursement system.

(4) Not more than \$1,689,000 from the general fund, of which \$416,000 shall be federal funds, and 53.2 FTE may be expended for the income maintenance program of which:

(a) \$928,000 from the state general fund shall be expended for noncontinuing general assistance;

(b) \$761,000 from the general fund, of which \$416,000 shall be federal funds, and 53.2 FTE shall be expended for the implementation of required changes in the food stamp program.

(5) Not more than \$3,365,000 of federal funds from the general fund may be expended for the community social services program: **PROVIDED**, That an equal amount of state general funds shall be placed in reserve.

(6) Notwithstanding the provisions of section 58(2), chapter 339, Laws of 1977 ex. sess., the department shall expend not more than \$2,100,000 for an increase in vendor rates for private child care agencies: **PROVIDED**, That a report detailing the revised child caring agencies vendor rate system is provided to the senate ways and means committee and the house appropriations committee by March 15, 1979: **PROVIDED, FURTHER**, That such report shall describe the actual experience of implementing program standards and shall describe in detail the department system of:

(a) Classification of children according to their needs;

(b) Classification of facilities according to established program standards;

(c) Reimbursement which compensates facilities for services provided;

(d) Program and fiscal operation standards; and

(e) Audit review of the implementation of such program and the fiscal operation standards.

(7) Not more than \$23,500,000 from the general fund, of which \$6,000,000 shall be federal funds, may be expended in the medical assistance program.

NEW SECTION. Sec. 9. FOR THE JAIL COMMISSION. Notwithstanding the provisions of section 17, chapter 339, Laws of 1977 ex. sess., the appropriation for the jail commission shall fund such commission for fiscal year 1979 with total expenditures for the year not to exceed \$103,000.

NEW SECTION. Sec. 10. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation	\$	300,000
Total Appropriation	\$	300,000

The appropriation contained in this section shall be subject to the following condition or limitation: Up to \$300,000 of the appropriation shall be used exclusively for the provision of the assistance of a special prosecutor on the investigation of indictments linking local government officials to criminal operations. To the extent possible, this appropriation shall be used to match available federal or local funds for this purpose.

NEW SECTION. Sec. 11. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Criminal Justice Training		
Account Appropriation	\$	186,000
Total Appropriation	\$	186,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	570,000
Accident Fund Appropriation	\$	19,000
Medical Aid Fund Appropriation	\$	19,000
Plumber Certification Fund Appropriation	\$	6,000
Total Appropriation	\$	614,000

The appropriations contained in this section shall be subject to the following condition or limitation: A total of \$524,000 from the general fund appropriation may only be used for payments of benefits pursuant to chapter 7.68 RCW.

NEW SECTION. Sec. 13. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—Federal	\$	163,000
Total Appropriation	\$	163,000

The appropriation contained in this section shall be subject to the following condition or limitation: All funds shall be expended solely as a continuation of a grant to Washington State University for the extension of the Energy Extension Service pilot project through June 30, 1979: PROVIDED, That such appropriation shall not be expended for administrative or evaluation purposes by the state energy office.

NEW SECTION. Sec. 14. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State and Local Improvements Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	\$ 109,000
General Fund Appropriation	\$ 95,000
Total Appropriation	\$ 204,000

The appropriations contained in this section shall be subject to the following condition or limitation: All funds in the General Fund—State and Local Improvements Revolving Account appropriation shall be placed in reserve status by the office of financial management for the remainder of the biennium.

NEW SECTION. Sec. 15. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State and Local Improvements Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess.	\$ 196,000
Total Appropriation	\$ 196,000

The appropriation contained in this section shall be subject to the following condition or limitation: All funds shall be placed in reserve status by the office of financial management for the remainder of the biennium.

NEW SECTION. Sec. 16. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	\$ 287,000
Total Appropriation	\$ 287,000

The appropriation contained in this section shall be subject to the following condition or limitation: All funds shall be placed in reserve status by the office of financial management for the remainder of the biennium.

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF GAME

Game Fund Appropriation	\$ 552,000
Total Appropriation	\$ 552,000

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation	\$ 750,000
Total Appropriation	\$ 750,000

The appropriation contained in this section shall be subject to the following condition or limitation: These funds shall be expended exclusively for the purpose of emergency forest fire suppression.

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	813,000
General Fund—State Board of Psychological Examiners Account Appropriation	\$	4,000
Highway Safety Fund Appropriation	\$	158,000
Motor Vehicle Fund Appropriation	\$	655,000
Total Appropriation	\$	1,630,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$449,000 of the state general fund appropriation for the business license center shall not be expended without the approval of the house appropriations and senate ways and means committees. The department of licensing and office of financial management shall present their findings on the cost effectiveness of the business license center to the above-named committees by March 1, 1979.

NEW SECTION. Sec. 20. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation	\$	20,306,000
Total Appropriation	\$	20,306,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$82,000 shall be expended for non-high school district reimbursement costs.

(2) Not more than \$15,500,000 shall be expended for pupil transportation costs.

(3) Not more than \$4,651,000 shall be expended for handicapped education costs.

(4) Not more than \$73,000 shall be expended for environmental education costs.

(5) Not more than \$65,000 from that amount contained in subsection (2) of this section shall be expended for the planning of a regional transportation model by educational service district No. 121.

NEW SECTION. Sec. 21. Notwithstanding the provisions of section 97(1)(i), chapter 339, Laws of 1977 ex. sess., the allocation of moneys by the Superintendent of Public Instruction for nonemployee related costs for the 1978-79 school year shall be \$6,438 for each allocated certificated staff unit as determined by section 97(1)(b), chapter 339, Laws of 1977 ex. sess.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 1, 1979.

Passed the House February 14, 1979.

Approved by the Governor March 2, 1979.

Filed in Office of Secretary of State March 2, 1979.

CHAPTER 16

[Engrossed Senate Bill No. 2119]

BUSINESS CORPORATION ACT

AN ACT Relating to business corporations; amending section 3, chapter 53, Laws of 1965 and RCW 23A.04.010; amending section 4, chapter 53, Laws of 1965 and RCW 23A.08.010; amending section 5, chapter 53, Laws of 1965 as amended by section 1, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.020; amending section 2, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.025; amending section 8, chapter 53, Laws of 1965 and RCW 23A.08.050; amending section 9, chapter 53, Laws of 1965 as amended by section 1, chapter 83, Laws of 1969 ex. sess. and RCW 23A.08.060; amending section 13, chapter 53, Laws of 1965 as last amended by section 1, chapter 193, Laws of 1977 ex. sess. and RCW 23A.08.100; amending section 15, chapter 53, Laws of 1965 and RCW 23A.08.120; amending section 18, chapter 53, Laws of 1965 and RCW 23A.08.150; amending section 22, chapter 53, Laws of 1965 and RCW 23A.08.190; amending section 23, chapter 53, Laws of 1965 and RCW 23A.08.200; amending section 26, chapter 53, Laws of 1965 and RCW 23A.08.230; amending section 28, chapter 53, Laws of 1965 and RCW 23A.08.250; amending section 31, chapter 53, Laws of 1965 and RCW 23A.08.280; amending section 32, chapter 53, Laws of 1965 and RCW 23A.08.290; amending section 33, chapter 53, Laws of 1965 and RCW 23A.08.300; amending section 1, chapter 176, Laws of 1967 and RCW 23A.08.345; amending section 38, chapter 53, Laws of 1965 as amended by section 2, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.350; amending section 41, chapter 53, Laws of 1965 and RCW 23A.08.380; amending section 42, chapter 53, Laws of 1965 and RCW 23A.08.390; amending section 44, chapter 53, Laws of 1965 as amended by section 3, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.410; amending section 45, chapter 53, Laws of 1965 and RCW 23A.08.420; amending section 48, chapter 53, Laws of 1965 and RCW 23A.08.450; amending section 50, chapter 53, Laws of 1965 as amended by section 4, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.470; amending section 53, chapter 53, Laws of 1965 and RCW 23A.08.500; amending section 55, chapter 53, Laws of 1965 and RCW 23A.12.020; amending section 57, chapter 53, Laws of 1965 and RCW 23A.12.040; amending section 59, chapter 53, Laws of 1965 and RCW 23A.12.060; amending section 61, chapter 53, Laws of 1965 and RCW 23A.16.020; amending section 63, chapter 53, Laws of 1965 as amended by section 5, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.040; amending section 65, chapter 53, Laws of 1965 and RCW 23A.16.060; amending section 67, chapter 53, Laws of 1965 as amended by section 8, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.080; amending section 75, chapter 53, Laws of 1965 and RCW 23A.20.030; amending section 76, chapter 53, Laws of 1965 as amended by section 12, chapter 193, Laws of 1977 ex. sess. and RCW 23A.20.040; amending section 77, chapter 53, Laws of 1965 as last amended by section 13, chapter 193, Laws of 1977 ex. sess. and RCW 23A.20.050; amending section 78, chapter 53, Laws of 1965 and RCW 23A.20.060; amending section 79, chapter 53, Laws of 1965 and RCW 23A.20.070; amending section 80, chapter 53, Laws of 1965 and RCW 23A.24.010; amending section 81, chapter 53, Laws of 1965 and RCW 23A.24.020; amending section 82, chapter 53, Laws of 1965 and RCW 23A.24.030; amending section 83, chapter 53, Laws of 1965 and RCW 23A.24.040; amending section 84, chapter 53, Laws of 1965 as amended by section 14, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.010; amending section 109, chapter 53, Laws of 1965 and RCW 23A.32.010; amending section 111, chapter 53, Laws of 1965 as amended by section 6, chapter 190, Laws of 1967 and RCW 23A.32.030; amending section 112, chapter 53,

Laws of 1965 and RCW 23A.32.040; amending section 113, chapter 53, Laws of 1965 as amended by section 1, chapter 22, Laws of 1971 and RCW 23A.32.050; amending section 114, chapter 53, Laws of 1965 as last amended by section 1, chapter 89, Laws of 1973 and RCW 23A.32.060; amending section 117, chapter 53, Laws of 1965 and RCW 23A.32.090; amending section 122, chapter 53, Laws of 1965 and RCW 23A.32.140; amending section 130, chapter 53, Laws of 1965 and RCW 23A.36.030; amending section 4, chapter 92, Laws of 1969 ex. sess. as last amended by section 1, chapter 36, Laws of 1975 1st ex. sess. and RCW 23A.40.075; amending section 1, chapter 2, Laws of 1971 ex. sess. and RCW 23A.40.150; amending section 165, chapter 53, Laws of 1965 and RCW 23A.98.030; adding a new section to chapter 23A.08 RCW; adding a new section to chapter 23A.16 RCW; adding a new section to chapter 23A.20 RCW; adding new sections to chapter 23A.32 RCW; repealing section 58, chapter 53, Laws of 1965 and RCW 23A.12.050; repealing section 66, chapter 53, Laws of 1965, section 5, chapter 190, Laws of 1967, section 7, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.070; repealing section 144, chapter 53, Laws of 1965 and RCW 23A.40.110; repealing section 145, chapter 53, Laws of 1965 and RCW 23A.40.120; repealing section 146, chapter 53, Laws of 1965 and RCW 23A.40.130; repealing section 147, chapter 53, Laws of 1965 and RCW 23A.40.140; and repealing section 156, chapter 53, Laws of 1965 and RCW 23A.44.090.

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

Section 1. Section 3, chapter 53, Laws of 1965 and RCW 23A.04.010 are each amended to read as follows:

As used in this title, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a corporation for profit (~~organized for a purpose for which a corporation may be organized under~~) subject to the provisions of this title, except a foreign corporation.

(2) "Foreign corporation" means a corporation for profit organized under laws other than the laws of this state for a purpose or purposes for which a corporation may be organized under this title.

(3) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto including articles of merger.

(4) "Shares" means the units into which the proprietary interests in a corporation are divided.

(5) "Subscriber" means one who subscribes for one or more shares in a corporation, whether before or after incorporation.

(6) "Shareholder" means one who is a holder of record of one or more shares in a corporation (~~(, except as provided by RCW 23A.12.040)~~). If the articles of incorporation or the bylaws so provide, the board of directors may adopt by resolution a procedure whereby a shareholder of the corporation may certify in writing to the corporation that all or a portion of the shares registered in the name of such shareholder are held for the account of a specified person or persons. The resolution shall set forth:

(a) The classification of shareholder who may certify;

(b) The purpose or purposes for which the certification may be made;

(c) The form of certification and information to be contained therein;

(d) If the certification is with respect to a record date or closing of the stock transfer books within which the certification must be received by the corporation; and

(e) Such other provisions with respect to the procedure as are deemed necessary or desirable.

Upon receipt by the corporation of a certification complying with the procedure, the persons specified in the certification shall be deemed, for the purpose or purposes set forth in the certification, to be the holders of record of the number of shares specified in place of the shareholder making the certification.

(7) "Authorized shares" means the shares of all classes which the corporation is authorized to issue.

(8) "Treasury shares" means shares of a corporation which have been issued, have been subsequently acquired by and belong to the corporation, and have not, either by reason of the acquisition or thereafter, been canceled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares but not "outstanding" shares.

(9) "Net assets" means the amount by which the total assets of a corporation (~~(, excluding treasury shares,)~~) exceed the total debts of the corporation.

(10) "Stated capital" means, at any particular time, the sum of (a) the par value of all shares of the corporation having a par value that have been issued, (b) the amount of the consideration received by the corporation for all shares of the corporation without par value that have been issued, except such part of the consideration therefor as may have been allocated to capital surplus in a manner permitted by law, and (c) such amounts not included in clauses (a) and (b) of this paragraph as have been transferred to stated capital of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus all reductions from such sum as have been effected in a manner permitted by law. Irrespective of the manner of designation thereof by the laws under which a foreign corporation is organized, the stated capital of a foreign corporation shall be determined on the same basis and in the same manner as the stated capital of a domestic corporation, for the purpose of computing fees and other charges imposed by this title.

(11) "Surplus" means the excess of the net assets of a corporation over its stated capital.

(12) "Earned surplus" means the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses from the date of incorporation, or from the latest date when a deficit was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to shareholders and transfers to stated capital and capital surplus to the extent such distributions and transfers are made out of earned surplus. Earned surplus shall include also any portion of surplus allocated to earned surplus in mergers, consolidations or acquisitions of all or substantially all of the outstanding shares or of the property and assets of another corporation, domestic or foreign.

(13) "Capital surplus" means the entire surplus of a corporation other than its earned surplus.

(14) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its business.

(15) For the purposes of RCW 23A.40.040, 23A.40.050, 23A.40.060, and ~~((23A.40.130))~~ section 51 of this 1979 act the term or terms:

(a) "Stock" means shares.

(b) "Capital" and "capital stock" and "authorized capital stock" mean the sum of (i) the par value of all shares of the corporation having a par value that the corporation is authorized to issue, and (ii) the amount expected to be allocated to stated capital out of the amount of the consideration expected to be received by the corporation in return for the issuance of all the shares without par value which the corporation is authorized to issue.

(c) "Capitalization" means stated capital.

(d) "Value of the assets received and to be received by such corporation in return for the issuance of its nonpar value stock" and "value of the assets represented by nonpar shares" mean the amount expected to be allocated to stated capital out of the amount of consideration expected to be received by the corporation in return for the issuance of all the shares without par value which the corporation is authorized to issue.

(e) "Value of the assets received in consideration of the issuance of such nonpar value stock" means the stated capital represented by the nonpar value shares issued by the corporation.

(f) "The number of shares of capital stock of the company" means the number of shares of the corporation.

(16) "Duplicate originals" means two copies, original or otherwise, each with original signatures.

Sec. 2. Section 4, chapter 53, Laws of 1965 and RCW 23A.08.010 are each amended to read as follows:

Corporations may be organized under this title for any lawful purpose or purposes, except for the purpose of banking or engaging in business as an insurer ~~(, and except:~~

~~(1) Where special provision is made by law for the preparation, contents and filing of articles of incorporation of designated classes of corporations, such corporations shall be formed under such special provisions, and not hereunder.~~

~~(2) Any business, the conduct of which at the time of the passage of this title is forbidden to corporations by the Constitution, statutes or common law of this state).~~

Sec. 3. Section 5, chapter 53, Laws of 1965 as amended by section 1, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.020 are each amended to read as follows:

Each corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(4) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(6) To lend money (~~(to its employees other than its officers and directors, and otherwise assist its employees, officers and directors)~~) and use its credit to assist its employees.

(7) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(8) To make contracts and guarantees and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(9) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(10) To conduct its business, carry on its operations, and have offices and exercise the powers granted by this title (~~(in any state, territory, district, or possession of the United States, or in any foreign country)~~), within or without this state.

(11) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(12) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

(13) To make donations for the public welfare or for charitable, scientific or educational purposes; and in time of war to make donations in aid of war activities.

(14) (~~In time of war~~) To transact any lawful business which the board of directors finds will be in aid of ((the United States in the prosecution of the war)) governmental policy.

(15) To pay pensions and establish pension plans, pension trusts, profit-sharing plans, stock bonus plans, stock option plans and other incentive plans for any or all of its directors, officers and employees.

(16) To be a promoter, partner, member, associate, or manager of any partnership, joint venture, trust, or other enterprise.

(17) To cease its corporate activities and surrender its corporate franchise.

~~((+7))~~ (18) To have and exercise all powers necessary or convenient to effect ~~((any or all of the))~~ its purposes ~~((for which the corporation is organized))~~.

Sec. 4. Section 2, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08-.025 are each amended to read as follows:

For the purposes of this section, "agent" includes any person who is or was a director, trustee, officer, employee, or other agent of the corporation or is or was serving at the request of the corporation as a director, trustee, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, or was a director, trustee, officer, employee, or agent of a corporation which was a predecessor corporation of the corporation or of another enterprise at the request of such predecessor corporation, and "expenses" includes attorneys' fees and any expense of establishing a right to indemnification under subsection (3) of this section.

(1) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he is or was ~~((a director, trustee, officer, employee or))~~ an agent of the corporation~~((, or is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise.))~~ against expenses ~~((including attorneys' fees))~~, judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(2) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a

judgment in its favor by reason of the fact that he is or was (~~(a director, trustee, officer, employee or)~~) an agent of the corporation (~~(, or is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise)~~) against expenses (~~((including attorneys' fees))~~) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application, that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(3) To the extent that (~~(a director, trustee, officer, employee or)~~) an agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (1) and (2), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (~~((including attorneys' fees))~~) actually and reasonably incurred by him in connection therewith.

(4) Any indemnification under subsections (1) and (2) above (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the (~~(director, trustee, officer, employee or)~~) agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (1) and (2) above. Such determination shall be made (a) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (b) if such a quorum is not obtainable, or, even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (c) by the shareholders.

(5) Expenses incurred in defending a civil or criminal action suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding as authorized in the manner provided in subsection (4) upon receipt of an undertaking by or on behalf of the (~~(director, trustee, officer, employee or)~~) agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the corporation as authorized in this section.

(6) The indemnification provided by this section shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of shareholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in

another capacity while holding such office, and shall continue as to a person who has ceased to be ~~((a director, trustee, officer, employee or))~~ an agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(7) A corporation shall have power to purchase and maintain insurance on behalf of any ~~((person who is or was a director, trustee, officer, employee or))~~ agent of the corporation ~~((, or is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise))~~ against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

Sec. 5. Section 8, chapter 53, Laws of 1965 and RCW 23A.08.050 are each amended to read as follows:

(1) The corporate name:

(a) Shall contain the word "corporation," "company," "incorporated," or "limited," or shall contain an abbreviation of one of such words ~~((, or such corporation shall, for use in this state, add at the end of its name one of such words or an abbreviation thereof))~~.

(b) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation or that it is authorized or empowered to conduct the business of banking or insurance.

(c) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this title, or the name of a corporation which has in effect a registration of its corporate name as provided in this title, ~~((unless~~

~~(i) such other domestic or foreign corporation is about to change its name, or to cease to do business, or is being wound up, or such foreign corporation is about to withdraw from doing business in this state, and~~

~~(ii) the written consent of such other domestic or foreign corporation to the adoption of its name or a deceptively similar name has been given and is filed with the articles of incorporation, provided, a deceptively similar name shall not be used if the secretary of state finds that the use of such name shall be against public interest))~~ except that this provision shall not apply if the applicant files with the secretary of state either of the following: (i) The written consent of the other corporation or holder of a reserved or a registered name to use the same or deceptively similar name and one or more words are added or deleted to make the name distinguishable from the other name as determined by the secretary of state, or (ii) a certified copy of a

final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of the name in this state.

(2) No corporation formed under this chapter shall include in its corporate name any of the following words or phrases: "Bank," "banking," "banker," "trust," "cooperative," or any combination of the words "industrial" and "loan," or any combination of any two or more words "building," "savings," "loan," "home," "association," "society," "room," "lounge" or any other words or phrases prohibited by any statute of this state.

(3) The assumption of a name in violation of this section shall not affect or vitiate the corporate existence, but the courts of this state, having equity jurisdiction, may, upon the application of the state, or of any person, unincorporated association, or corporation interested or affected, enjoin such corporation from doing business under a name assumed in violation of this section, although its articles of incorporation may have been approved and a certificate of incorporation issued.

(4) A corporation with which another corporation, domestic or foreign, is merged, or which is formed by the reorganization or consolidation of one or more domestic or foreign corporations or upon a sale, lease, or other disposition to or exchange with a domestic corporation of all or substantially all the assets of another corporation, domestic or foreign, including its name, may have the same name as that used in this state by any of the corporations involved if the other corporation was engaged under the laws of or is authorized to transact business in this state.

Sec. 6. Section 9, chapter 53, Laws of 1965 as amended by section 1, chapter 83, Laws of 1969 ex. sess. and RCW 23A.08.060 are each amended to read as follows:

The exclusive right to the use of a corporate name may be reserved by:

- (1) Any person intending to organize a corporation under this title.
- (2) Any domestic corporation intending to change its name.
- (3) Any foreign corporation intending to make application for a certificate of authority to transact business in this state.
- (4) Any foreign corporation authorized to transact business in this state and intending to change its name.
- (5) Any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this state.

The reservation shall be made by filing with the secretary of state an application to reserve a specified corporate name, executed by or on behalf of the applicant. If the secretary of state finds that the name is available for corporate use, he shall reserve the same for the exclusive use of the applicant for a period of one hundred and eighty days. Such reservation shall be limited to one filing and ~~((shall not be renewable))~~ one renewal for a like period.

The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person or corporation by filing in the office of the secretary of state, a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

Sec. 7. Section 13, chapter 53, Laws of 1965 as last amended by section 1, chapter 193, Laws of 1977 ex. sess. and RCW 23A.08.100 are each amended to read as follows:

A corporation may change its registered office or change its registered agent or both, ~~((by executing and))~~ upon filing in the ~~((manner hereinafter provided))~~ office of the secretary of state a statement setting forth:

- (1) The name of the corporation.
- (2) The address of its then registered office.
- (3) If the address of its registered office be changed, the address to which the registered office is to be changed.
- (4) The name of its then registered agent.
- (5) If its registered agent be changed, the name of its successor registered agent.
- (6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.
- (7) That such change was authorized by resolution duly adopted by its board of directors.

~~((8) The date such change is to become effective:))~~

Such statement shall be executed in duplicate by the corporation by its president or a vice-president, and verified by him and delivered to the secretary of state ~~((on or before the date such change is to become effective))~~. If the secretary of state finds that such statement conforms to the provisions of this title he shall endorse on ~~((each of))~~ such duplicate originals the word "Filed," and the month, day, and year of the filing thereof, file one original in his office, and return the other original to the corporation or its representative. The change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail one copy thereof to the corporation or its representative. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address of the registered office of any corporation of which he or it is a registered agent by filing a statement as required by this section, except that it need be signed only by the registered agent, it need not be responsive to subsections

(5) or (7) of this section, and it must recite that a copy of the statement has been mailed to the corporation.

Sec. 8. Section 15, chapter 53, Laws of 1965 and RCW 23A.08.120 are each amended to read as follows:

Each corporation shall have power to create and issue the number of shares stated in its articles of incorporation. Such shares may be divided into one or more classes, any or all of which classes may consist of shares with par value or shares without par value, with such designations, preferences, limitations, and relative rights as shall be stated in the articles of incorporation. The articles of incorporation may limit or deny the voting rights of or provide special voting rights for the shares of any class to the extent not inconsistent with the provisions of this title.

Without limiting the authority herein contained, a corporation, when so provided in its articles of incorporation, may issue shares of preferred or special classes:

(1) Subject to the right of the corporation to redeem any of such shares at the price fixed by the articles of incorporation for the redemption thereof.

(2) Entitling the holders thereof to cumulative, noncumulative or partially cumulative dividends.

(3) Having preference over any other class or classes of shares as to the payment of dividends.

(4) Having preference in the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation.

(5) Convertible into shares of any other class or into shares of any series of the same or any other class, except a class having prior or superior rights and preferences as to dividends or distribution of assets upon liquidation, but shares without par value shall not be converted into shares with par value unless that part of the stated capital of the corporation represented by such shares without par value is, at the time of conversion, at least equal to the aggregate par value of the shares into which the shares without par value are to be converted or the amount of any deficiency is transferred from surplus to stated capital.

Sec. 9. Section 18, chapter 53, Laws of 1965 and RCW 23A.08.150 are each amended to read as follows:

Shares having a par value may be issued for such consideration expressed in dollars, not less than the par value thereof, as shall be fixed from time to time by the board of directors.

Shares without par value may be issued for such consideration expressed in dollars as may be fixed from time to time by the board of directors unless the articles of incorporation reserve to the shareholders the right to fix the consideration. In the event that such right be reserved as to any shares, the shareholders shall, prior to the issuance of such shares, fix the consideration

to be received for such shares, by a vote of the holders of a majority of all shares entitled to vote thereon.

Treasury shares may be disposed of by the corporation for such consideration expressed in dollars as may be fixed from time to time by the board of directors.

That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for the issuance of such shares.

In the event of ~~((a conversion of shares, or in the event of an exchange of shares with or without par value for the same or a different number of shares with or without par value, whether of the same or a different class or classes, the consideration for the shares so issued in exchange or conversion shall be deemed to be (1) the stated capital then represented by the shares so exchanged or converted;))~~ the issuance of shares upon the conversion or exchange of indebtedness or shares, the consideration for the shares so issued shall be (1) the principal sum of, and accrued interest on, the indebtedness so exchanged or converted, or the stated capital then represented by the shares so exchanged or converted, and (2) that part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so exchanged or converted, and (3) any additional consideration paid to the corporation upon the issuance of shares for the indebtedness or the shares so exchanged or converted.

Sec. 10. Section 22, chapter 53, Laws of 1965 and RCW 23A.08.190 are each amended to read as follows:

The shares of a corporation shall be represented by certificates signed by the president or a vice president and the secretary or an assistant secretary of the corporation, and may be sealed with the seal of the corporation or a facsimile thereof. The signatures of the president or vice president and the secretary or assistant secretary upon a certificate may be facsimiles if the certificate is ~~((countersigned by))~~ manually signed on behalf of a transfer agent, or registered by a registrar, other than the corporation itself or an employee of the corporation. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of its issue.

Every certificate representing shares issued by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, or shall state that the corporation will furnish to any shareholder upon request and without charge, a full statement of the designations, preferences, limitations, and relative rights of the shares of each class authorized to be issued and, if the corporation is authorized to issue any preferred or special class in series, the variations in the relative rights and preferences between the shares of each such series so far as the

same have been fixed and determined and the authority of the board of directors to fix and determine the relative rights and preferences of subsequent series.

Each certificate representing shares shall state upon the face thereof:

- (1) That the corporation is organized under the laws of this state.
- (2) The name of the person to whom issued.
- (3) The number and class of shares, and the designation of the series, if any, which such certificate represents.
- (4) The par value of each share represented by such certificate, or a statement that the shares are without par value.

No certificate shall be issued for any share until such share is fully paid.

Sec. 11. Section 23, chapter 53, Laws of 1965 and RCW 23A.08.200 are each amended to read as follows:

A corporation may~~((, but shall not be obliged to;))~~ (1) issue ((a certificate for a fractional)) fractions of a share, ((and, by action of its board of directors, may issue in lieu thereof)) (2) arrange for the disposition of fractional interests by those entitled thereto, (3) pay in cash the fair value of fractions of a share as of the time when those entitled to receive such shares are determined, or (4) issue scrip in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip aggregating a full share. A certificate for a fractional share shall, but scrip shall not unless otherwise provided therein, entitle the holder to exercise voting rights, to receive dividends thereon, and to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause such scrip to be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the condition that the shares for which such scrip is exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of such scrip, or subject to any other conditions which the board of directors may deem advisable.

Sec. 12. Section 26, chapter 53, Laws of 1965 and RCW 23A.08.230 are each amended to read as follows:

The initial bylaws of a corporation shall be adopted by its board of directors. The power to ((adopt;)) alter, amend or repeal the bylaws or adopt new bylaws, subject to repeal or change by action of the shareholders, shall be vested in the ((shareholders unless vested in the)) board of directors unless reserved to the shareholders by the articles of incorporation. The bylaws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

Sec. 13. Section 28, chapter 53, Laws of 1965 and RCW 23A.08.250 are each amended to read as follows:

Meetings of shareholders may be held at such place(~~(, either)~~) within or without this state(~~(;)~~) as may be (~~(provided in)~~) stated in or fixed in accordance with the bylaws. (~~(In the absence of any such provision, all)~~) If no place is stated or so fixed, meetings shall be held at the (~~(registered office)~~) principal place of business of the corporation.

An annual meeting of the shareholders shall be held at such time as may be (~~(provided in)~~) stated in or fixed in accordance with the bylaws. (~~(Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.)~~) If the annual meeting is not held within any thirteen-month period the superior court may, on the application of any shareholder for a writ of mandamus, summarily order a meeting to be held.

Special meetings of the shareholders may be called by (~~(the president;)~~) the board of directors, the holders of not less than one-tenth of all the shares entitled to vote at the meeting, or such other (~~(officers or)~~) persons as may be (~~(provided)~~) authorized in the articles of incorporation or the bylaws.

NEW SECTION. Sec. 14. There is added to chapter 23A.08 RCW a new section to read as follows:

Any action required by this title to be taken at a meeting of the shareholders of a corporation, or any action which may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the shareholders entitled to vote with respect to the subject matter thereof.

The consent shall have the same force and effect as a unanimous vote of shareholders, and may be stated as such in any articles or document filed under this title with the secretary of state.

Sec. 15. Section 31, chapter 53, Laws of 1965 and RCW 23A.08.280 are each amended to read as follows:

The officer or agent having charge of the stock transfer books for shares of a corporation shall make, at least ten days before each meeting of shareholders, a complete (~~(list)~~) record of the shareholders entitled to vote at such meeting or any adjournment thereof, arranged in alphabetical order, with the address of and the number of shares held by each, which (~~(list)~~) record, for a period of ten days prior to such meeting, shall be kept on file at the registered office of the corporation. Such (~~(list)~~) record shall be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any shareholder during the whole time of the meeting for the purposes thereof. (~~(The original stock transfer books shall be prima facie evidence as to who are the shareholders entitled to examine such list or transfer books or to vote at any meeting of shareholders.)~~)

Failure to comply with the requirements of this section shall not affect the validity of any action taken at such meeting.

An officer or agent having charge of the stock transfer books who shall fail to prepare the ~~((hist))~~ record of shareholders, or keep it on file for a period of ten days, or produce and keep it open for inspection at the meeting, as provided in this section, shall be liable to any shareholder suffering damage on account of such failure, to the extent of such damage.

Sec. 16. Section 32, chapter 53, Laws of 1965 and RCW 23A.08.290 are each amended to read as follows:

~~((Unless otherwise provided in the articles of incorporation, a majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders. If a quorum is present, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless the vote of a greater number or voting by classes is required by this title or the articles of incorporation or bylaws.))~~ (1) A quorum at a meeting of shareholders is constituted by the representation in person or by proxy of:

(a) The percentage of shares entitled to vote set forth in the articles of incorporation, except that no such percentage shall be less than thirty-three percent; or

(b) In the absence of any provision in the articles of incorporation, a majority of shares entitled to vote.

(2) If a quorum is present, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless the vote of a greater number or voting by classes is required by this title or the articles of incorporation or bylaws.

Sec. 17. Section 33, chapter 53, Laws of 1965 and RCW 23A.08.300 are each amended to read as follows:

Each outstanding share, regardless of class, shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders, except ~~((to the extent that the voting rights of the shares of any class or classes are limited or denied by the articles of incorporation as permitted by this title))~~ as may be otherwise provided in the articles of incorporation. If the articles of incorporation provide for more or less than one vote for any share, on any matter, every reference in this title to a majority or other proportion of shares shall refer to such a majority or other proportion of votes entitled to be cast.

Neither treasury shares, nor shares held by another corporation if a majority of the shares entitled to vote for the election of directors of such other corporation is held by the corporation, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time.

A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless

otherwise provided in the proxy. Unless the articles of incorporation otherwise provide, at each election for directors every shareholder entitled to vote at such election shall have the right to vote in person or by proxy, the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote, or to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same principle among any number of such candidates.

Shares standing in the name of another corporation, domestic or foreign, may be voted by such officer, agent or proxy as the bylaws of such corporation may prescribe, or, in the absence of such provision, as the board of directors of such corporation may determine.

Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. Shares standing in the name of a trustee may be voted by him, either in person or by proxy, but no trustee shall be entitled to vote shares held by him without a transfer of such shares into his name.

Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver was appointed.

A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

On and after the date on which written notice of redemption of redeemable shares has been mailed to the holders thereof and a sum sufficient to redeem such shares has been deposited with a bank or trust company with irrevocable instruction and authority to pay the redemption price to the holders thereof upon surrender of certificates therefor, such shares shall not be entitled to vote on any matter and shall not be deemed to be outstanding shares.

Sec. 18. Section 1, chapter 176, Laws of 1967 and RCW 23A.08.345 are each amended to read as follows:

Unless otherwise provided by the articles of incorporation or bylaws, any action required by this title to be taken at a meeting of the directors of a corporation, or any action which may be taken at a meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so ~~((to be))~~ taken, shall be signed ~~((before such action))~~ by all of the directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote.

Sec. 19. Section 38, chapter 53, Laws of 1965 as amended by section 2, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.350 are each amended to read as follows:

The ~~((number))~~ board of directors of a corporation shall ~~((be not less than three, except that in cases where all shares of a corporation are owned of record by fewer than three shareholders, the number of directors may be less than three but not less than the number of such shareholders. Subject to such limitation;))~~ consist of one or more members. The number of directors shall be fixed by or in the manner provided in the articles of incorporation or the bylaws, except as to the number constituting the initial board of directors, which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to or in the manner provided in the articles of incorporation or the bylaws, but no decrease shall have the effect of shortening the term of any incumbent director. In the absence of a bylaw ~~((fixing))~~ providing for the number of directors, the number shall be the same as that ~~((stated))~~ provided for in the articles of incorporation. The names and addresses of the members of the first board of directors shall be stated in the articles of incorporation. Such persons shall hold office until the first annual meeting of shareholders, and until their successors shall have been elected and ~~((are))~~ qualified~~((, unless removed in accordance with the provisions of the by-laws))~~. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting, except in case of the classification of directors as permitted by this title. Each director shall hold office for the term for which he is elected and until his successor shall have been elected and ~~((is))~~ qualified~~((, unless removed in accordance with the provisions of the bylaws))~~.

Sec. 20. Section 41, chapter 53, Laws of 1965 and RCW 23A.08.380 are each amended to read as follows:

At a meeting of shareholders called expressly for that purpose, directors may be removed in the manner provided in this section. Any director or the entire board of directors may be removed, with or without cause, by a vote of the holders of a majority of the shares then entitled to vote at an election of directors.

In the case of a corporation having cumulative voting, if less than the entire board is to be removed, no one of the directors may be removed if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he is a part.

Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect ~~((of))~~ to the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole.

Sec. 21. Section 42, chapter 53, Laws of 1965 and RCW 23A.08.390 are each amended to read as follows:

A majority of the number of directors fixed by or in the manner provided in the bylaws, or in the absence of a bylaw fixing or providing for the number of directors, then of the number ~~((stated))~~ fixed by or in the manner provided in the articles of incorporation, shall constitute a quorum for the transaction of business unless a greater number is required by the articles of incorporation or the bylaws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the articles of incorporation or the bylaws.

Sec. 22. Section 44, chapter 53, Laws of 1965 as amended by section 3, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.410 are each amended to read as follows:

Meetings of the board of directors, regular or special, may be held either within or without this state.

Regular meetings of the board of directors or of any committee designated ~~((by the bylaws or appointed))~~ by the board of directors may be held with or without notice as prescribed in the bylaws. Special meetings of the board of directors or any committee designated by the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director or a committee member at a meeting shall constitute a waiver of notice of such meeting, except where a director or a committee member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors or any committee designated ~~((by the bylaws or appointed))~~ by the board of directors need be specified in the notice or waiver of notice of such meeting unless required by the bylaws.

Except as may be otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or any committee designated ~~((by the bylaws or appointed))~~ by the board of directors may participate in a meeting of such board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time~~((;))~~ and participation by such means shall constitute presence in person at a meeting.

Sec. 23. Section 45, chapter 53, Laws of 1965 and RCW 23A.08.420 are each amended to read as follows:

The board of directors of a corporation may, from time to time, declare and the corporation may pay dividends on its outstanding shares in cash, property, or its own shares, except when the corporation is insolvent or when the payment thereof would render the corporation insolvent or when the declaration or payment thereof would be contrary to any restrictions

contained in the articles of incorporation, subject to the following provisions:

(1) Except as otherwise provided in this section, dividends may be declared and paid in cash or property only out of:

(a) the unreserved and unrestricted earned surplus of the corporation, or ~~((out of))~~

(b) the unreserved and unrestricted net earnings of the current fiscal year and the next preceding fiscal year taken as a single period. No ~~((such))~~ dividend out of unreserved and unrestricted net earnings so computed shall be paid which would reduce the net assets of the corporation below the aggregate preferential amount payable in event of voluntary liquidation to the holders of shares having preferential rights to the assets of the corporation in the event of liquidation.

(2) ~~((In the case of a corporation engaged in the business of exploiting natural resources or owning property having a limited life, such as a lease for a term of years, or a patent))~~ If the articles of incorporation of a corporation engaged in the business of exploiting natural resources so provide, dividends may be declared and paid in cash out of the depletion reserves, but each such dividend shall be identified as a distribution of such reserves and the amount per share paid from such reserves shall be disclosed to the shareholders receiving the same concurrently with the distribution thereof.

(3) Dividends may be declared and paid in its own treasury shares ~~((out of any treasury shares that have been reacquired out of surplus of the corporation))~~.

(4) Dividends may be declared and paid in its own authorized but unissued shares out of any unreserved and unrestricted surplus of the corporation upon the following conditions:

(a) If a dividend is payable in its own shares having a par value, such shares shall be issued at not less than the par value thereof and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus ~~((at least))~~ equal to the aggregate par value of the shares to be issued as a dividend.

(b) If a dividend is payable in its own shares without par value, such shares shall be issued at such stated value as shall be fixed by the board of directors by resolution adopted at the time such dividend is declared, and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate stated value so fixed in respect of such shares; and the amount per share so transferred to stated capital shall be disclosed to the shareholders receiving such dividend concurrently with the payment thereof.

(5) No dividend payable in shares of any class shall be paid to the holders of shares of any other class unless the articles of incorporation so provide or such payment is authorized by the affirmative vote or the written

consent of the holders of at least a majority of the outstanding shares of the class in which the payment is to be made.

A split-up or division of the issued shares of any class into a greater number of shares of the same class without increasing the stated capital of the corporation shall not be construed to be a share dividend within the meaning of this section.

Sec. 24. Section 48, chapter 53, Laws of 1965 and RCW 23A.08.450 are each amended to read as follows:

In addition to any other liabilities imposed by law upon directors of a corporation:

(1) Directors of a corporation who vote for or assent to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders contrary to the provisions of this title or contrary to any restrictions contained in the articles of incorporation, shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this title or the restrictions in the articles of incorporation.

(2) Directors of a corporation who vote for or assent to the purchase of its own shares contrary to the provisions of this title shall be jointly and severally liable to the corporation for the amount of consideration paid for such shares which is in excess of the maximum amount which could have been paid therefor without a violation of the provisions of this title.

(3) The directors of a corporation who vote for or assent to any distribution of assets of a corporation to its shareholders during the liquidation of the corporation without the payment and discharge of, or making adequate provision for, all known debts, obligations, and liabilities of the corporation shall be jointly and severally liable to the corporation for the value of such assets which are distributed, to the extent that such debts, obligations, and liabilities of the corporation are not thereafter paid and discharged.

(4) The directors of a corporation who vote for or assent to the making of a loan to an officer or director of the corporation, or the making of any loan secured by shares of the corporation, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof, unless approved by the shareholders as provided in RCW 23A.08.440.

~~((5) If a corporation shall commence business before it has received at least five hundred dollars as consideration for the issuance of shares, the directors who assent thereto shall be jointly and severally liable to the corporation for such part of five hundred dollars as shall not have been received before commencing business, but such liability shall be terminated when the corporation has actually received five hundred dollars as consideration for the issuance of shares.))~~

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

A director shall not be liable under subsections (1), (2)₂ or (3) of this section if he relied and acted in good faith upon financial statements of the corporation represented to him to be correct by the president or the officer of such corporation having charge of its books of account, or stated in a written report by an independent public or certified public accountant or firm of such accountants fairly to reflect the financial condition of such corporation, nor shall he be so liable if in good faith in determining the amount available for any such dividend or distribution he considered the assets to be of their book value.

Any director against whom a claim shall be asserted under or pursuant to this section for the payment of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders who accepted or received any such dividend or assets, knowing such dividend or distribution to have been made in violation of this title, in proportion to the amounts received by them respectively.

Any director against whom a claim shall be asserted under or pursuant to this section shall be entitled to contribution from the other directors who voted for or assented to the action upon which the claim is asserted.

Sec. 25. Section 50, chapter 53, Laws of 1965 as amended by section 4, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.470 are each amended to read as follows:

The officers of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. Any two or more offices may be held by the same person, except the offices of president and secretary, except that when all of the issued and outstanding stock of the corporation is owned of record by one ~~((person))~~ shareholder, ~~((such))~~ one person may hold all or any combination of offices.

All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided in the bylaws, or as may be determined by resolution of the board of directors not inconsistent with the bylaws.

Sec. 26. Section 53, chapter 53, Laws of 1965 and RCW 23A.08.500 are each amended to read as follows:

Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its shareholders and board of directors; and shall keep at its registered office or principal place of business, or at the office of its transfer agent or registrar, a record of its shareholders, giving the names and addresses of all shareholders and the number and class of the shares held by each. Any books, records, and minutes may be in written form or any other form capable of being converted into written form within a reasonable time.

Any person who shall have been a ((shareholder)) holder of record ((for)) of shares or of voting trust certificates for shares at least six months immediately preceding his demand or who shall be the holder of record of, or the holder of record of voting trust certificates for, at least five percent of all the outstanding shares of a corporation, upon written demand stating the purpose thereof, shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, its relevant books and records of account, minutes and record of shareholders and to make extracts therefrom.

Any officer or agent who, or a corporation which, shall refuse to allow any such shareholder or holder of voting trust certificates, or his agent or attorney, so to examine and make extracts from its books and records of account, minutes, and record of shareholders, for any proper purpose, shall be liable to such shareholder or holder of voting trust certificates in a penalty of ten percent of the value of the shares owned by such shareholder, or in respect of which such voting trust certificates are issued, in addition to any other damages or remedy afforded him by law. It shall be a defense to any action for penalties under this section that the person suing therefor has within two years sold or offered for sale any list of shareholders or of holders of voting trust certificates for shares of such corporation or any other corporation or has aided or abetted any person in procuring any list of shareholders or of holders of voting trust certificates for any such purpose, or has improperly used any information secured through any prior examination of the books and records of account, or minutes, or record of shareholders or of holders of voting trust certificates for shares of such corporation or any other corporation, or was not acting in good faith or for a proper purpose in making his demand.

Nothing herein contained shall impair the power of any court of competent jurisdiction, upon proof by a shareholder or holder of voting trust

certificates of proper purpose, irrespective of the period of time during which such shareholder or holder of voting trust certificates shall have been a shareholder of record or a holder of record of voting trust certificates, and irrespective of the number of shares held by him or represented by voting trust certificates held by him, to compel the production for examination by such shareholder of the books and records of account, minutes, and record of shareholders of a corporation.

Upon the written request of any shareholder or holder of voting trust certificates of a corporation, the corporation shall mail to such shareholder or holder of voting trust certificates its most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations.

Sec. 27. Section 55, chapter 53, Laws of 1965 and RCW 23A.12.020 are each amended to read as follows:

The articles of incorporation shall set forth:

- (1) The name of the corporation.
- (2) The period of duration, which may be perpetual.
- (3) The purpose or purposes for which the corporation is organized which may be stated to be, or to include, the transaction of any or all lawful business for which corporations may be incorporated under this title.
- (4) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value.
- (5) If all or any portion of the shares have no par value, the aggregate value of those shares, or, such aggregate value shall be stated in the affidavit filed pursuant to RCW 23A.40.050.
- (6) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class.
- (7) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series.
- ~~(8) ((A statement that the corporation will not commence business until consideration of the value of at least five hundred dollars has been received for the issuance of shares.~~
- ~~(9))~~ Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the corporation.

~~((+0))~~ (9) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision restricting the transfer of shares and any provision which under this title is required or permitted to be set forth in the bylaws.

~~((+1))~~ (10) The address of its initial registered office and the name of its initial registered agent at such address.

~~((+2))~~ (11) The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors be elected and qualify.

~~((+3))~~ (12) The name and address of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this title.

Sec. 28. Section 57, chapter 53, Laws of 1965 and RCW 23A.12.040 are each amended to read as follows:

Upon the issuance of the certificate of incorporation, the corporate existence shall begin, and such certificate of incorporation shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this title, except as against this state in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation. ~~((Notwithstanding the provisions of RCW 23A.04:010, subsection 6, those persons who subscribed for shares prior to the issuance of the certificate of incorporation, or their assigns, shall be shareholders in the corporation upon such issuance, unless their rights under the stock subscription agreement have been terminated under the provisions of RCW 23A.08.140:))~~

Sec. 29. Section 59, chapter 53, Laws of 1965 and RCW 23A.12.060 are each amended to read as follows:

After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this state, at the call of a majority of the ~~((incorporators))~~ directors named in the articles of incorporation, for the purpose of adopting bylaws, electing officers, and the transaction of such other business as may come before the meeting. The ~~((incorporators))~~ directors calling the meeting shall give at least three days' notice thereof by mail to each director so named, which notice shall state the time and place of meeting. Any action permitted to be taken at the organization meeting of the directors may be taken without a meeting if each director signs an instrument which states the action so taken.

Sec. 30. Section 61, chapter 53, Laws of 1965 and RCW 23A.16.020 are each amended to read as follows:

Amendments to the articles of incorporation shall be made in the following manner:

(1) The board of directors shall adopt a resolution setting forth the proposed amendment and, if shares have been issued, directing that it be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting. If no shares have been issued, the amendment shall be adopted by resolution of the board of directors and the provisions for adoption by shareholders shall not apply. The resolution may incorporate the proposed amendment in restated articles of incorporation which contain a statement that except for the designated amendment the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended, and that the restated articles of incorporation together with the designated amendment supersede the original articles of incorporation and all amendments thereto.

(2) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this title for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

Any number of amendments may be submitted to the shareholders, and voted upon by them, at one meeting.

Sec. 31. Section 63, chapter 53, Laws of 1965 as amended by section 5, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.040 are each amended to read as follows:

The articles of amendment shall be executed in duplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such articles, and shall set forth:

- (1) The name of the corporation.
- (2) The amendment so adopted.
- (3) The date of the adoption of the amendment by the shareholders, or by the board of directors where no shares have been issued.
- (4) The number of shares outstanding, and the number of shares entitled to vote thereon, and if the shares of any class are entitled to vote

thereon as a class, the designation and number of outstanding shares entitled to vote thereon of each such class.

(5) The number of shares voted for and against such amendment, respectively, and, if the shares of any class are entitled to vote thereon as a class, the number of shares of each such class voted for and against such amendment, respectively.

(6) If such amendment provides for an exchange, reclassification, or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then a statement of the manner in which the same shall be effected.

(7) If such amendment effects a change in the amount of stated capital, then a statement of the manner in which the same is effected and a statement, expressed in dollars, of the amount of stated capital as changed by such amendment.

Sec. 32. Section 65, chapter 53, Laws of 1965 and RCW 23A.16.060 are each amended to read as follows:

~~((Upon the issuance of the certificate of amendment by the secretary of state,))~~ The amendment shall become effective ((and the articles of incorporation shall be deemed to be amended accordingly)) upon the issuance of the certificate of amendment by the secretary of state, or on such later date, not more than thirty days subsequent to the filing thereof with the secretary of state, as shall be provided for in the articles of amendment.

No amendment shall affect any existing cause of action in favor of or against such corporation, or any pending suit to which such corporation shall be a party, or the existing rights of persons other than shareholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason.

NEW SECTION. Sec. 33. There is added to chapter 23A.16 RCW a new section to read as follows:

A domestic corporation may at any time restate its articles of incorporation as theretofore amended, by a resolution adopted by the board of directors.

Upon the adoption of the resolution, restated articles of incorporation shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or assistant secretary and verified by one of the officers signing the articles and shall set forth all of the operative provisions of the articles of incorporation as theretofore amended together with a statement that the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

Duplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles of incorporation conform to law, he shall, when all fees required by this title have been paid:

- (1) Endorse on each duplicate original the word "Filed" and the month, day, and year of the filing thereof;
- (2) File one duplicate original in his office; and
- (3) Issue a restated certificate of incorporation, to which he shall affix the other duplicate original.

The restated certificate of incorporation, together with the duplicate original of the restated articles of incorporation affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Upon the issuance of the restated certificate of incorporation by the secretary of state, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto.

Sec. 34. Section 67, chapter 53, Laws of 1965 as amended by section 8, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.080 are each amended to read as follows:

(1) Whenever a plan of reorganization of a corporation has been confirmed by decree or order of a court of competent jurisdiction in proceedings for the reorganization of such corporation, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, the articles of incorporation of the corporation may be amended, in the manner provided in this section, in as many respects as may be necessary to carry out the plan and put it into effect, so long as the articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment.

In particular and without limitation upon such general power of amendment, the articles of incorporation may be amended for such purpose so as to:

- (a) Change the corporate name, period of duration, or corporate purposes of the corporation;
- (b) Repeal, alter, or amend the bylaws of the corporation;
- (c) Change the aggregate number of shares, or shares of any class, which the corporation has authority to issue;
- (d) Change the preferences, limitations, and relative rights in respect of all or any part of the shares of the corporation, and classify, reclassify or cancel all or any part thereof, whether issued or unissued;
- (e) Authorize the issuance of bonds, debentures, or other obligations of the corporation, whether or not convertible into shares of any class or bearing warrants or other evidences of optional rights to purchase or subscribe for shares of any class, and fix the terms and conditions thereof; and

(f) Constitute or reconstitute and classify or reclassify the board of directors of the corporation, and appoint directors and officers in place of or in addition to all or any of the directors or officers then in office.

(2) Amendments to the articles of incorporation pursuant to this section shall be made in the following manner:

(a) Articles of amendment approved by decree or order of such court shall be executed and verified in duplicate by such person or persons as the court shall designate or appoint for the purpose, and shall set forth the name of the corporation, the amendments of the articles of incorporation approved by the court, the date of the decree or order approving the articles of amendment, the title of the proceedings in which the decree or order was entered, and a statement that such decree or order was entered by a court having jurisdiction of the proceedings for the reorganization of the corporation pursuant to the provisions of an applicable statute of the United States.

(b) Duplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he shall, when all fees have been paid as in this title prescribed:

(i) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(ii) File one of such originals in his office.

(iii) Issue a certificate of amendment to which he shall affix the other original.

(3) The certificate of amendment, together with the original of the articles of amendment affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

(4) ~~((Upon the issuance of the certificate of amendment by the secretary of state,))~~ The amendment shall become effective ((and the articles of incorporation shall be deemed to be amended accordingly)) upon the issuance of the certificate of amendment by the secretary of state, or on such later date, not more than thirty days subsequent to the filing thereof with the secretary of state, as shall be provided for in the articles of amendment, without any action thereon by the directors or shareholders of the corporation and with the same effect as if the amendments had been adopted by unanimous action of the directors and shareholders of the corporation.

NEW SECTION. Sec. 35. There is added to chapter 23A.20 RCW a new section to read as follows:

All the issued or all the outstanding shares of one or more classes of any domestic corporation may be acquired through the exchange of all such shares of such class or classes by another domestic or foreign corporation pursuant to a plan of exchange approved in the manner provided in this title.

The board of directors of each corporation shall, by resolution adopted by each board, approve a plan of exchange setting forth:

(1) The name of the corporation the shares of which are proposed to be acquired by exchange and the name of the corporation to acquire the shares of such corporation in the exchange, which is designated in this chapter as the acquiring corporation;

(2) The terms and conditions of the proposed exchange;

(3) The manner and basis of exchanging the shares to be acquired for shares, obligations, or other securities of the acquiring corporation or any other corporation, or, in whole or in part, for cash or other property; and

(4) Such other provisions with respect to the proposed exchange as are deemed necessary or desirable.

The procedure authorized by this section shall not be deemed to limit the power of a corporation to acquire all or part of the shares of any class or classes of a corporation through a voluntary exchange or otherwise by agreement with the shareholders.

Sec. 36. Section 75, chapter 53, Laws of 1965 and RCW 23A.20.030 are each amended to read as follows:

The board of directors of each corporation, (~~upon approving such plan of merger or plan of consolidation~~) in the case of a merger or consolidation, and the board of directors of the corporation the shares of which are to be acquired, in the case of an exchange, upon approving the plan of merger, consolidation, or exchange, shall, by resolution, direct that the plan be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting. Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this title for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose or one of the purposes is to consider the proposed plan of merger (~~or~~), consolidation, or exchange. A copy or a summary of the plan of merger (~~or plan of~~), consolidation, or exchange, as the case may be, shall be included in or enclosed with such notice.

At each such meeting, a vote of the shareholders shall be taken on the proposed plan (~~of merger or consolidation~~). The plan (~~of merger or consolidation~~) shall be approved upon receiving the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon of each such corporation, unless any class of shares of any such corporation is entitled to vote thereon as a class, in which event, as to such corporation, the plan (~~of merger or consolidation~~) shall be approved upon receiving the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon. Any class of shares of any such corporation shall be entitled to vote as a class if (~~the~~) any such plan (~~of merger or consolidation, as the case may be,~~) contains any provision which, if contained in a proposed amendment to

articles of incorporation, would entitle such class of shares to vote as a class and, in case of an exchange, if the class is included in the exchange.

After such approval by a vote of the shareholders of each such corporation, and at any time prior to the filing of the articles of merger ~~((or)),~~ consolidation, or exchange, the merger ~~((or)),~~ consolidation, or exchange may be abandoned pursuant to provisions therefor, if any, set forth in the plan ~~((of merger or consolidation)).~~

Sec. 37. Section 76, chapter 53, Laws of 1965 as amended by section 12, chapter 193, Laws of 1977 ex. sess. and RCW 23A.20.040 are each amended to read as follows:

(1) Upon such approval, articles of merger ~~((or)),~~ articles of consolidation, or articles of exchange shall be executed in duplicate by each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

(a) The plan of merger or the plan of consolidation.

(b) As to each corporation, the number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.

(c) As to each corporation, the number of shares voted for and against such plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against such plan, respectively.

(d) As to the acquiring corporation in a plan of exchange, a statement that the adoption of the plan and performance of its terms were duly approved by its board of directors and such other requisite corporate action, if any, as may be required of it.

(2) Duplicate originals of the articles of merger ~~((or)),~~ articles of consolidation, or articles of exchange shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Issue a certificate of merger ~~((or a certificate of)),~~ consolidation, or exchange to which he shall affix the other original.

(3) The certificate of merger ~~((or certificate of)),~~ consolidation, or exchange, together with the duplicate original of the articles of merger ~~((or articles of)),~~ consolidation, or exchange affixed thereto by the secretary of state, shall be returned to the surviving or new or acquiring corporation, or its representative.

Sec. 38. Section 77, chapter 53, Laws of 1965 as last amended by section 13, chapter 193, Laws of 1977 ex. sess. and RCW 23A.20.050 are each amended to read as follows:

(1) Any corporation owning at least ninety-five percent of the outstanding shares of each class of another corporation may merge such other corporation into itself without approval by a vote of the shareholders of either corporation. Its board of directors shall, by resolution, approve a plan of merger setting forth:

(a) The name of the subsidiary corporation and the name of the corporation owning at least ninety-five percent of its shares, which is hereinafter designated as the surviving corporation.

(b) The manner and basis of converting the shares of the subsidiary corporation into shares or other securities or obligations of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property(~~(, or the cash or other consideration to be paid or delivered upon surrender of each share of the subsidiary corporation)~~).

(2) A copy of such plan of merger shall be mailed to each shareholder of record of the subsidiary corporation.

(3) Articles of merger shall be executed in duplicate by the surviving corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing such articles, and shall set forth:

(a) The plan of merger;

(b) The number of outstanding shares of each class of the subsidiary corporation and the number of such shares of each class owned by the surviving corporation; and

(c) The date of the mailing to shareholders of the subsidiary corporation of a copy of the plan of merger.

(4) On and after the thirtieth day after the mailing of a copy of the plan of merger to shareholders of the subsidiary corporation or upon the waiver thereof by the holders of all outstanding shares duplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such originals in his office; and

(c) Issue a certificate of merger to which he shall affix the other original.

(5) The certificate of merger, together with the original of the articles of merger affixed thereto by the secretary of state, shall be returned to the surviving corporation or its representative.

Sec. 39. Section 78, chapter 53, Laws of 1965 and RCW 23A.20.060 are each amended to read as follows:

~~((Upon the issuance of the certificate of merger or the certificate of consolidation by the secretary of state, the merger or consolidation shall be effected.))~~ A merger, consolidation, or exchange shall become effective upon

the issuance of a certificate of merger, consolidation, or exchange by the secretary of state, or on such later date, not more than thirty days subsequent to the filing thereof with the secretary of state, as shall be provided for in the plan.

When ~~((such))~~ a merger or consolidation has ~~((been effected))~~ become effective:

(1) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(2) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(3) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this title.

(4) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, as well of a public as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(5) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(6) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of a consolidation, the statement set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this title shall be deemed to be the original articles of incorporation of the new corporation.

When a merger, consolidation, or exchange has become effective, the shares of the corporation or corporations party to the plan that are, under the terms of the plan, to be converted or exchanged, shall cease to exist, in the case of a merger or consolidation, or be deemed to be exchanged in the case of an exchange, and the holders of the shares shall thereafter be entitled only to the shares, obligations, other securities, cash, or other property into which they shall have been converted or for which they shall have been exchanged, in accordance with the plan, subject to any rights under RCW 23A.24.030.

Sec. 40. Section 79, chapter 53, Laws of 1965 and RCW 23A.20.070 are each amended to read as follows:

One or more foreign corporations and one or more domestic corporations may be merged or consolidated or participate in an exchange in the following manner, if such merger ~~((or))~~, consolidation, or exchange is permitted by the laws of the state under which each such foreign corporation is organized:

(1) Each domestic corporation shall comply with the provisions of this title with respect to the merger ~~((or))~~, consolidation, or exchange, as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(2) If the surviving or new corporation ~~((, as the case may be,))~~ in a merger or consolidation is to be governed by the laws of any state other than this state, it shall comply with the provisions of this title with respect to foreign corporations if it is to transact business in this state, and in every case it shall file with the secretary of state of this state:

(a) An agreement that it may be served with process in this state in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to such merger or consolidation and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation;

(b) An irrevocable appointment of the secretary of state of this state as its agent to accept service of process in any such proceeding; and

(c) An agreement that it will promptly pay to the dissenting shareholders of any such domestic corporation the amount, if any, to which they shall be entitled under the provisions of this title with respect to the rights of dissenting shareholders.

The effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be governed by the laws of this state. If the surviving or new corporation is to be governed by the laws of any state other than this state, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of such other state provide otherwise.

(3) At any time prior to the ((filing)) effective date of the articles of merger ((or)), consolidation, or exchange, the merger ((or)), consolidation, or exchange, may be abandoned pursuant to provision((s)) therefor, if any, set forth in the plan of merger ((or)), consolidation or exchange. In the event the merger, consolidation, or exchange is abandoned, the parties thereto shall execute a notice of abandonment in triplicate by the respective presidents or vice presidents and by the secretaries or assistant secretaries, and verified by an officer for each corporation signing the notice. If the secretary of state finds the notice conforms to law, he shall:

(a) Endorse on each of the originals the word "Filed" and the month, day, and year of filing thereof;

(b) File one of the triplicate originals in his office; and

(c) Issue the other triplicate originals to the respective parties or their representatives.

Sec. 41. Section 80, chapter 53, Laws of 1965 and RCW 23A.24.010 are each amended to read as follows:

The sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation in the usual and regular course of its business and the mortgage or pledge of any or all property and assets of a corporation whether or not in the usual and regular course of business may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares, obligations, or other securities of any other corporation, domestic or foreign, as shall be authorized by its board of directors; and in any such case no authorization or consent of the shareholders shall be required.

Sec. 42. Section 81, chapter 53, Laws of 1965 and RCW 23A.24.020 are each amended to read as follows:

A sale, lease, exchange, or other disposition of all, or substantially all, the property and assets, with or without the good will, of a corporation, if not in the usual and regular course of its business, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares, obligations, or other securities of any other corporation, domestic or foreign, as may be authorized in the following manner:

(1) The board of directors shall adopt a resolution recommending such sale, lease, exchange, or other disposition and directing the submission thereof to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this title for the giving of notice of

meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose, or one of the purposes is to consider the proposed sale, lease, exchange, or other disposition.

(3) At such meeting the shareholders may authorize such sale, lease, exchange, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require the affirmative vote of the holders of two-thirds of the shares of the corporation entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event such authorization shall require the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote as a class thereon and of the total shares entitled to vote thereon.

(4) After such authorization by a vote of shareholders, the board of directors nevertheless, in its discretion, may abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by shareholders.

Sec. 43. Section 82, chapter 53, Laws of 1965 and RCW 23A.24.030 are each amended to read as follows:

Any shareholder of a corporation shall have the right to dissent from any of the following corporate actions:

(1) Any plan of merger or consolidation to which the corporation is a party; or

(2) Any sale or exchange of all or substantially all of the property and assets of the corporation not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of sale be distributed to the shareholders in accordance with their respective interests within one year after the date of sale.

(3) Any plan of exchange to which the corporation is a party as the corporation the shares of which are to be acquired.

A shareholder may dissent as to less than all of the shares registered in his name. In that event, his rights shall be determined as if the shares as to which he has dissented and his other shares were registered in the names of different shareholders.

The provisions of this section shall not apply to the shareholders of the surviving corporation in a merger (~~(if such corporation is on the date of the filing of the articles of merger the owner of all the outstanding shares of the other corporations, domestic or foreign, which are parties to the merger, or)~~) if a vote of the shareholders of such corporation is not necessary to authorize such merger.

Sec. 44. Section 83, chapter 53, Laws of 1965 and RCW 23A.24.040 are each amended to read as follows:

Any shareholder electing to exercise such right of dissent shall file with the corporation, prior to or at the meeting of shareholders at which such proposed corporate action is submitted to a vote, a written objection to such proposed corporate action. If such proposed corporate action be approved by the required vote and such shareholder shall not have voted in favor thereof, such shareholder may, within ten days after the date on which the vote was taken, or if a corporation is to be merged without a vote of its shareholders into another corporation, any other shareholders may, within fifteen days after the plan of such merger shall have been mailed to such shareholders, make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, domestic or foreign, for payment of the fair value of such shareholder's shares, and, if such proposed corporate action is effected, such corporation shall pay to such shareholder, upon surrender of the certificate or certificates representing such shares, the fair value thereof as of the day prior to the date on which the vote was taken approving the proposed corporate action, excluding any appreciation or depreciation in anticipation of such corporate action. Any shareholder failing to make demand within the applicable ten day or fifteen day period shall be bound by the terms of the proposed corporate action. Any shareholder making such demand shall thereafter be entitled only to payment as in this section provided and shall not be entitled to vote or to exercise any other rights of a shareholder.

No such demand shall be withdrawn unless the corporation shall consent thereto. The right of such shareholder to be paid the fair value of his shares shall cease and his status as a shareholder shall be restored, without prejudice to any corporate proceedings which may have been taken during the interim, if:

- (1) Such demand shall be withdrawn upon consent; or
- (2) The proposed corporate action shall be abandoned or rescinded or the shareholders shall revoke the authority to effect such action; or
- (3) In the case of a merger, on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporations, domestic and foreign, that are parties to the merger; or
- (4) No demand or petition for the determination of fair value by a court shall have been made or filed within the time provided by this section; or
- (5) A court of competent jurisdiction shall determine that such shareholder is not entitled to the relief provided by this section.

Within ten days after such corporate action is effected, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, shall give written notice thereof to each dissenting shareholder who has made demand as herein provided, and shall make a

written offer to each such shareholder to pay for such shares at a specified price deemed by such corporation to be the fair value thereof. Such notice and offer shall be accompanied by a balance sheet of the corporation the shares of which the dissenting shareholder holds, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such corporation for the twelve months' period ended on the date of such balance sheet.

If within thirty days after the date on which such corporate action was effected the fair value of such shares is agreed upon between any such dissenting shareholder and the corporation, payment therefor shall be made within ninety days after the date on which such corporate action was effected, upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares.

If within such period of thirty days a dissenting shareholder and the corporation do not so agree, then the corporation, within thirty days after receipt of written demand from any dissenting shareholder given within sixty days after the date on which such corporate action was effected, shall, or at its election at any time within such period of sixty days may, file a petition in any court of competent jurisdiction in the county in this state where the registered office of the corporation is located praying that the fair value of such shares be found and determined. If, in the case of a merger or consolidation, the surviving or new corporation is a foreign corporation without a registered office in this state, such petition shall be filed in the county where the registered office of the domestic corporation was last located. If the corporation shall fail to institute the proceeding as herein provided, any dissenting shareholder may do so in the name of the corporation. All dissenting shareholders, wherever residing, shall be made parties to the proceeding as an action against their shares quasi in rem. A copy of the petition shall be served on each dissenting shareholder who is a resident of this state and shall be served by registered or certified mail on each dissenting shareholder who is a nonresident. Service on nonresidents shall also be made by publication as provided by law. The jurisdiction of the court shall be plenary and exclusive. All shareholders who are parties to the proceeding shall be entitled to judgment against the corporation for the amount of the fair value of their shares. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof. The judgment shall be payable only upon and concurrently with the surrender to the corporation of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares.

The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date on which the vote was taken on the proposed corporate action to the date of payment.

The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against any or all of the dissenting shareholders who are parties to the proceeding to whom the corporation shall have made an offer to pay for the shares if the court shall find that the action of such shareholders in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers, but shall exclude the fees and expenses of counsel for and experts employed by any party; but if the fair value of the shares as determined materially exceeds the amount which the corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to any shareholder who is a party to the proceeding such sum as the court may determine to be reasonable compensation to any expert or experts employed by the shareholder in the proceeding.

Within twenty days after demanding payment for his shares, each shareholder demanding payment shall submit the certificate or certificates representing his shares to the corporation for notation thereon that such demand has been made. His failure to do so shall, at the option of the corporation, terminate his rights under this section unless a court of competent jurisdiction, for good and sufficient cause shown, shall otherwise direct. If shares represented by a certificate on which notation has been so made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares, and a transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making demand for payment of the fair value thereof.

Shares acquired by a corporation pursuant to payment of the agreed value therefor or to payment of the judgment entered therefor, as in this section provided, may be held and disposed of by such corporation as in the case of other treasury shares, except that, in the case of a merger or consolidation, they may be held and disposed of as the plan of merger or consolidation may otherwise provide.

Sec. 45. Section 84, chapter 53, Laws of 1965 as amended by section 14, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.010 are each amended to read as follows:

A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators at any time (~~((within two years after the date of the issuance of its certificate of incorporation;))~~) in the following manner:

(1) Articles of dissolution shall be executed in duplicate by a majority of the incorporators, and verified by them, and shall set forth:

- (a) The name of the corporation.
- (b) The date of issuance of its certificate of incorporation.
- (c) That none of its shares has been issued.
- (d) That the corporation has not commenced business.
- (e) That the amount, if any, actually paid in on subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto.
- (f) That no debts of the corporation remain unpaid.
- (g) That a majority of the incorporators elect that the corporation be dissolved.

(2) Duplicate originals of the articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that the articles of dissolution conform to law, he shall, when all fees have been paid as in this title prescribed:

- (a) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.
- (b) File one of such originals in his office.
- (c) Issue a certificate of dissolution to which he shall affix the other original.

The certificate of dissolution, together with the duplicate original of the articles of dissolution affixed thereto by the secretary of state, shall be returned to the incorporators or their representatives. Upon the issuance of such certificate of dissolution by the secretary of state, the existence of the corporation shall cease.

Sec. 46. Section 109, chapter 53, Laws of 1965 and RCW 23A.32.010 are each amended to read as follows:

No foreign corporation shall have the right to transact business in this state until it shall have procured a certificate of authority so to do from the secretary of state. No foreign corporation shall be entitled to procure a certificate of authority under this title to transact in this state any business which a corporation organized under this title is not permitted to transact. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this state, and nothing in this title contained shall be construed to authorize this state to regulate the organization or the internal affairs of such corporation.

Without excluding other activities which may not constitute transacting business in this state, a foreign corporation shall not be considered to be transacting business in this state, for the purposes of this title, by reason of carrying on in this state any one or more of the following activities:

(1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.

(2) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs.

(3) Maintaining bank accounts.

(4) Maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining trustees or depositaries with relation to its securities.

(5) Effecting sales through independent contractors.

(6) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.

(7) Creating ((evidences of debt, mortgages or liens on)) as borrower or lender, or acquiring, indebtedness or mortgages or other security interests in real or personal property.

(8) Securing or collecting debts or enforcing any rights in property securing the same.

(9) Transacting any business in interstate commerce.

(10) Conducting an isolated transaction completed within a period of thirty days and not in the course of a number of repeated transactions of like nature.

Sec. 47. Section 111, chapter 53, Laws of 1965 as amended by section 6, chapter 190, Laws of 1967 and RCW 23A.32.030 are each amended to read as follows:

No certificate of authority shall be issued to a foreign corporation unless the corporate name of such corporation:

(1) Shall contain the word "corporation," "company," "incorporated," or "limited," or shall contain an abbreviation of one of such words, or such corporation shall, for use in this state, add at the end of its name one of such words or an abbreviation thereof.

(2) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation or that it is authorized or empowered to conduct the business of banking or insurance.

(3) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this title, or the name of a corporation which has in effect a registration of its name as provided in this title (~~:(- PROVIDED, That a foreign corporation which is precluded from using its corporate name for one of the above reasons may adopt an assumed name under which it may conduct its business~~

in this state)), except that this provision shall not apply if the foreign corporation applying for a certificate of authority files with the secretary of state any one of the following:

(a) A resolution of its board of directors adopting a fictitious name for use in transacting business in this state which fictitious name is not deceptively similar to the name of any domestic corporation or of any foreign corporation authorized to transact business in this state or to any name reserved or registered as provided in this title; or

(b) The written consent of the other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make the name distinguishable from the other name as determined by the secretary of state; or

(c) A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the foreign corporation to the use of the name in this state.

Sec. 48. Section 112, chapter 53, Laws of 1965 and RCW 23A.32.040 are each amended to read as follows:

Whenever a foreign corporation which is authorized to transact business in this state shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall be suspended and it shall not thereafter transact any business in this state until it has changed its name to a name which is available to it under the laws of this state or has otherwise complied with the provisions of this title.

Sec. 49. Section 113, chapter 53, Laws of 1965 as amended by section 1, chapter 22, Laws of 1971 and RCW 23A.32.050 are each amended to read as follows:

A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation", "company", "incorporated", or "limited", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(5) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.

(6) The names and respective addresses of the ~~((president and secretary))~~ directors and officers of the corporation.

(7) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any within a class.

(8) A statement that a registered agent has been appointed and the name and address of such agent, and that a registered office exists and the address of such registered office is identical to that of the registered agent.

(9) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees payable as in this title prescribed.

Such application shall be made on forms prescribed and furnished by the secretary of state and shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such application.

Such application shall be accompanied by a certificate of good standing to be certified to by the proper officer of the state or country under the laws of which it is incorporated.

Sec. 50. Section 114, chapter 53, Laws of 1965 as last amended by section 1, chapter 89, Laws of 1973 and RCW 23A.32.060 are each amended to read as follows:

Duplicate originals of the application of the corporation for a certificate of authority shall be delivered to the secretary of state, together with a copy of the certificate of good standing, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated, together with a copy of its articles of incorporation and all amendments thereto.

If the secretary of state finds that such application conforms to law, he shall, when all fees have been paid as in this title prescribed:

(1) Endorse on each of such documents the word "Filed", and the month, day and year of the filing thereof.

(2) File in his office one of such duplicate originals of the application.

(3) Issue a certificate of authority to transact business in this state to which he shall affix the other duplicate original application.

The certificate of authority, together with the duplicate original of the application affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

NEW SECTION. Sec. 51. There is added to chapter 23A.32 RCW a new section to read as follows:

A foreign corporation doing an intrastate business or seeking to do an intrastate business in the state of Washington shall qualify so to do in the manner prescribed in this title and shall pay for the privilege of so doing the filing and license fees prescribed in this title for domestic corporations, including the same fees as are prescribed in chapter 23A.40 RCW for the filing of articles of incorporation of a domestic corporation. The fees are to be computed upon the portion of capital stock of such corporation represented

or to be represented in the state of Washington, to be ascertained by comparing the value in money of its entire property and capital with the value in money of its property and capital in, or to be brought into, and used in this state. Any corporation that employs an increased amount of its capital stock within the state shall pay fees at the same rate upon such increase, and whenever such increase is made such corporation shall file with the secretary of state, a statement showing the amount of such increase. Before any foreign corporation shall be authorized to do intrastate business in the state of Washington it shall file with the secretary of state upon a blank form to be furnished for that purpose under the oath of its president, secretary, treasurer, superintendent or managing agent in this state, a statement showing the following facts:

(1) The number of shares of capital stock of the company and the par value of each share, and if such shares have no par value, then the value of the assets represented by nonpar shares.

(2) The portion of the capital stock of the company which is represented and/or to be represented, employed and/or to be employed in its business transacted or to be transacted in the state of Washington.

(3) The value of the property in or to be brought into, and the amount of capital to be used by the company in the state of Washington and the value of the property and capital owned and/or used by the company outside of the state of Washington.

(4) Such other facts as the secretary of state may require.

From the facts thus reported, and such other additional information as the secretary of state may require, the secretary of state shall determine the amount of capital or the proportionate amount of the capital stock of the company represented by its property and business in the state of Washington and upon which the fees prescribed herein are payable.

NEW SECTION. Sec. 52. There is added to chapter 23A.32 RCW a new section to read as follows:

All foreign corporations doing intrastate business, or hereafter seeking to do intrastate business in this state shall pay for the privilege of doing such intrastate business in this state the same fees as are prescribed for domestic corporations for annual license fees. Such fees shall be computed upon the proportion of the capital stock represented or to be represented by its property and business in this state to be ascertained by comparing the entire volume of business with the volume of intrastate business in this state. Any such corporation that shall employ an increased amount of its capital stock within this state shall pay license fees upon such increase in the same proportion as provided for payment of license fees by domestic corporations. Such corporations shall file with the secretary of state a statement showing the amount of such increase and shall forthwith pay to the secretary of state the increased license fee brought about by such increased

use of capital represented by its property and business in this state. All fees shall be paid on or before the first day of July of each and every year.

NEW SECTION. Sec. 53. There is added to chapter 23A.32 RCW a new section to read as follows:

There is hereby imposed and levied on the license and filing fees on foreign corporations as prescribed by sections 51 and 52 of this act, a surtax of twenty-five percent to be collected from those corporations at the time they pay those license and filing fees. All fees collected in compliance with this section shall be deposited in the state general fund.

Sec. 54. Section 117, chapter 53, Laws of 1965 and RCW 23A.32.090 are each amended to read as follows:

A foreign corporation authorized to transact business in this state may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state a ~~((certificate))~~ statement setting forth:

- (1) The name of the corporation.
- (2) The address of its then registered office.
- (3) If the address of its registered office be changed, the address to which the registered office is to be changed.
- (4) The name of its then registered agent.
- (5) If its registered agent be changed, the name of its successor registered agent.
- (6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.
- (7) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this title, he shall ~~((file such statement in his office, and upon such filing the))~~ endorse on such duplicate originals the word "Filed," and the month, day, and year of the filing thereof, file one original in his office, and return the other original to the corporation or its representative. The change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent of a foreign corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail a copy thereof to the corporation at its principal office in the state or country under the laws of which it is incorporated. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address

of the registered office of any corporation of which he or it is a registered agent by filing a statement as required by this section, except that it need be signed only by the registered agent, it need not be responsive to subsections (5) or (7) of this section, and it must recite that a copy of the statement has been mailed to the corporation.

Sec. 55. Section 122, chapter 53, Laws of 1965 and RCW 23A.32.140 are each amended to read as follows:

A foreign corporation authorized to transact business in this state may withdraw from this state upon procuring from the secretary of state a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall deliver to the secretary of state an application for withdrawal, which shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) That the corporation is not transacting business in this state.

(3) That the corporation surrenders its authority to transact business in this state.

(4) That the corporation revokes the authority of its registered agent in this state to accept service of process and consents that service of process in any action, suit or proceeding based upon any cause of action arising in this state during the time the corporation was authorized to transact business in this state may thereafter be made on such corporation by service thereof on the secretary of state.

(5) A post office address to which the secretary of state may mail a copy of any process against the corporation that may be served on him.

(6) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, as of the date of the application.

(7) A statement of the aggregate number of issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, as of the date of the application.

(8) A statement, expressed in dollars, of the amount of stated capital of the corporation, as of the date of the application.

(9) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine and assess any unpaid fees payable by the foreign corporation under this title.

The application for withdrawal shall be made on forms prescribed and furnished by the secretary of state and shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing the application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

Sec. 56. Section 130, chapter 53, Laws of 1965 and RCW 23A.36.030 are each amended to read as follows:

The activities authorized by RCW 23A.36.010 and 23A.36.020, by such nonadmitted organizations shall not constitute (~~"conducting business,"~~ ~~"carrying on business,"~~) "transacting business(~~(,"~~ ~~or~~ ~~"doing business"))" within the meaning of chapter 23A.32 RCW.~~

Sec. 57. Section 4, chapter 92, Laws of 1969 ex. sess. as last amended by section 1, chapter 36, Laws of 1975 1st ex. sess. and RCW 23A.40.075 are each amended to read as follows:

The annual license fee required by RCW 23A.40.060, as now or hereafter amended, and (~~RCW 23A.40.140~~) section 52 of this 1979 act is a tax on the privilege of doing business as a corporation in the state of Washington. No corporation shall do business in this state without first having paid its annual license fee, except as provided in RCW 23A.36.010 and 23A.36.020.

Failure of the corporation to pay its annual license fees shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation under law.

Every domestic corporation which shall fail for three consecutive years to acquire an annual license for the privilege of doing business in this state shall cease to exist as a corporation on the third anniversary of the date it was last licensed to do business in this state. When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 23A.28.250 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and shareholders.

A domestic corporation which has not ceased to exist by operation of law may restore its privilege to do business by paying the current annual license fee and a restoration fee which shall include a sum equivalent to the amount of annual license fees the corporation would have paid had it continuously maintained its privilege to do business plus an additional fee equivalent to one percent per month or fraction thereof computed upon each annual license fee from the time it would have been paid had the corporation maintained its privilege to do business to the date when the corporation restored its privilege to do business: PROVIDED, That the minimum additional license fee due under this section shall be two dollars and fifty cents. A corporation which has ceased to exist may reinstate within two years by paying all fees specified above plus a reinstatement fee of ten dollars and upon doing so shall be reinstated and again be entitled to do business, and may use its former corporate name if that name is not then in use by a corporation then in existence. If the former name is not available, the corporation may file amended articles to adopt a new name simultaneous with

reinstatement. Upon payment of the above fees, restoration and reinstatement of the privilege to do business shall be effective, and the corporation shall have all the rights and privileges it would have possessed had it continually maintained its privilege to do business.

When any domestic corporation first fails to pay its annual license fee when due, the secretary of state shall, in that year only, mail to the corporation at its registered office, by first class mail, a notice that if it does not pay its annual license fee it will no longer have the privilege of doing business in this state, and that the corporation's privilege may be restored as provided in this section, and the notice shall contain a reminder that, if the privilege is not restored for three consecutive years, the existence of the corporation shall cease without further notice.

Sec. 58. Section 1, chapter 2, Laws of 1971 ex. sess. and RCW 23A.40-.150 are each amended to read as follows:

There is hereby imposed and levied on the license and filing fees on domestic ((and foreign)) corporations as prescribed by RCW 23A.40.040((;)) and 23A.40.060((, -23A.40.130 and 23A.40.140)) a surtax of twenty-five percent to be collected from those corporations at the time they pay those license and filing fees. All fees collected in compliance with this section shall be deposited in the state general fund.

Sec. 59. Section 165, chapter 53, Laws of 1965 and RCW 23A.98.030 are each amended to read as follows:

Nothing contained in this title shall be construed as an impairment of any obligation of the state as evidenced by bonds held for any purpose, and subsections 2 and 13 of RCW 23A.40.020, subsections 1 and 2 of RCW 23A.40.030, and RCW 23A.40.040, 23A.40.050, 23A.40.060, 23A.40.070, 23A.40.080, 23A.40.090, ((23A.40.130 and 23A.40.140)) sections 51 and 52 of this 1979 act shall be deemed to be a continuation of chapter 70, Laws of 1937, as amended, for the purpose of payment of:

(1) world's fair bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, and

(2) outdoor recreation bonds authorized by referendum bill number 11 (chapter 12, Laws of 1963 extraordinary session), approved by the people on November 3, 1964.

NEW SECTION. Sec. 60. The following acts or parts of acts are each repealed:

(1) Section 58, chapter 53, Laws of 1965 and RCW 23A.12.050;

(2) Section 66, chapter 53, Laws of 1965, section 5, chapter 190, Laws of 1967, section 7, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.070;

(3) Section 144, chapter 53, Laws of 1965 and RCW 23A.40.110;

(4) Section 145, chapter 53, Laws of 1965 and RCW 23A.40.120;

(5) Section 146, chapter 53, Laws of 1965 and RCW 23A.40.130;

(6) Section 147, chapter 53, Laws of 1965 and RCW 23A.40.140; and
(7) Section 156, chapter 53, Laws of 1965 and RCW 23A.44.090.

Passed the Senate March 1, 1979.

Passed the House February 27, 1979.

Approved by the Governor March 7, 1979.

Filed in Office of Secretary of State March 7, 1979.

CHAPTER 17

[Engrossed Senate Bill No. 2221]

HEALTH CARE PRACTITIONER DISCIPLINARY PROCEEDINGS—RECORDS
OF COMMITTEE OR BOARD EMPLOYEES OR MEMBERS

AN ACT Relating to health care practitioner review boards; and amending section 1, chapter 144, Laws of 1971 ex. sess. as last amended by section 1, chapter 68, Laws of 1977 and RCW 4.24.250.

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

Section 1. Section 1, chapter 144, Laws of 1971 ex. sess. as last amended by section 1, chapter 68, Laws of 1977 and RCW 4.24.250 are each amended to read as follows:

Any health care practitioner as defined in RCW 7.70.020 (1) and (2) as now existing or hereafter amended who, in good faith, files charges or presents evidence against another member of their profession based on the claimed incompetency or gross misconduct of such person before a regularly constituted review committee or board of a professional society or hospital whose duty it is to evaluate the competency and qualifications of members of the profession, including limiting the extent of practice of such person in a hospital or similar institution, shall be immune from civil action for damages arising out of such activities. The written records of such committees or boards, or of a member, employee, staff person, or investigator of such a committee or board, shall not be subject to subpoena or discovery proceedings in any civil action, except actions arising out of the recommendations of such committees or boards.

Passed the Senate February 19, 1979.

Passed the House February 28, 1979.

Approved by the Governor March 7, 1979.

Filed in Office of Secretary of State March 7, 1979.

CHAPTER 18

[Senate Bill No. 2233]

CONSUMER FINANCE BUSINESS

AN ACT Relating to small loan companies; amending section 24, chapter 208, Laws of 1941 and RCW 31.08.270; amending section 27, chapter 208, Laws of 1941 and RCW 31.08-.920; amending section 13, chapter 208, Laws of 1941 as last amended by section 8,

chapter 150, Laws of 1977 ex. sess. and RCW 31.08.160; amending section 11, chapter 212, Laws of 1959 as amended by section 1, chapter 266, Laws of 1975 1st ex. sess. and RCW 31.08.175; amending section 3, chapter 208, Laws of 1941 as last amended by section 2, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.030; and amending section 6, chapter 208, Laws of 1941 as amended by section 4, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.070.

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

Section 1. Section 24, chapter 208, Laws of 1941 and RCW 31.08.270 are each amended to read as follows:

It shall be the duty of the supervisor to investigate and examine the practice of the ((small loan)) consumer finance business in this state, and to obtain statistics and data from other states with special reference to practices performed under this chapter and to interest rates charged for the purpose of determining abuses thereof which should be corrected. In order to carry out such investigation the supervisor shall have the power to subpoena witnesses and records, to administer oaths and examine persons under oath. He shall thereupon submit his findings to the next session of the legislature, and make such recommendations, and submit bills or amendments which in his opinion will correct any such abuses. It shall also be his duty to make findings regarding interest rates to be charged the public and to determine from these findings the lowest possible interest rate which should be legally charged which would be consistent with fairness to the ((small loan)) consumer finance business and the public.

Sec. 2. Section 27, chapter 208, Laws of 1941 and RCW 31.08.920 are each amended to read as follows:

This chapter shall be known as the ((small loan)) consumer finance act.

Sec. 3. Section 13, chapter 208, Laws of 1941 as last amended by section 8, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.160 are each amended to read as follows:

(1) Every licensee hereunder may lend any sum of money not to exceed two thousand five hundred dollars in amount and may charge, contract for, and receive thereon charges at a rate not exceeding two and one-half percent per month on that part of the unpaid principal balance of any loan not in excess of five hundred dollars, one and one-half percent per month on that part of the unpaid principal balance of any loan in excess of five hundred dollars and not in excess of one thousand dollars, and one percent per month on any remainder of such unpaid principal balance.

(2) Charges on loans made under this chapter shall not be paid, deducted, discounted, or received in advance, or compounded, but the rate of charge authorized by this section may be precomputed as provided in subsection (3) of this section. Charges on loans made under this chapter, except as permitted by subsection (3) hereof, (a) shall be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof, and (b) shall be so expressed in every obligation signed by the borrower. For the purpose of this section a month shall be that period of time

from any date in a month to the corresponding date in the next month and if there is no such corresponding date then to the last day of the next month; and a day shall be considered one-thirtieth of a month when computation is made for a fraction of a month.

(3) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges combined, the charges may be precomputed at the monthly rate on scheduled unpaid principal balances according to the terms of the contract and added to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charge until the contract is fully paid. The acceptance or payment of charges on loans made under the provisions of this subsection shall not be deemed to constitute payment, deduction, or receipt thereof in advance nor compounding under subsection (2) above. Such precomputed charge shall be subject to the following adjustments:

(a) The portion of the precomputed charge applicable to any particular monthly installment period shall bear the same ratio to the total precomputed charge, excluding any adjustment made under paragraph (f) of this subsection, as the balance scheduled to be outstanding during that monthly period bears to the sum of all monthly balances scheduled originally by the contract of loan.

(b) If the loan contract is prepaid in full by cash, a new loan, refinancing, or otherwise before the final installment date, the portion of the precomputed charge applicable to the full installment periods following the installment date nearest the date of such prepayment shall be rebated. In computing any required rebate, any prepayment made on or before the fifteenth day following an installment date shall be deemed to have been made on the installment date preceding such prepayment. If prepayment in full occurs before the first installment date an additional rebate of one-thirtieth of the portion of the precomputed charge applicable to a first installment period of one month shall be made for each day from the date of such prepayment to the first scheduled installment date. If judgment is obtained before the final installment date, the contract balance shall be reduced by the rebate of precomputed charge which would be required for prepayment in full as of the date judgment is obtained.

(c) If the payment date of all wholly unpaid installments on which no default charge has been collected is deferred one or more full months and the contract so provides, the licensee may charge and collect a deferment charge. Such deferment charge shall not exceed the portion of the precomputed charge applicable under the original contract of loan to the first month of the deferment period multiplied by the number of months in said period. The deferment period is the month or months in which no scheduled payment has been made or in which no payment is to be required by reason of the deferment. In computing any default charge, or required rebate, the portion of the precomputed charge applicable to each deferred balance and

installment period following the deferment period and prior to the deferred maturity shall remain the same as that applicable to such balances and periods under the original contract of loan. Such charge may be collected at the time of deferment or at any time thereafter. If a loan is prepaid in full during a deferment period, the borrower shall receive, in addition to the rebate required under paragraph (b) of this subsection, a rebate of that portion of the deferment charge applicable to any unexpired months of the deferment period.

(d) If the payment in full of any scheduled installment is in default more than seven days and the contract so provides, the licensee may charge and collect a default charge not exceeding ~~((an amount equal to the portion of the precomputed charge applicable to the final installment period))~~ five percent of the unpaid amount of the installment or five dollars, whichever is less. Said charge may not be collected more than once for the same default and may be collected when such default occurs or any time thereafter. If such default charge is deducted from any payment received after default occurs and such deduction results in the default of a subsequent installment, no charge may be made for the resulting default.

(e) If two or more full installments are in default for one full month or more at any installment date and if the contract so provides, the licensee may reduce the contract balance by the rebate which would be required for prepayment in full on such installment date. Thereafter, charges may be received at the agreed rate computed on actual unpaid balances of the contract for the time outstanding until the contract is fully paid. Charges so collected shall be in lieu of any deferment or default charges which otherwise would accrue on the contract after such installment date.

(f) A licensee and borrower may agree that the first installment due date may be not more than fifteen days more than one month and the amount of such installment may be increased by one-thirtieth of the portion of the precomputed charge applicable to a first installment of one month for each extra day.

(4) No licensee shall induce or permit any borrower to split up or divide any loan, nor induce or permit any person, nor any husband or wife jointly or severally, to become obligated, directly or contingently or both, under more than one contract of loan at the same time, for the purpose or with the result of obtaining a higher rate of charge than would otherwise be permitted by this section. If part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan with the same licensee, then the principal amount payable under such loan contract shall not include any unpaid charges on the prior loan, except charges which have accrued within sixty days before the making of such loan contract and may include the balance of a precomputed contract which remains after giving the rebate required by subsection (3) hereof.

(5) No licensee shall directly or indirectly charge, contract for, or receive any charges or fees except charges authorized by this chapter and the lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for the transferring of title or for filing, recording, or releasing in any public office, any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter. A bona fide error in the calculation of charges or in the recording of such charges in any statement or receipt delivered to the borrower or in the licensee's records shall not be deemed to be a violation of this chapter if the licensee corrects the error.

Sec. 4. Section 11, chapter 212, Laws of 1959 as amended by section 1, chapter 266, Laws of 1975 1st ex. sess. and RCW 31.08.175 are each amended to read as follows:

(1) No licensee shall require the purchasing of property insurance from the licensee or any employee, affiliate, or associate of the licensee or from any agent, broker, or insurance company designated by the licensee as a condition precedent to the making of a loan nor shall any licensee decline existing insurance which meets or exceeds the standards set forth in this section:

The licensee may require a borrower to insure tangible property offered as security for a loan hereunder against any substantial risk of loss, damage, or destruction for an amount not to exceed the reasonable value of the property insured or the amount of the loan and for the customary term approximating the term of the loan contract: PROVIDED, That no licensee hereunder may require such insurance on loans in an amount less than three hundred dollars. It shall be optional with the borrower to obtain such insurance in an amount greater than the amount of the loan or for a longer term. The premium for such insurance shall not exceed that fixed by current applicable manual of a recognized standard insurance rating bureau and such insurance shall be written by or through a duly licensed insurance agent or broker.

(2) A licensee may insure the life of one borrower, but only one of them if there are two or more obligors, for the unpaid principal balance scheduled to be outstanding; and regardless of the the premium paid by the licensee, the licensee may charge not more than sixty cents per one hundred dollars per year computed on the original principal amount of the loan, excluding charges for the loan, when the loan contract requires substantially equal and consecutive monthly installments of principal and charges combined, and such charge may be in the same proportions for different payment schedules, maturities, and principal amounts: PROVIDED, HOWEVER, That if both husband and wife sign an obligation to repay the loan, each may be an insured borrower hereunder and a single identifiable insurance charge may be made by the licensee for the two jointly under a plan whereby both lives are insured but a death benefit is paid only upon the

death of the spouse dying first. For such joint spouse coverage, the licensee may charge not more than one dollar per one hundred dollars per year computed on the same basis as herein prescribed for life insurance on one borrower. Such charge may be deducted from the principal of the loan when the loan is made. Only one such charge may be made in connection with any loan contract irrespective of the number of obligors, and only one obligor need be insured. If the insured obligor dies during the term of the loan contract, the insurance must pay the principal balance of the loan outstanding on the day of his death without any exception or reservation. The insurance shall be in force as soon as the loan is made. If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, a portion of such life insurance charge shall be rebated according to the method established in paragraphs (a) and (b) of subsection (3) of RCW 31.08.160. When charges for the loan are precomputed in accordance with subsection (3) of RCW 31.08.160, any required rebate and any permitted deferment charge may be computed on the combined total of the precomputed charge and the life insurance charge.

(3) A licensee may insure against the disability of the borrower, but only one of them if there are two or more obligors, pursuant to chapter 48-.34 RCW, and may deduct from the principal of the loan and retain an amount equal to the premium lawfully charged by the insurance company.

(4) If a borrower procures any insurance by or through a licensee, the statement required by RCW 31.08.170 shall disclose the cost to the borrower and the type of insurance, and the licensee shall cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof within a reasonable time.

Notwithstanding any other provision of this chapter, any gain or advantage in any form whatsoever to the licensee or to any employee, affiliate, or associate of the licensee from any insurance or its sale or provision shall not be deemed to be additional or further interest, consideration, charges, or fee in connection with such loan.

Nothing in this section shall be deemed to alter, amend or repeal any provision of the insurance code.

No insurance shall be required, requested, sold, or offered for sale in connection with any loan made under this chapter, except as and to the extent authorized by this section.

Sec. 5. Section 3, chapter 208, Laws of 1941 as last amended by section 2, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.030 are each amended to read as follows:

Application for such license shall be in writing, under oath, and in the form, if any, prescribed by the supervisor, and shall contain the name and the address (both of the residence and place of business) of the applicant, and if the applicant is a copartnership or association, of every member thereof, and if a corporation, of each officer and director thereof; also the

county and municipality with street and number, if any, where the business is to be conducted and such further relevant information as the supervisor may require. Such applicant at the time of making such application shall pay to the supervisor the sum of two hundred and fifty dollars as a fee for investigating the application and the additional sum of one hundred dollars as an annual license fee for a period terminating on the last day of the current calendar year.

Every applicant shall also prove, in form satisfactory to the supervisor, that he or it has available for the operation of such business at the location specified in the application, liquid assets of at least fifty thousand dollars.

At the time of filing of the application, the applicant shall also file with the supervisor a bond to be approved by the supervisor in the penal sum of ~~((one))~~ two thousand five hundred dollars, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety, whose liability as such surety shall not exceed the said sum in the aggregate. Such bond shall run to the state of Washington as obligee for the use and benefit of the state and of any person or persons who may have cause of action against the obligor of said bond under the provisions of this chapter. Such bond shall be conditioned that said obligor as licensee hereunder will faithfully conform to and abide by the provisions of this chapter and of all general rules and regulations lawfully made by the supervisor hereunder and will pay to the state and any such person or persons any and all moneys that may become due and owing to the state from such obligor under and by virtue of the provisions of this chapter.

Sec. 6. Section 6, chapter 208, Laws of 1941 as amended by section 4, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.070 are each amended to read as follows:

If the supervisor shall find at any time that the bond is insecure, depleted, exhausted, or otherwise doubtful, an additional bond of the character specified in RCW 31.08.030, to be approved by him, in the sum of not more than ~~((one))~~ two thousand five hundred dollars, shall be filed by the licensee within ten days after written demand upon the licensee by the supervisor.

Every licensee shall maintain at all times assets of at least fifty thousand dollars for each licensed place of business either in liquid form available for the operation of or actually used in the conduct of such business at the location specified in the license.

Passed the Senate February 19, 1979.

Passed the House February 28, 1979.

Approved by the Governor March 7, 1979.

Filed in Office of Secretary of State March 7, 1979.

CHAPTER 19

[Senate Bill No. 2366]

LAKE WASHINGTON HARBOR LINES—RENTON, LAKE FOREST PARK

AN ACT Relating to harbor lines; and amending section 1, chapter 139, Laws of 1963 (uncodified) as last amended by section 1, chapter 124, Laws of 1977 ex. sess. (uncodified).

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

Section 1. Section 1, chapter 139, Laws of 1963 (uncodified) as last amended by section 1, chapter 124, Laws of 1977 ex. sess. (uncodified) are each 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 front of the ((city)) cities of Renton and Lake Forest Park, King county; Commencement Bay in front of the city of Tacoma, Pierce county; and within one mile of the limits of such city; Budd Inlet in front of the city of Olympia, Thurston county; the Columbia River in front of the city of Kalama, Cowlitz county; Port Washington Narrows and Sinclair Inlet in front of the city of Bremerton, Kitsap county; Sinclair Inlet in front of the city of Port Orchard, Kitsap county; the Columbia River in front of the city of Vancouver, Clark county; Port Townsend Bay in front of the city of Port Townsend, Jefferson county; the Swinomish Channel in front of the city of La Conner, Skagit county; and Port Gardner Bay in front of the city of Everett, Snohomish county, except no harbor lines shall be established west of the easterly shoreline of Jetty Island as presently situated or west of a line extending S 37° 09' 38" W from the Snohomish River Light (5).

Passed the Senate February 20, 1979.

Passed the House February 28, 1979.

Approved by the Governor March 7, 1979.

Filed in Office of Secretary of State March 7, 1979.

CHAPTER 20

[Senate Bill No. 2486]

APPLE ADVERTISING ASSESSMENT—ANNUAL RATE INCREASE

AN ACT Relating to apple assessments; and amending section 15.24.090, chapter 11, Laws of 1961 as last amended by section 27, chapter 240, Laws of 1967 and RCW 15.24.090.

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

Section 1. Section 15.24.090, chapter 11, Laws of 1961 as last amended by section 27, chapter 240, Laws of 1967 and RCW 15.24.090 are each amended to read as follows:

If it appears from investigation by the commission that the revenue from the assessment levied on fresh apples hereunder is inadequate to accomplish the purposes of this chapter the commission shall adopt a resolution setting forth the necessities of the industry, extent and probable cost of the required research, market promotion and advertising, extent of public convenience, interest, and necessity, and probable revenue from the assessment levied. It shall thereupon increase the assessment to such sum as shall be determined by the commission to be necessary for such purposes based upon a rate per one hundred pounds of apples, gross billing weight, shipped in bulk, container, or any style of package; but no increase shall be made prior to adoption of said resolution. An increase shall become effective sixty days after such resolution is adopted: PROVIDED, That no increase in such assessment shall become effective unless the same shall be first referred by the commission to a referendum mail ballot by the apple growers of this state conducted under the supervision of the director and be approved by a majority of such growers voting thereon and also be approved by voting growers who operate more than fifty percent of the acreage voted in the same election: PROVIDED, FURTHER, That after such mail ballot, if the same be favorable to such increase, the commission shall nevertheless exercise its independent judgment and discretion as to whether or not to approve such increase(~~(: AND PROVIDED FURTHER, That in any event such increase shall not amount to more than two cents per one hundred pounds of apples, gross billing weight, in any one year)~~)).

Passed the Senate February 16, 1979.

Passed the House February 28, 1979.

Approved by the Governor March 7, 1979.

Filed in Office of Secretary of State March 7, 1979.

CHAPTER 21

[Substitute House Bill No. 82]

CEMETERIES—ENDOWMENT CARE—PREARRANGEMENT CONTRACTS

AN ACT Relating to cemeteries, morgues, and human remains; amending section 4, chapter 247, Laws of 1943 and RCW 68.04.040; amending section 6, chapter 247, Laws of 1943 and RCW 68.04.060; amending section 16, chapter 247, Laws of 1943 and RCW 68.04.160; amending section 32, chapter 290, Laws of 1953 as amended by section 2, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.050; amending section 39, chapter 290, Laws of 1953 and RCW 68.05.090; amending section 42, chapter 290, Laws of 1953 as amended by section 12, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.130; amending section 44, chapter 290, Laws of 1953 as amended by section 14, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.150; amending section 45, chapter 290, Laws of 1953 as amended by section 15, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.160;

amending section 40, chapter 290, Laws of 1953 as last amended by section 3, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.180; amending section 5, chapter 99, Laws of 1969 ex. sess. as amended by section 17, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.255; amending section 30, chapter 290, Laws of 1953 as amended by section 1, chapter 133, Laws of 1961 and RCW 68.05.280; amending section 31, chapter 247, Laws of 1943 and RCW 68.08.180; amending section 91, chapter 247, Laws of 1943 and RCW 68.32.040; amending section 98, chapter 247, Laws of 1943 and RCW 68.32.060; amending section 120, chapter 247, Laws of 1943 as amended by section 5, chapter 290, Laws of 1953 and RCW 68.40.020; amending section 127, chapter 247, Laws of 1943 as amended by section 13, chapter 290, Laws of 1953 and RCW 68.44.030; amending section 114, chapter 247, Laws of 1943 and RCW 68.44.140; amending section 115, chapter 247, Laws of 1943 and RCW 68.44.150; amending section 1, chapter 68, Laws of 1973 1st ex. sess. as amended by section 1, chapter 55, Laws of 1975 1st ex. sess. and RCW 68.46.010; amending section 3, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.030; amending section 6, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.060; amending section 7, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.070; amending section 6, chapter 351, Laws of 1977 ex. sess. and RCW 68.46.120; amending section 146, chapter 247, Laws of 1943 and RCW 68.48.070; adding a new section to chapter 68.04 RCW; adding a new section to chapter 68.05 RCW; adding a new section to chapter 68.40 RCW; adding new sections to chapter 68.46 RCW; repealing section 131, chapter 247, Laws of 1943, section 15, chapter 290, Laws of 1953 and RCW 68.44.050; and prescribing penalties.

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

Section 1. Section 4, chapter 247, Laws of 1943 and RCW 68.04.040 are each amended to read as follows:

"Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes:

- (1) A burial park, for earth interments.
- (2) A mausoleum, for crypt (~~(or vault)~~) interments.
- (3) A columbarium, for permanent cinerary interments.

Sec. 2. Section 6, chapter 247, Laws of 1943 and RCW 68.04.060 are each amended to read as follows:

"Mausoleum" means a structure or building for the entombment of human remains in crypts (~~(or vaults)~~) in a place used, or intended to be used, and dedicated, for cemetery purposes.

Sec. 3. Section 16, chapter 247, Laws of 1943 and RCW 68.04.160 are each amended to read as follows:

"Crypt" (~~(or "vault")~~) means a space in a mausoleum of sufficient size, used or intended to be used, to entomb uncremated human remains.

NEW SECTION. Sec. 4. There is added to chapter 68.04 RCW a new section to read as follows:

"Vault", "lawn crypt" or "liner" means any container which is buried in the ground and into which human remains are placed in the burial process.

Sec. 5. Section 32, chapter 290, Laws of 1953 as amended by section 2, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.050 are each amended to read as follows:

Three members of the board shall be persons who have had (~~(a minimum of five years)~~) experience in this state in the active administrative

management of a cemetery (~~(corporation)~~) authority or as a member of the board of directors thereof (~~(for this period)~~). Two members of the board shall be persons who have legal, accounting, or other professional experience which relates to the duties of the board. The sixth member of the board shall represent the general public and shall not have a financial interest in the cemetery business.

Sec. 6. Section 39, chapter 290, Laws of 1953 and RCW 68.05.090 are each amended to read as follows:

The board shall enforce and administer the provisions of chapters 68.04 through ~~((68.44))~~ 68.46 RCW, subject to provisions of RCW 68.05.280 and shall have standing to seek enforcement of said provisions in the superior court of the state of Washington for the county in which the principal office of the cemetery authority is located. The board may refer such evidence as may be available concerning violations of chapters 68.04 through 68.46 RCW or of any rule or order promulgated by the board 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 the board might commence, bring an action in the name of the board against any person to restrain and prevent the doing of any act or practice prohibited or declared unlawful in chapters 68.04 through 68.46 RCW.

Sec. 7. Section 42, chapter 290, Laws of 1953 as amended by section 12, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.130 are each amended to read as follows:

The board shall examine the endowment care and prearrangement trust fund or funds of a cemetery authority:

(1) ~~((Within one year after June 11, 1953 and))~~ Whenever it deems necessary, but at least once every three years after the original examination except where the cemetery authority is either required by the board to, or voluntarily files an annual financial report for the fund certified by a certified public accountant or a licensed public accountant in accordance with generally accepted auditing standards;

(2) Whenever the cemetery authority in charge of endowment care or prearrangement trust fund or funds fails after reasonable notice from the board to file the reports required by this chapter; or

(3) Whenever it is requested by verified petition signed by twenty-five lot owners alleging that the endowment care funds are not in compliance with this title, or whenever it is requested by verified petition signed by twenty-five purchasers or beneficiaries of prearrangement merchandise or services alleging that the prearrangement trust funds are not in compliance with this ((1973 amendatory act)) title, in either of which cases, the examination shall be at the expense of the petitioners.

(4) The expense of the endowment care and prearrangement trust fund examination as provided in subdivisions (1) and (2)((, not to exceed fifty dollars per day for each examiner engaged in the examination whenever the

~~examination requires more than two days, or the expense of the prearrangement trust examination as provided in subdivisions (1) and (2) of this section, not to exceed one hundred dollars per day for each examiner engaged in the examination)) shall be paid by the cemetery authority. Such examination shall be privately conducted in the principal office of the cemetery authority.~~

Sec. 8. Section 44, chapter 290, Laws of 1953 as amended by section 14, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.150 are each amended to read as follows:

In making such examination the board:

(1) Shall have free access to the books and records relating to the endowment care funds, their collection and investment, and the number of graves, crypts, and niches under endowment care((-));

(2) Shall inspect and examine the endowment care funds to determine their condition and the existence of the investments((-));

(3) Shall ascertain if the cemetery authority has complied with all the laws applicable to endowment care funds((-));

(4) Shall have free access to all records required to be maintained pursuant to this ~~((1973 amendatory act))~~ chapter and to chapter 68.46 RCW with respect to prearrangement merchandise or services((-), unconstructed crypts or niches, or undeveloped graves; and

(5) Shall ascertain if the cemetery authority has complied with the laws applicable to prearrangement trust funds.

Sec. 9. Section 45, chapter 290, Laws of 1953 as amended by section 15, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.160 are each amended to read as follows:

If any examination made by the board, or any report filed with it, shows that there has not been collected and deposited in the endowment care funds the minimum amounts required by this title, or if the board finds that the cemetery authority has failed to comply with the requirements of this ~~((1973 amendatory act))~~ chapter and chapter 68.46 RCW with respect to prearrangement contracts, merchandise, or services, ((and/)) unconstructed crypts or niches or undeveloped graves, or prearrangement trust funds, the board shall require such cemetery authority to comply with this chapter or with chapter 68.40 or 68.46 RCW ((or with this 1973 amendatory act)), as the case may be.

Sec. 10. Section 40, chapter 290, Laws of 1953 as last amended by section 3, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.180 are each amended to read as follows:

Each cemetery authority in charge of cemetery endowment care funds shall annually, and within ninety days after the end of the calendar or fiscal year of the cemetery authority, file with the board ~~((annually, on or before~~

the thirtieth day of June;)) a written report in form and content prescribed by the board ((setting forth:

(1) ~~The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care:~~

(a) ~~From June 12, 1943, to the first day of January of the year preceding the filing of this report.~~

(b) ~~From the first day of January through the thirty-first day of December of the preceding year.~~

(2) ~~The amount collected and deposited in both the general and special endowment care funds:~~

(a) ~~Prior to June 12, 1943.~~

(b) ~~From June 12, 1943, to the first day of January preceding the filing of this report.~~

(c) ~~From the first day of January through the thirty-first day of December of the preceding year segregated as to the amounts deposited for crypts, niches, and grave space.~~

(3) ~~A statement showing the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall show the actual financial condition of the funds.~~

(4) ~~A statement showing the information required to be filed pursuant to RCW 68.46.090).~~

These reports shall be verified by the president or vice president, one other officer of the cemetery authority, the accountant or auditor preparing the same, and, if required by the board for good cause, a certified public accountant in accordance with generally accepted auditing standards.

Sec. 11. Section 5, chapter 99, Laws of 1969 ex. sess. as amended by section 17, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.255 are each amended to read as follows:

Prior to the sale or transfer of ownership or control of any cemetery authority, any person, corporation or other legal entity desiring to acquire such ownership or control shall apply in writing for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The board shall, in addition, enter any order deemed necessary for the protection of all endowment care funds and/or prearrangement trust fund during such transfer. As a condition of applying for a new certificate of authority, the entity desiring to acquire such ownership or control must agree to be bound by all then existing prearrangement contracts and the board shall enter that agreement as a condition of the transfer. Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each file an endowment care fund report and/or a prearrangement trust fund report showing the status of such funds immediately before and immediately after

such transfer on a written report form prescribed by the board. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer in violation of this section shall be void.

NEW SECTION. Sec. 12. There is added to chapter 68.05 RCW a new section to read as follows:

Members of the board shall be immune from suit in any action, civil or criminal, based upon any official acts performed in good faith as members of such board, and the state shall defend, indemnify, and hold the members of the board harmless from all claims or suits arising in any manner from such acts. Expenses incurred by the state under this section shall be paid from the general fund.

Sec. 13. Section 30, chapter 290, Laws of 1953 as amended by section 1, chapter 133, Laws of 1961 and RCW 68.05.280 are each amended to read as follows:

The provisions of this chapter do not apply to any of the following: ~~((Any religious corporation, church, coroner, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them, any county, town, or city cemetery.))~~

(1) Nonprofit cemeteries which are owned or operated by any recognized religious denomination which qualifies for an exemption from real estate taxation under RCW 84.36.020 on any of its churches or the ground upon which any of its churches are or will be built; or

(2) Any cemetery controlled and operated by a coroner, county, city, town, or cemetery district.

Sec. 14. Section 31, chapter 247, Laws of 1943 and RCW 68.08.180 are each amended to read as follows:

The cemetery authority may inter or cremate any remains upon the receipt of a written authorization of a person representing himself to be a person who has acquired the right to control the disposition of the remains. A cemetery authority is not liable for interring or cremating pursuant to such authorization, unless it has actual notice that such representation is untrue.

In the event the state of Washington or any of its agencies provide the funds for the disposition of any remains and the state or its agency elects to provide the funds for cremation only, the cemetery authority shall not be criminally or civilly liable for cremating the remains.

Sec. 15. Section 91, chapter 247, Laws of 1943 and RCW 68.32.040 are each amended to read as follows:

If no interment is made in an interment plot which has been transferred by deed or certificate of ownership to an individual owner, or if all remains

previously interred are lawfully removed, upon the death of the owner, unless ~~((he))~~ the owner has disposed of the plot either ~~((in his will))~~ by specific devise or by a written declaration filed and recorded in the office of the cemetery authority, the plot descends to the surviving spouse or, if there is no surviving spouse, to the heirs at law of the owner subject to the rights of interment of the decedent ~~((and his surviving spouse))~~.

Sec. 16. Section 98, chapter 247, Laws of 1943 and RCW 68.32.060 are each amended to read as follows:

Whenever an interment of the remains of a member or of a relative of a member of the family of the record owner or of the remains of the record owner is made in a plot transferred by deed or certificate of ownership to an individual owner and both the owner and the surviving spouse, if any, die((s)) with children then living without making disposition of the plot either ~~((in his will))~~ by a specific devise, or by a written declaration filed and recorded in the office of the cemetery authority, the plot ~~((thereby becomes inalienable and shall be held as the family plot of the owner))~~ shall thereafter be held as a family plot and shall be subject to alienation only upon agreement of the children of the owner living at the time of said alienation.

Sec. 17. Section 120, chapter 247, Laws of 1943 as amended by section 5, chapter 290, Laws of 1953 and RCW 68.40.020 are each amended to read as follows:

An endowment care cemetery may contain a small section which may be sold without endowment care, if the section is separately set off from the remainder of the cemetery and if signs are kept prominently placed around the section designating it as a "nonendowment care section," in lettering equivalent to a minimum of forty-eight point black type. There shall be printed or stamped at the head of all contracts and certificates of ownership or deeds referring to plots in the section, the phrase "nonendowment care" in lettering equivalent to a minimum of ten point number two black type; PROVIDED, That no nonendowment care section may be established after the effective date of this 1979 act.

NEW SECTION. Sec. 18. There is added to chapter 68.40 RCW a new section to read as follows:

After the effective date of this 1979 act, no nonendowment care cemetery may be established. However, any nonendowment care cemetery in existence on the effective date of this 1979 act may continue to operate as a nonendowment care cemetery.

Sec. 19. Section 127, chapter 247, Laws of 1943 as amended by section 13, chapter 290, Laws of 1953 and RCW 68.44.030 are each amended to read as follows:

Endowment care funds shall be kept invested in accordance with the provisions of RCW 30.24.020 subject to the following restrictions:

(1) No officer or director of the cemetery authority, trustee of the endowment care or special care funds, or spouse, sibling, parent, grandparent, or issue of such officer, director, or trustee, shall borrow any of such funds for himself, directly or indirectly.

(2) No funds shall be loaned to the cemetery authority, its agents, or employees, or to any corporation, partnership, or other business entity in which the cemetery authority has any ownership interest.

(3) No funds shall be invested with persons or business entities operating in a business field directly related to cemeteries, including, but not limited to, mortuaries, monument production and sales, florists, and rental of funeral facilities.

(4) Notwithstanding any other provisions contained in this section, funds may be invested in any commercial bank, mutual savings bank, or savings and loan association duly chartered and operating under the laws of the United States or statutes of the state of Washington.

Sec. 20. Section 114, chapter 247, Laws of 1943 and RCW 68.44.140 are each amended to read as follows:

~~((No sum in excess of five percent of the income derived from the fund in any year shall be paid as compensation to the board of trustees for its services as trustee.))~~ Compensation to the board of trustees or trustee for services as trustee and other compensation for administration of trust funds shall not exceed in the aggregate the customary fees charged by banks and trust companies for like services.

Sec. 21. Section 115, chapter 247, Laws of 1943 and RCW 68.44.150 are each amended to read as follows:

The cemetery authority or the persons in whose names the funds are held shall, annually, and within ninety days after the end of the calendar or fiscal year of the cemetery authority, make and keep on file ~~((with it))~~ for seven years a true and correct written report, verified on oath by an officer of the cemetery authority or by the oath of one or more of the trustees, showing the actual financial condition of the funds.

Sec. 22. Section 1, chapter 68, Laws of 1973 1st ex. sess. as amended by section 1, chapter 55, Laws of 1975 1st ex. sess. and RCW 68.46.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, the ~~((words used))~~ following terms as used only in this chapter have the meaning given in this section:

(1) "Prearrangement contract" means a contract for purchase of cemetery merchandise or services, unconstructed crypts or niches, or undeveloped graves to be furnished at a future date for a specific consideration which is paid in advance by one or more payments in one sum or by installment payments.

(2) "Cemetery authority" shall have the same meaning as in RCW 68-.04.190, and shall also include any individual, partnership, firm, joint venture, corporation, company, association, or join stock company, any of which sells cemetery services or merchandise, unconstructed crypts or niches, or undeveloped graves through a prearrangement contract, but shall not include insurance companies licensed under chapter 48.05 RCW.

(3) "Cemetery merchandise or services" (~~shall mean and include~~) and "merchandise or services" mean those services normally performed by cemetery authorities, including the sale of monuments, markers, memorials, nameplates, liners, vaults, boxes, urns, vases, interment services, or any one or more of them.

(4) "Prearrangement trust fund" means all funds required to be maintained in one or more funds for the benefit of beneficiaries by either this chapter or by the terms of a prearrangement contract, as herein defined.

(5) "Depository" means a qualified public depository as defined by RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, and a federal credit union or a federal savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funds are deposited by any cemetery authority.

(6) "Board" means the cemetery board established under chapter 68.05 RCW or its authorized representative.

(7) "Undeveloped grave" means any grave in an area which a cemetery authority has not landscaped and groomed to the extent customary in the cemetery industry in that community.

NEW SECTION. Sec. 23. There is added to chapter 68.46 RCW a new section to read as follows:

No cemetery authority shall enter into prearrangement contracts in this state unless the cemetery authority has obtained a prearrangement sales license issued by the board or its authorized representative and such license is then current and valid.

Sec. 24. Section 3, chapter 68, Laws of 1973 1st ex. sess. and RCW 68-.46.030 are each amended to read as follows:

~~((Fifty percent of all funds collected in payment of each prearrangement contract, excluding sales tax and endowment care if such charge is made, may be retained by the cemetery authority.))~~ (1) A cemetery authority shall deposit in its prearrangement trust account a percentage of all funds collected in payment of each prearrangement contract equal to the greater of:

- (a) Fifty percent of the contract price; or
- (b) The percentage which the total of the wholesale cost of merchandise and the direct cost of services to be provided pursuant to the contract is of the total contract price.

(2) Any cemetery authority which does not file and maintain with the board a bond as provided in subsection (4) of this section shall deposit in its prearrangement trust fund fifty percent, or greater percentage as determined under subsection (1) of this section, of all moneys received in payment of each prearrangement contract, excluding sales tax and endowment care if such charge is made.

(3) Any cemetery authority which files and maintains with the board a bond as provided in subsection (4) of this section shall deposit in its prearrangement trust fund each payment as made on the last fifty percent, or greater percentage as determined under subsection (1) of this section, of each prearrangement contract, excluding sales tax and endowment care, if such charge is made.

(4) Each cemetery authority electing to make payments to its prearrangement trust fund pursuant to subsection (3) of this section shall file and maintain with the board a bond, issued by a surety company authorized to do business in the state, in the amount by which the cemetery authority's contingent liability for refunds pursuant to RCW 68.46.060 exceeds the amount deposited in its prearrangement trust fund. The bond shall run to the state and shall be conditioned that it is for the use and benefit of any person requesting a refund pursuant to RCW 68.46.060 if the cemetery authority does not promptly pay to said person the refund due pursuant to RCW 68.46.060. In addition to any other remedy, every person not promptly receiving the refund due pursuant to RCW 68.46.060 may sue the surety for the refund. The liability of the surety shall not exceed the amount of the bond. Termination or cancellation shall not be effective unless notice is delivered by the surety to the board at least thirty days prior to the date of termination or cancellation. The board shall immediately notify the cemetery authority affected by the termination or cancellation by certified mail, return receipt requested. The cemetery authority shall thereupon obtain another bond or make such other arrangement as may be satisfactory to the board to assure its ability to make refunds pursuant to RCW 68.46.060.

(5) Deposits to the prearrangement trust fund shall be made not later than the twentieth day of each month following receipt of each payment ((as made on the last fifty percent of each prearrangement contract, excluding sales tax and endowment care, if such charge is made)) required to be deposited.

(6) Any failure to fund a prearrangement contract as required by this section shall be grounds for revocation of the cemetery authorities' prearrangement sales license.

Sec. 25. Section 6, chapter 68, Laws of 1973 1st ex. sess. and RCW 68-46.060 are each amended to read as follows:

Any purchaser or beneficiary or beneficiaries may, upon written demand of any cemetery authority, demand that any prearrangement contract with

such cemetery authority be terminated. In such event, the cemetery authority shall within thirty days refund to such purchaser or beneficiary or beneficiaries (~~(all moneys which have been deposited by such cemetery authority with any depository according to the provisions of this chapter, along with such interest as may have been earned by the deposit of such moneys)~~) fifty percent of the moneys received less the cost of any merchandise delivered or services performed before the termination. In any case, where, under a prearrangement contract there is more than one beneficiary, no written demand as provided in this section shall be honored by any cemetery authority unless the written demand provided for herein shall bear the signatures of all of such beneficiaries.

Sec. 26. Section 7, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.070 are each amended to read as follows:

Prearrangement contracts shall ~~((automatically))~~ terminate upon demand of the purchaser of the contract if the cemetery authority shall go out of business, become insolvent or bankrupt, make an assignment for the benefit of creditors, or for any other reason be unable to fulfill the obligations under the contract, in which event, and upon demand by the purchaser or beneficiary or beneficiaries of any prearrangement contract, the depository of the prearrangement funds shall refund to purchasers of prearrangement contracts all funds deposited in accordance with said contracts, unless otherwise ordered by a court of competent jurisdiction.

NEW SECTION. Sec. 27. There is added to chapter 68.46 RCW a new section to read as follows:

In the event the beneficiary or beneficiaries of a prearrangement contract make no claim within fifty years of the date of the contract for the merchandise and services provided in the prearrangement contract, the funds deposited in the prearrangement trust funds attributable to that contract and the interest on said funds shall be transferred to the cemetery authority's endowment fund to be used for the uses and purposes for which the endowment fund was established. However, the cemetery authority shall remain obligated for merchandise and services, unconstructed crypts or niches, and undeveloped graves under the terms of the prearrangement contract. Claims may be made for merchandise and services, unconstructed crypts or niches, and undeveloped graves on a prearrangement contract after the funds have been transferred to the endowment fund and shall be paid for from the endowment fund income to the extent of the funds attributable to the prearrangement contract.

NEW SECTION. Sec. 28. There is added to chapter 68.46 RCW a new section to read as follows:

- To apply for a prearrangement sales license, a cemetery authority shall:
- (1) File with the board its request showing:
 - (a) Its name, location, and organization date;

(b) The kinds of cemetery business or merchandise it proposes to transact;

(c) A statement of its current financial condition, management, and affairs on a form satisfactory to or furnished by the board; and

(d) Such other documents, stipulations, or information as the board may reasonably require to evidence compliance with the provisions of this chapter; and

(2) Deposit with the board the fees required by this chapter to be paid for filing the accompanying documents, and for the prearrangement sales license, if granted.

NEW SECTION. Sec. 29. There is added to chapter 68.46 RCW a new section to read as follows:

All prearrangement sales licenses issued under this chapter shall be valid for one year unless extended by the board or its authorized representative for a maximum of thirty days, or such larger extension as the board shall allow for good cause shown.

The board shall set and shall collect in advance the fees required for licensing.

All fees so collected shall be remitted by the board to the state treasurer and the funds shall be credited to the cemetery board fund.

NEW SECTION. Sec. 30. There is added to chapter 68.46 RCW a new section to read as follows:

The board or its authorized representative may refuse to renew or may revoke or suspend a cemetery authority's prearrangement sales license, if the cemetery authority:

(1) Fails to comply with any provision of this chapter or any proper order or regulation of the board;

(2) Is found by the board to be in such condition that further execution of prearrangement contracts would be hazardous to purchasers or beneficiaries and the people of this state;

(3) Refuses to be examined, or refuses to submit to examination or to produce its accounts, records, and files for examination by the board when required;

(4) Is found by the board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or the public; or

(5) Is found by the board to use false, misleading, or deceptive advertisements or sales methods.

NEW SECTION. Sec. 31. There is added to chapter 68.46 RCW a new section to read as follows:

The board or its authorized representative shall give a cemetery authority notice of its intention to suspend, revoke, or refuse to renew a prearrangement sales license, and shall grant the cemetery authority a hearing, in the manner required for contested cases under chapter 34.04 RCW, before the order of suspension, revocation, or refusal may become effective.

No cemetery authority whose prearrangement sales license has been suspended, revoked, or refused shall subsequently be authorized to enter into prearrangement contracts unless the grounds for such suspension, revocation, or refusal in the opinion of the board no longer exist and the cemetery authority is otherwise fully qualified. Any prearrangement sale by an unlicensed cemetery authority shall be voidable by the purchaser who shall be entitled to a full refund.

NEW SECTION. Sec. 32. There is added to chapter 68.46 RCW a new section to read as follows:

(1) The board or its authorized representative may issue and serve upon a cemetery authority a notice of charges if in the opinion of the board or its authorized representative the cemetery authority:

(a) Is engaging in or has engaged in practices likely to endanger the future delivery of cemetery merchandise or services, unconstructed crypts or niches, or undeveloped graves;

(b) Is violating or has violated any statute of the state of Washington or any rule of the board; or

(c) Is about to do an act prohibited in (1)(a) or (1)(b) of this section when the opinion is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or practice and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the cemetery authority. The hearing shall be set not earlier than ten nor later than thirty days after service of the notice unless a later date is set by the board or its authorized representative at the request of the cemetery authority.

Unless the cemetery authority appears at the hearing by a duly authorized representative it shall be deemed to have consented to the issuance of a cease and desist order. In the event of this consent or if upon the record made at the hearing the board finds that any violation or practice specified in the notice of charges has been established, the board may issue and serve upon the cemetery authority an order to cease and desist from the violation or practice. The order may require the cemetery authority and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the cemetery authority to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after service of the order upon the cemetery authority except that a

cease and desist order issued upon consent shall become effective as provided in the order unless it is stayed, modified, terminated, or set aside by action of the board or a reviewing court.

(4) The powers of the board under this section are in addition to the power of the board to refuse to renew or to revoke or suspend a cemetery authority's prearrangement sales license.

NEW SECTION. Sec. 33. There is added to chapter 68.46 RCW a new section to read as follows:

Whenever the board or its authorized representative determines that a cemetery authority is in violation of this chapter or that the continuation of acts or practices of the cemetery authority is likely to cause insolvency or substantial dissipation of assets or earnings of the cemetery authority or to otherwise seriously prejudice the interests of the purchasers or beneficiaries of prearrangement contracts, the board, or its authorized representative, may issue a temporary order requiring the cemetery authority to cease and desist from the violation or practice. The order shall become effective upon service on the cemetery authority and shall remain effective unless set aside, limited, or suspended by a court in proceedings under section 34 of this 1979 act or until the board dismisses the charges specified in the notice under section 32 of this 1979 act or until the effective date of a cease and desist order issued against the cemetery authority under section 32 of this 1979 act.

NEW SECTION. Sec. 34. There is added to chapter 68.46 RCW a new section to read as follows:

Within ten days after a cemetery authority has been served with a temporary cease and desist order, the cemetery authority may apply to the superior court in the county of its principal place of business for an injunction setting aside, limiting, or suspending the order pending completion of the administrative proceedings under section 32 of this 1979 act.

NEW SECTION. Sec. 35. There is added to chapter 68.46 RCW a new section to read as follows:

Any administrative hearing under section 32 of this 1979 act may be held at such place as is designated by the board and shall be conducted in accordance with chapter 34.04 RCW.

Within sixty days after the hearing the board shall render a decision which shall include findings of fact upon which the decision is based and shall issue and serve upon each party to the proceeding an order or orders consistent with section 32 of this 1979 act.

Review of the decision shall be as provided in chapter 34.04 RCW.

NEW SECTION. Sec. 36. There is added to chapter 68.46 RCW a new section to read as follows:

The board may apply to the superior court of the county of the principal place of business of the cemetery authority affected for enforcement of any

effective and outstanding order issued under section 32 or 33 of this 1979 act, and the court shall have jurisdiction to order compliance with the order.

NEW SECTION. Sec. 37. There is added to chapter 68.46 RCW a new section to read as follows:

(1) Each authorized cemetery authority shall within ninety days after the close of its accounting year file with the board a true and accurate statement of its financial condition, transactions, and affairs for the preceding year. The statement shall be on such forms and shall contain such information as required by this chapter and by the board.

(2) The board shall suspend or revoke the prearrangement sales license of any cemetery authority which fails to file such a statement when due or after any extension of time which the board has, for good cause, granted.

NEW SECTION. Sec. 38. There is added to chapter 68.46 RCW a new section to read as follows:

No cemetery authority shall use a prearrangement contract without first filing the form of such contract with the board: **PROVIDED,** That the board may order the cemetery authority to cease using any prearrangement contract form which:

- (1) Is in violation of any provision of this chapter;
- (2) Is misleading or deceptive; or
- (3) Is being used in connection with solicitation by false, misleading or deceptive advertising or sales practices.

Use of a prearrangement contract form which is not on file with the board or which the board has ordered the cemetery authority not to use shall be a violation of this chapter.

NEW SECTION. Sec. 39. There is added to chapter 68.46 RCW a new section to read as follows:

Any person who violates or aids or abets any person in the violation of any of the provisions of this chapter shall be guilty of a gross misdemeanor. A violation shall constitute an unfair practice under chapter 19.86 RCW and shall be grounds for revocation of the certificate of authority under chapter 68.05 RCW or revocation of the prearrangement sales license under this chapter. Retail installment transactions under this chapter shall be governed by chapter 63.14 RCW. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy available at law.

NEW SECTION. Sec. 40. There is added to chapter 68.46 RCW a new section to read as follows:

To qualify for and hold a prearrangement sales license a cemetery authority must comply with and qualify according to the provisions of this chapter.

Sec. 41. Section 6, chapter 351, Laws of 1977 ex. sess. and RCW 68-46.120 are each amended to read as follows:

The provisions of this chapter do not apply to any of the following: (~~Any religious corporation, church, coroner, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them, any county, town, or city cemetery.~~)

(1) To nonprofit cemeteries which are owned or operated by any recognized religious denomination which qualifies for an exemption from real estate taxation under RCW 84.36.020 on any of its churches or the ground upon which any of its churches are or will be built; or

(2) To any cemetery controlled and operated by a coroner, county, city, town, or cemetery district.

Sec. 42. Section 146, chapter 247, Laws of 1943 and RCW 68.48.070 are each amended to read as follows:

The provisions of RCW 68.20.010 through 68.20.040, 68.24.020 through 68.24.150, 68.24.180, and chapters 68.32, 68.40 and 68.44 RCW, relating to private cemeteries, do not apply to any of the following:

~~(1) ((Any religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them;~~

~~(2) Any county, town or city cemetery.))~~ Nonprofit cemeteries which are owned or operated by any recognized religious denomination which qualifies for an exemption from real estate taxation under RCW 84.36.020 on any of its churches or the ground upon which any of its churches are or will be built; or

(2) Any cemetery controlled and operated by a coroner, county, city, town, or cemetery district.

NEW SECTION. Sec. 43. There is added to chapter 68.46 RCW a new section to read as follows:

The cemetery board may grant an exemption from any or all of the requirements of this chapter relating to prearrangement contracts to any cemetery authority which:

(1) Sells less than twenty prearrangement contracts per year; and

(2) Deposits one hundred percent of all funds received into a trust fund under RCW 68.46.030, as now or hereafter amended.

NEW SECTION. Sec. 44. Section 131, chapter 247, Laws of 1943, section 15, chapter 290, Laws of 1953 and RCW 68.44.050 are each repealed.

Passed the House February 21, 1979.

Passed the Senate March 1, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

CHAPTER 22

[House Bill No. 127]

WASHINGTON SUNSET ACT OF 1977

AN ACT Relating to the Washington Sunset Act of 1977; amending section 5, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.050; amending section 12, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.120; and amending section 16, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.900.

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

Section 1. Section 5, chapter 289, Laws of 1977 ex. sess. and RCW 43-131.050 are each amended to read as follows:

The legislative budget committee shall cause to be conducted a program and fiscal review of each state agency scheduled for termination by the processes provided in this chapter. Such program and fiscal review shall be completed and a report prepared on or before ~~((September 30th))~~ June 30th of the year prior to the date established for termination. Upon completion of its report, the legislative budget committee shall transmit copies of the report ~~((as well as working papers, related studies, and documents))~~ to the office of financial management. The office of financial management may then conduct its own program and fiscal review of the agency scheduled for termination and shall prepare a report on or before ~~((December 31st))~~ September 30th of the year prior to the date established for termination. Upon completion of its report the office of financial management shall transmit copies of its report ~~((as well as related studies and documents))~~ to the legislative budget committee. The legislative budget committee shall prepare a final report that includes the reports of both the office of financial management and the legislative budget committee ~~((as well as related studies and documents))~~. The legislative budget committee and the office of financial management shall, upon request, make available to each other all working papers, studies, and other documents which relate to reports required under this section. The legislative budget committee shall transmit the final report to all members of the legislature, to the state agency concerned, to the governor, and to the state library.

Sec. 2. Section 12, chapter 289, Laws of 1977 ex. sess. and RCW 43-131.120 are each amended to read as follows:

(1) The speaker of the house of representatives and the president of the senate shall appoint a select joint committee consisting of ten members of the legislature within thirty days of June 17, 1977. The speaker shall appoint three members of the majority party and two members of the minority party. The president shall appoint three members of the majority party and two members of the minority party. The committee shall be responsible for the development of legislation which provides a schedule for the termination of state agencies in a manner consistent with the terms of this chapter and

of RCW 43.06.010 as now or hereafter amended. The termination of such state agencies shall occur over a period of ~~((six))~~ four years, beginning on June 30, ~~((1979))~~ 1981. In the development of such legislation, the select joint committee shall:

(a) Identify state agencies which might appropriately be scheduled for termination and arrange for automatic termination of state agencies, with ~~((a reasonable number of state agencies to be terminated on June 30, 1979;))~~ a reasonable number of state agencies to be terminated on June 30, 1981, and a reasonable number of state agencies to be terminated on June 30, 1983; no more than one state agency shall be so identified or scheduled for automatic termination in any one section of such legislation;

(b) Seek to schedule state agencies with like goals, objectives, or functions for termination on the same date so as to better assure identification of duplicative activities and provide for appropriate modification or consolidation of state agencies to avoid future duplication; and

(c) Seek to schedule state agencies for termination in a manner which assures that as many committees of reference as possible have sufficient opportunity to develop experience in conducting reviews as provided pursuant to the terms of this chapter, and which assures that no such committee is given responsibility for review of an unreasonable number of state agencies during any legislative session.

(2) In identifying those state agencies to be scheduled for termination, the select joint committee shall consider, but not be limited to, the following factors where applicable:

(a) The extent to which the burden of compliance on the executive and legislative branches with the terms of this chapter is reasonable;

(b) The extent to which a state agency may serve the interests of a particular profession, occupation, or industry as opposed to the interests of the public;

(c) The extent to which a state agency may have outlived its original statutory purpose; and

(d) The potential for fiscal savings.

(3) The select joint committee shall also be responsible for assisting in the implementation of the terms and provisions of this chapter and shall establish proposed procedures which facilitate legislative review as required by this chapter for presentation to the legislature. Such committee shall recommend legislative rules which assure effective and appropriate consideration of all bills and reports regarding termination, modification, consolidation, or reauthorization of state agencies scheduled for termination.

(4) Proposed legislation, recommendations, and findings shall be submitted to the legislature as soon as is practicable, but no later than the first day the legislature is in session after January 1, 1978.

Sec. 3. Section 16, chapter 289, Laws of 1977 ex. sess. and RCW 43-131.900 are each amended to read as follows:

Except for sections 14, 15, and 17 of this 1977 amendatory act, this 1977 amendatory act shall expire on June 30, (~~1983~~) 1984, unless extended by law for an additional fixed period of time.

Passed the House January 31, 1979.

Passed the Senate March 1, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

CHAPTER 23

[Substitute House Bill No. 139]

SEWER DISTRICTS, WATER DISTRICTS—GENERAL COMPREHENSIVE PLANS

AN ACT Relating to special purpose districts; amending section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 300, Laws of 1977 ex. sess. and RCW 56.08.020; and amending section 6, chapter 18, Laws of 1959 as last amended by section 3, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.010.

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

Section 1. Section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 300, Laws of 1977 ex. sess. and RCW 56.08.020 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general comprehensive plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The general comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof. The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area

of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the sewer district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 56.02.060 for approving the formation, reorganization, annexation, consolidation, or merger of sewer districts. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of the plan's submission to the county legislative authority: PROVIDED, That the sewer commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section. If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town legislative authority if the city or town legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition, ~~((effects [affects]))~~ affects a particular city or town, shall the amendment, alteration, or addition be subject to approval by such particular city or town legislative authority.

Sec. 2. Section 6, chapter 18, Laws of 1959 as last amended by section 3, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for

present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds (~~(as in this act provided)~~). The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out (~~(the objects and purposes of this act)~~) their duties.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the water district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of water districts. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority: PROVIDED, That the water commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section. If the district includes portions

or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town legislative authority if the city or town legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: **PROVIDED**, That only if the amendment, alteration, or addition (~~(effects [affects])~~) affects a particular city or town, shall the amendment, alteration or addition be subject to approval by such particular city or town legislative authority.

Passed the House February 12, 1979.

Passed the Senate March 1, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

CHAPTER 24

[House Bill No. 187]

DEPARTMENT OF NATURAL RESOURCES—EXCHANGE OF LANDS

AN ACT Relating to the exchange of lands; and adding a new section to chapter 79.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 79.08 RCW a new section to read as follows:

The department of natural resources may exchange surplus real property previously acquired by the department as administrative sites. The property may be exchanged for any public or private real property of equal value, to preserve archeological sites on trust lands, to acquire land to be held in natural preserves, to maintain habitats for endangered species, or to acquire or enhance sites to be dedicated for recreational purposes.

Passed the House February 19, 1979.

Passed the Senate February 28, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

CHAPTER 25

[House Bill No. 341]

REAL ESTATE BROKERS AND SALESMEN—CODE CORRECTION

AN ACT Relating to real estate brokers and salesmen; reenacting section 10, chapter 222, Laws of 1951 as last amended by section 2, chapter 24, Laws of 1977 ex. sess. and by section 3, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.120; reenacting section 12, chapter 222, Laws of 1951 as last amended by section 3, chapter 24, Laws of 1977 ex. sess. and by section 4, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.140; reenacting section 13, chapter 222, Laws of 1951 as last amended by section 4, chapter 24, Laws of 1977 ex. sess. and by section 5, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.150; reenacting and amending section 19, chapter 252, Laws of 1941 as last amended by section 1, chapter 204, Laws of 1977 ex. sess. and by section 1, chapter 261, Laws of 1977 ex. sess. and RCW 18.85.230; and declaring an emergency.

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

Section 1. Section 10, chapter 222, Laws of 1951 as last amended by section 2, chapter 24, Laws of 1977 ex. sess. and by section 3, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.120 are each reenacted to read as follows:

Any person desiring to be a real estate broker, associate real estate broker, or real estate salesman with the exception of applicants meeting the requirements of RCW 18.85.161, must successfully pass an examination as provided in this chapter, and shall make application to the director for a license, and upon a form to be prescribed and furnished by the director, giving his full name and business address. With this application the applicant shall:

(1) Pay an examination fee of twenty-five dollars if a salesman's license is applied for and of forty dollars if a broker's license is applied for, such fees to accompany the application.

(2) If the applicant is a corporation, furnish a list of its officers and directors and their addresses, and if the applicant is a copartnership, a list of the members thereof and their addresses.

(3) Furnish such proof as the director may require that the applicant is a resident of the state of Washington or, if the applicant is a corporation or copartnership, that the designated broker of the corporation or copartnership is a resident of the state of Washington.

(4) Furnish such other proof as the director may require concerning the honesty, truthfulness, and good reputation, as well as the identity, including but not limited to fingerprints, of any applicants for a license, or of the officers of a corporation making the application.

Sec. 2. Section 12, chapter 222, Laws of 1951 as last amended by section 3, chapter 24, Laws of 1977 ex. sess. and by section 4, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.140 are each reenacted to read as follows:

Before receiving his license every real estate broker must pay a license fee of forty dollars, every associate real estate broker must pay a license fee of forty dollars, and every real estate salesman must pay a license fee of twenty-five dollars. Every license issued under the provisions of this chapter expires on the applicant's birthday following issuance of the license which date will henceforth be the renewal date. Licenses issued to corporations and partnerships expire December 31st, which date will henceforth be their renewal date. On or before the renewal date an annual renewal license fee in the same amount must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, the renewal license fee shall be fifty-five dollars for a real estate broker and associate real estate broker and thirty-five dollars for a real estate salesman. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be canceled. This person may obtain a new license by satisfying the procedures and qualifications for initial licensing, including the successful completion of any applicable examinations.

The director shall issue to each active licensee a license and a pocket identification card in such form and size as he shall prescribe.

Sec. 3. Section 13, chapter 222, Laws of 1951 as last amended by section 4, chapter 24, Laws of 1977 ex. sess. and by section 5, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.150 are each reenacted to read as follows:

A temporary broker's permit may, in the discretion of the director, be issued to the legally accredited representative of a deceased or incapacitated broker, the senior qualified salesman in that office or other qualified representative of the deceased or incapacitated broker, which shall be valid for a period not exceeding four months and in the case of a partnership or a corporation, the same rule shall prevail in the selection of a person to whom a temporary broker's permit may be issued.

Sec. 4. Section 19, chapter 252, Laws of 1941 as last amended by section 1, chapter 204, Laws of 1977 ex. sess. and by section 1, chapter 261, Laws of 1977 ex. sess. and RCW 18.85.230 are each amended and reenacted to read as follows:

The director may, upon his own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman, regardless of whether the transaction was for his own account or in his capacity as broker, and may temporarily suspend or permanently revoke or deny the license of any holder who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto;

(3) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses: PROVIDED, That for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relies upon the word, representation or conduct of the licensee;

(6) Accepting the services of, or continuing in a representative capacity, any salesman who has not been granted a license, or after his license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his own use or to the use of his principal or of any other person, when delivered to him in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his knowledge to, or to produce any document, book or record in his possession for inspection of the director or his authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any

court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesman or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesman or associate broker operates, to the advertisement;

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction;

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker or salesman has an interest unless his interest is clearly stated in the appraisal report;

(17) Misrepresentation of his membership in any state or national real estate association;

(18) Discrimination against any person in hiring or in sales activity, on the basis of race, color, creed or national origin, or violating any of the provisions of any state or federal antidiscrimination law;

(19) Failing to keep an escrow or trustee account of funds deposited with him relating to a real estate transaction, for a period of three years, showing to whom paid, and such other pertinent information as the director may require, such records to be available to the director, or his representatives, on demand, or upon written notice given to the bank;

(20) Failing to preserve for three years following its consummation records relating to any real estate transaction;

(21) Failing to furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;

(22) Acceptance by a salesman, associate broker or branch manager of a commission or any valuable consideration for the performance of any acts specified in this 1972 amendatory act, from any person, except the licensed real estate broker with whom he is licensed;

(23) To direct any transaction involving his principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, without first disclosing such expectation to his principal;

(24) Failing to disclose to an owner his intention or true position if he directly or indirectly through third party, purchases for himself or acquires or intends to acquire any interest in, or any option to purchase, property;

(25) In the case of a broker licensee, failing to exercise adequate supervision over the activities of his licensed associate brokers and salesmen within the scope of this 1972 amendatory act;

(26) Any conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency; ((or))

(27) Acting as a mobile home and travel trailer dealer or salesman, as defined in RCW 46.70.011 as now or hereafter amended, without having a license to do so; ((or))

(28) Failing to assure that the title is transferred under chapter 46.12 RCW when engaging in a transaction involving a mobile home as a broker or salesman((:)); or

((27)) (29) Violation of an order to cease and desist which is issued by the director under this chapter.

NEW SECTION. Sec. 5. 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.

EXPLANATORY NOTE

Section 1. RCW 18.85.120 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 24 § 2 changed the application fee for a salesman's license from fifteen to twenty-five dollars, and for a broker's license from twenty-five to forty dollars.

(2) 1977 ex.s. c 370 § 3 in subsection (3) deleted requirements as to suits, actions and service of process pertaining to nonresidents, and enacted new material relating to proof of residency within state of Washington.

Sec. 2. RCW 18.85.140 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 24 § 3 changed the license fee for real estate brokers from twenty-five to forty dollars, for associate real estate brokers from twenty-five to forty dollars, and for real estate salesmen from fifteen to twenty-five dollars. The late renewal fees were raised from thirty-five to fifty-five dollars for real estate brokers and associate real estate brokers, and from twenty to thirty-five dollars for real estate salesmen.

(2) 1977 ex.s. c 370 § 4 provides for cancellation of licenses of real estate brokers, associate real estate brokers, and salesmen who do not pay license renewal fees within one year of expiration date, and also prescribes procedures for obtaining new licenses. The last sentence referring to the license and pocket identification cards changed "broker, associate broker, and salesman" to "active licensee".

Sec. 3. RCW 18.85.150 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 24 § 4 deleted the first two paragraphs relating to temporary permits for salesmen.

(2) 1977 ex.s. c 370 § 5 also deleted the first two paragraphs. In reference to temporary broker's permits being issued to an accredited or qualified representative of a "deceased" broker, the language was changed to "deceased or incapacitated" broker.

Sec. 4. RCW 18.85.230 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 204 § 1 added two new subsections at the end of the section relating to sales of mobile homes.

(2) 1977 ex.s. c 261 § 1 also added a new subsection at the end of the section regarding violation of cease and desist orders issued by the director.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with both amendments included therein.

Passed the House January 24, 1979.

Passed the Senate February 26, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

CHAPTER 26

[Substitute House Bill No. 796]

HYDROPLANE RACES—ADMISSION FEES

AN ACT Relating to local government; and adding new sections to chapter 35.21 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.21 RCW a new section to read as follows:

Any city or town may provide restrooms and other services in its public parks to be used by spectators of any hydroplane race held on a lake or river which is located adjacent to or within the city or town, and in addition any city or town may charge admission fees for persons to observe a hydroplane race from public park property which is sufficient to defray the costs of the city or town accommodating spectators, cleaning up after the race, and other costs related to the hydroplane race. Any city or town may authorize the organization which sponsors a hydroplane race to provide restroom and other services for the public on park property and may authorize the organization to collect any admission fees charged by the city or town.

NEW SECTION. Sec. 2. There is added to chapter 35.21 RCW a new section to read as follows:

It is hereby declared to be a legitimate public park purpose for any city or town to levy an admission charge for spectators to view hydroplane races from park property. Property which has been conveyed to a city or town by the state for exclusive use in the city's or town's public park system or exclusively for public park, parkway, and boulevard purposes shall not revert to the state upon the levying of admission fees authorized in section 1 of this act.

Passed the House February 22, 1979.

Passed the Senate March 1, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

CHAPTER 27

[Substitute House Bill No. 1033]

HOOD CANAL BRIDGE—INTERIM SERVICE—RECONSTRUCTION OR REPLACEMENT—APPROPRIATIONS

AN ACT Relating to transportation funding; amending section 2, chapter 85, Laws of 1970 ex. sess. as amended by section 10, chapter 360, Laws of 1977 ex. sess. and RCW 47.60.505; amending section 3, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.530; adding new sections to chapter 47.60 RCW; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that high tides and hurricane force winds on February 13, 1979, caused conditions resulting in the catastrophic destruction of the Hood Canal bridge on state route 104, a state highway on the federal-aid system; and, as a consequence, the state of Washington has sustained a sudden and complete failure of a major segment of highway system with a disastrous impact on transportation services between the counties of Washington's Olympic peninsula and the remainder of the state. The governor has by proclamation found that these conditions constitute an emergency. To minimize the economic loss and hardship to residents of the Puget Sound and Olympic peninsula regions, the department of transportation is authorized and directed to undertake immediately all necessary actions to restore interim transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas. The department is further authorized and directed to proceed immediately with all necessary measures to survey the damage to the Hood Canal bridge and to undertake the planning, design, and construction necessary to restore or replace the Hood Canal bridge.

NEW SECTION. Sec. 2. The department of transportation is authorized and directed to take all necessary steps to obtain federal emergency relief funds to assist the state of Washington in restoring transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas, including both interim measures and the ultimate reconstruction or replacement of the Hood Canal bridge.

Sec. 3. Section 2, chapter 85, Laws of 1970 ex. sess. as amended by section 10, chapter 360, Laws of 1977 ex. sess. and RCW 47.60.505 are each amended to read as follows:

There is hereby created in the motor vehicle fund the Puget Sound capital construction account. All moneys hereafter deposited in said account shall be used by the (~~Washington toll bridge authority~~) department of transportation for:

- (1) Reimbursing the motor vehicle fund for all transfers therefrom made in accordance with RCW 47.60.620; and

(2) Improving the Washington state ferry system including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, ~~((and))~~ terminal construction and improvements, and reconstruction or replacement of, and improvements to, the Hood Canal bridge, reimbursement of the motor vehicle fund for any state funds, other than insurance proceeds, expended therefrom for reconstruction or replacement of and improvements to the Hood Canal bridge, pursuant to proper appropriations: PROVIDED, That any funds accruing to the Puget Sound capital construction account after June 30, 1979, which are not required to reimburse the motor vehicle fund pursuant to RCW 47.60.620 as such obligations come due nor are required for capital improvements of the Washington state ferries pursuant to appropriations therefor shall from time to time as shall be determined by the department of ~~((highways))~~ transportation be transferred by the state treasurer to the Puget Sound ferry operations account in the motor vehicle fund.

Sec. 4. Section 3, chapter 24, Laws of 1972 ex. sess. and RCW 47.60-.530 are each amended to read as follows:

There is hereby created in the motor vehicle fund the Puget Sound ferry operations account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys deposited in this account shall be expended pursuant to appropriations only for reimbursement of the motor vehicle fund for any state moneys, other than insurance proceeds, expended therefrom for alternate transportation services instituted as a result of the destruction of the Hood Canal bridge, and for maintenance and operation of the Washington state ferries including the Hood Canal bridge, supplementing as required the revenues available from the Washington state ferry system.

NEW SECTION. Sec. 5. There is hereby appropriated from the motor vehicle fund to the department of transportation for the period ending June 30, 1981, the sum of fifty-five million dollars, consisting of five million dollars of state funds and fifty million dollars of federal and local funds, or so much thereof as may be necessary to restore transportation services disrupted by the loss of the Hood Canal bridge on state route 104 on February 13, 1979, including, but not limited to: (1) The operation and maintenance costs of interim transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas, including expenditures for personal service contracts, leases, and related operating activities and auxiliary services such as buses, vans, and marine vessels; and (2) preliminary engineering, right of way acquisition, acquisition or construction of capital facilities, and improvement of capital facilities required to restore and maintain transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas including, but not limited to, improvements to highways, development of park and ride facilities, development and improvement of ferry terminal facilities, acquisition and

improvement of marine vessels, surveys of damage to the Hood Canal bridge, and reconstruction or replacement of the Hood Canal bridge: **PROVIDED**, That the transportation commission may reduce the state funds and increase by a like amount the federal and local funds contained in this appropriation or may increase the state funds and decrease by a like amount the federal and local funds contained in this appropriation to properly reflect the total amount of federal and local funds available to the state for assistance in restoring transportation services disrupted by loss of the Hood Canal bridge. The commission shall obtain the approval of the office of financial management and the legislative transportation committee prior to reducing or increasing either the state funds or the federal or local funds contained in this appropriation.

NEW SECTION. Sec. 6. There is hereby appropriated from the motor vehicle fund to the department of transportation for the period ending June 30, 1981, the sum of eleven million dollars consisting entirely of state funds, for the operation and maintenance of the Washington state ferries, supplementing revenues available from the Washington state ferry system and replacing revenues lost, directly or indirectly, due to the destruction of the Hood Canal bridge: **PROVIDED**, That should any funds from use and occupancy insurance claims settlements resulting from the loss of the Hood Canal bridge be received by the department of transportation and either be available for deposit in, or cause a like amount of funds in the Puget Sound capital construction account to be available for transfer to, the Puget Sound ferry operations account for maintenance and operation of the Washington state ferries and Hood Canal bridge, then the appropriation of state funds contained in this section shall be reduced by the same amount, and that same amount but not to exceed eleven million dollars is hereby appropriated to the department of transportation from the Puget Sound ferry operations account for the period ending June 30, 1981.

NEW SECTION. Sec. 7. Any state funds expended from the motor vehicle fund pursuant to the appropriations contained in sections 5 and 6 of this 1979 act which are not reimbursed by federal emergency relief funds or by insurance settlements shall be repaid to the motor vehicle fund from the Puget Sound capital construction account and the Puget Sound ferry operations account of the motor vehicle fund before July 1, 1990.

NEW SECTION. Sec. 8. The department of transportation shall each quarter report to and consult with the legislative transportation committee on the implementation of sections 1 through 7 of this 1979 act.

NEW SECTION. Sec. 9. Sections 1 and 2 and sections 7 and 8 of this 1979 act shall be added to chapter 47.60 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This 1979 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 7, 1979.

Passed the Senate March 7, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

CHAPTER 28

[Substitute Senate Bill No. 2028]

POLICE TELEPHONE COMMUNICATION IN EMERGENCY HOSTAGE SITUATIONS

AN ACT Relating to police telephone communications in emergency hostage situations; adding new sections to chapter 70.85 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The supervising law enforcement official having jurisdiction in a geographical area who reasonably believes that one or more hostages are being held within that area and who has probable cause to believe that the holder of such hostages is committing a crime may order a telephone company employee designated pursuant to section 2 of this act to arrange to cut, reroute, or divert telephone lines for the purpose of preventing telephone communications between the hostage holder and any person other than a peace officer or a person authorized by the peace officer.

NEW SECTION. Sec. 2. The telephone company providing service within the geographical jurisdiction of a law enforcement unit shall inform law enforcement agencies of the address and telephone number of its security office or other designated office to provide all required assistance to law enforcement officials to carry out the purpose of this act. The designation shall be in writing and shall provide the telephone number or numbers through which the security representative or other telephone company official can be reached at any time. This information shall be served upon all law enforcement units having jurisdiction in a geographical area. Any change in address or telephone number or identity of the telephone company office to be contacted to provide required assistance shall be served upon all law enforcement units in the affected geographical area.

NEW SECTION. Sec. 3. Good faith reliance on an order given under this act by a supervising law enforcement official shall constitute a complete

defense to any civil or criminal action arising out of such ordered cutting, rerouting or diverting of telephone lines.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act will govern notwithstanding the provisions of any other section of this chapter and notwithstanding the provisions of chapter 9.73 RCW.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 70.85 RCW.

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

Passed the Senate February 19, 1979.

Passed the House March 1, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

CHAPTER 29

[Engrossed Senate Bill No. 2417]

CRIMES—RESTITUTION

AN ACT Relating to crimes and punishments; amending section 1, chapter 24, Laws of 1905 as last amended by section 7, chapter 200, Laws of 1967 and RCW 9.92.060; amending section 4, chapter 227, Laws of 1957 as last amended by section 1, chapter 29, Laws of 1969 and RCW 9.95.210; and amending section 9A.20.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.030.

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

Section 1. Section 1, chapter 24, Laws of 1905 as last amended by section 7, chapter 200, Laws of 1967 and RCW 9.92.060 are each amended to read as follows:

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, 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 person 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: PROVIDED, That persons convicted in justice court may be placed under supervision of a probation officer employed for that purpose by the board of county commissioners of the county wherein the court is located. If restitution to the victim has been ordered under subsection (2) of this section, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

Sec. 2. Section 4, chapter 227, Laws of 1957 as last amended by section 1, chapter 29, Laws of 1969 and RCW 9.95.210 are each amended to read as follows:

The court in granting probation, may 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.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine the 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 supervisor of the division of probation and parole of the department of institutions or such officer as the supervisor may designate and as a condition of said probation to follow implicitly the instructions of the supervisor of probation and parole. If the probationer has been ordered to make restitution, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not

less than three months prior to the termination of the probation period. The supervisor of probation and parole with the approval of the director of institutions will promulgate rules and regulations for the conduct of such person during the term of his probation: PROVIDED, That for defendants found guilty in justice court, like functions as the supervisor of probation and parole performs in regard to probation may be performed by probation officers employed for that purpose by the board of county commissioners of the county wherein the court is located.

Sec. 3. Section 9A.20.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.030 are each amended to read as follows:

(1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof the court, in lieu of imposing the fine authorized for the offense under RCW 9A.20.020, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. ((In such case)) It shall be the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding the court may conduct a hearing upon the issue. For purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

(2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.

Passed the Senate February 20, 1979.

Passed the House March 1, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

CHAPTER 30

[Substitute Senate Bill No. 2252]

DEPARTMENT OF TRANSPORTATION—SUPPLEMENTAL APPROPRIATIONS

AN ACT Relating to transportation; making supplemental appropriations; amending section 17, chapter 151, Laws of 1977 ex. sess. (uncodified); amending section 2, chapter 333, Laws of 1977 ex. sess. (uncodified); and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1979 \$4,850,000 (all state funds) or so much thereof

as may be necessary for operations and maintenance of the ferry system to supplement tolls.

NEW SECTION. Sec. 2. There is hereby appropriated from the Puget Sound capital construction account in the motor vehicle fund to the department of transportation for the biennium ending June 30, 1979 \$12,621,000 (all state funds) or so much thereof as may be necessary for improving the Washington state ferry system including, but not limited to, acquisition and construction of ferry vessels, major and minor vessel improvements, terminal construction and improvements.

Sec. 3. Section 17, chapter 151, Laws of 1977 ex. sess. (uncodified) is amended to read as follows:

All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the canal commission, the board of pilotage commissioners, and such material in possession of the planning and community affairs agency which relates to transportation, shall be delivered on the effective date of this 1977 amendatory act, to the custody of the department of transportation.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred to the department of transportation by section 3 of this 1977 amendatory act shall be made available on the effective date of this 1977 amendatory act, to the department. All funds, credits, or other assets held in connection with the functions so transferred shall by such time be assigned to the department of transportation.

Any appropriations heretofore made to the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the canal commission, and the planning and community affairs agency for the purpose of carrying out the powers, duties, and functions transferred in section 3 of this 1977 amendatory act, shall on the effective date of this 1977 amendatory act, be so transferred and credited to the department of transportation for the purpose of carrying out such transferred powers, duties, and functions. Appropriations to the planning and community affairs agency hereby transferred to the department of transportation, including funds for administration of advanced planning moneys for local public transportation agencies, that are available for administration and state level planning functions may be expended during the period July 1, 1977, through ~~((March 31, 1978))~~ June 30, 1979, to pay that share of the administration and planning activities of the department of transportation relating to nonhighway functions of the department ~~((, pending adoption of the department's supplemental budget as provided in section 25 of this 1977 amendatory act))~~.

Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under section 3 of this 1977 amendatory act, the director of the office of program planning and fiscal management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 4. There is hereby appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1979 . . . \$24,000 (all state funds) or so much thereof as may be necessary to continue the agreement, in accordance with provisions of RCW 47.56.720, between Wahkiakum county and the department of transportation for the operation and maintenance of the Puget Island–Westport ferry.

Sec. 5. Section 2, chapter 333, Laws of 1977 ex. sess. (uncodified) is amended to read as follows:

The budget for the urban arterial board is hereby adopted and 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, 1979 (~~(\$45,315,000)~~) \$27,000,000 or so much thereof as may be necessary for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads and streets: **PROVIDED**, That said appropriation shall include (~~(\$12,000,000)~~) \$7,000,000 from the proceeds from the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427 as enacted, reenacted, or amended by chapter 5, Laws of 1979, and shall further include (~~(\$27,000,000)~~) \$15,000,000 from the proceeds from the sale of series II bonds as provided for by RCW 47.26.420 through 47.26.427 as enacted, reenacted, or amended by chapter 5, Laws of 1979: **PROVIDED FURTHER**, That in the event proceeds of motor vehicle fuel tax revenue distributed to the urban arterial trust account in accordance with RCW (~~(82.36.020)~~) 46.68.100, are insufficient to meet debt service requirements on bonds sold in accordance with RCW 47.26.420 as enacted, reenacted, or amended by chapter 5, Laws of 1979, funds for such debt service deficits shall be provided in accordance with RCW 47.26.425 and 47.26.426 as enacted, reenacted, or amended by chapter 5, Laws of 1979: **PROVIDED FURTHER**, That during the 1977–79 biennium, the urban arterial board shall not authorize any additional projects which in the board's judgment cannot be placed under contract for construction within eighteen months of authorization.

NEW SECTION. Sec. 6. There is hereby appropriated from the general fund to the department of transportation for the biennium ending June 30, 1979 \$186,500 (all federal funds) for supportive services to off-the-job

training program for minority construction workers and for minority contractors training programs: PROVIDED, That this appropriation or so much thereof as may be necessary shall be expended on or before June 30, 1979 and shall be fully reimbursable from federal funds.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 15, 1979.

Passed the House March 7, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

CHAPTER 31

[Engrossed Substitute Senate Bill No. 2275]

HORSE RACING—FEES AND RETENTION PERCENTAGES

AN ACT Relating to horse racing; amending section 7, chapter 55, Laws of 1933 and RCW 67.16.060; amending section 9, chapter 55, Laws of 1933 as last amended by section 81, chapter 75, Laws of 1977 and RCW 67.16.100; amending section 3, chapter 233, Laws of 1969 ex. sess. as amended by section 2, chapter 372, Laws of 1977 ex. sess. and RCW 67.16.102; amending section 2, chapter 94, Laws of 1969 ex. sess. and RCW 67.16.130; adding new sections to chapter 67.16 RCW; and declaring an emergency.

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

Section 1. Section 7, chapter 55, Laws of 1933 and RCW 67.16.060 are each amended to read as follows:

(1) It shall be unlawful;

(a) To conduct pool selling, bookmaking, or to circulate hand books((:));

or

(b) To bet or wager on any horse race other than by the parimutuel method((:)); or

(c) For any licensee to take more than ~~((ten percent of the gross receipts of any parimutuel machine))~~ the percentage provided in section 5 of this 1979 act; or

(d) For any licensee to compute breaks in the parimutuel system otherwise than at five cents.

(2) Any wilful violation of the terms of this chapter, or of any rule, regulation, or order of the commission shall constitute a gross misdemeanor and when such violation is by a person holding a license under this chapter,

the commission may cancel the license held by the offender, and such cancellation shall operate as a forfeiture of all rights and privileges granted by the commission and of all sums of money paid to the commission by the offender; and the action of the commission in that respect shall be final.

(3) The commission shall have power to exclude from any and all race courses of the state of Washington any person whom the commission deems detrimental to the best interests of racing or any person who wilfully violates any of the provisions of this chapter or of any rule, regulation, or order issued by the commission.

(4) Every race meet held in this state contrary to the provisions of this chapter is hereby declared to be a public nuisance.

Sec. 2. Section 9, chapter 55, Laws of 1933 as last amended by section 81, chapter 75, Laws of 1977 and RCW 67.16.100 are each amended to read as follows:

In addition to the license fees required by this chapter, the licensee shall pay to the commission (~~(five percent)~~) the percentages of the gross receipts of all parimutuel machines at each race meet in accordance with section 6 of this 1979 act, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: Twenty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. Of the remaining eighty percent, forty-seven percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of commerce and economic development for the sole purpose of assisting state trade fairs. The remaining thirty percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of program planning and fiscal management, retain any sum required for working capital.

Sec. 3. Section 3, chapter 233, Laws of 1969 ex. sess. as amended by section 2, chapter 372, Laws of 1977 ex. sess. and RCW 67.16.102 are each amended to read as follows:

Notwithstanding any other provision of chapter 67.16 RCW to the contrary the licensee shall withhold and shall pay daily to the commission, in addition to the ~~((fifteen percent))~~ percentages authorized by ~~((this chapter))~~ RCW 67.16.100 and 67.16.130, as now or hereafter amended, and section 6 of this 1979 act, one percent of the gross receipts of all parimutuel machines at each race meet which sums shall, at the end of each meet, be paid by the commission to the licensed owners of those horses finishing first, second, third and fourth Washington bred only at each meet from which the additional one percent is derived in accordance with an equitable distribution formula to be promulgated by the commission prior to the commencement of each race meet: PROVIDED, That nothing in this section shall apply to race meets which are nonprofit in nature, or of ~~((six))~~ ten days or less or which have ~~((a total annual))~~ an average daily handle of less than ~~((two))~~ one hundred twenty thousand dollars: PROVIDED, That the additional one percent of the gross receipts of all parimutuel machines at each race meet and the amount retained by the commission as specified in RCW 67.16.100 shall be deposited daily in a time deposit by the commission and the interest derived therefrom shall be distributed annually on an equal basis to those county legislative authorities that operate fairs, authorized by chapter 36.37 RCW, and race courses at which independent race meets are held which are nonprofit in nature and are of ~~((six))~~ ten days or less: PROVIDED, That such county legislative authorities have approved and are operating a program of use for said race course for year-round equine training and quartering: PROVIDED, FURTHER, That said distributed funds shall be used for the purpose of maintaining and upgrading the respective racing courses and equine quartering areas of said nonprofit meets. The commission shall not permit the licensees to take into consideration the benefits derived from this section in establishing purses.

Sec. 4. Section 2, chapter 94, Laws of 1969 ex. sess. and RCW 67.16.130 are each amended to read as follows:

(1) Notwithstanding any other provision of law or of chapter 67.16 RCW, the commission may license race meets which are nonprofit in nature, of ~~((six))~~ ten days or less, and which have ~~((a total annual))~~ an average daily handle of ~~((two))~~ one hundred twenty thousand dollars or less, at a daily licensing fee of ten dollars and a payment to the commission of one percent of the gross receipts of all parimutuel pools during such race meet, and the sponsoring nonprofit association shall be exempt from any other fees as provided for in chapter 67.16 RCW or by rule or regulation of the commission: PROVIDED, That the commission on or after January 1, 1971

may deny the application for a license to conduct a racing meet by a nonprofit association, if same shall be determined not to be a nonprofit association by the Washington state racing commission.

(2) Notwithstanding any other provision of law or of chapter 67.16 RCW the licensees of race meets which are nonprofit in nature, of ~~((six))~~ ten days or less, and which have ~~((a total annual))~~ an average daily handle of ~~((two))~~ one hundred twenty thousand dollars or less, shall be permitted to retain fourteen percent of the gross receipts of all parimutuel pools during such race meet.

(3) Notwithstanding any other provision of law or of chapter 67.16 RCW or any rule promulgated by the commission, no license for a race meet which is nonprofit in nature, of ~~((six))~~ ten days or less, and which has ~~((a total annual))~~ an average daily handle of ~~((two))~~ one hundred twenty thousand dollars or less, shall be denied for the reason that the applicant has not installed an electric parimutuel tote board.

(4) As a condition to the reduction in fees as provided for in subsection (1) hereof, all fees charged to horse owners, trainers, or jockeys, or any other fee charged for a permit incident to the running of such race meet shall be retained by the commission as reimbursement for its expenses incurred in connection with the particular race meet.

NEW SECTION. Sec. 5. There is added to chapter 67.16 RCW a new section to read as follows:

(1) Race meets which have gross receipts of all parimutuel machines averaging more than five hundred thousand dollars for each authorized day of racing may retain the following from the daily gross receipts of all parimutuel machines:

(a) From the first five hundred thousand dollars, the licensee may retain ten and one-half percent of such gross receipts; and

(b) From any amount above the first five hundred thousand dollars, the licensee may retain ten percent of such gross receipts.

(2) Race meets which have gross receipts of all parimutuel machines averaging five hundred thousand dollars or less for each authorized day of racing may retain eleven percent from such gross receipts of any parimutuel machine.

(3) Of the amounts retained in subsections (1) and (2) of this section, at least fifty percent of the increase above ten percent shall be utilized to support the general purse structure of the race meet; except that, all such increased revenue to the licensee to be utilized for purses will be in addition to and will not supplant the customary purse structure between race tracks and participating horsemen. The remaining increase above ten percent shall be utilized for maintenance of the running surface, parking areas, and training and barn facilities. Any portion of the remainder may be utilized to support the general purse structure of the race meet.

NEW SECTION. Sec. 6. There is added to chapter 67.16 RCW a new section to read as follows:

(1) For race meets which have gross receipts of all parimutuel machines averaging more than five hundred thousand dollars for each authorized day of racing, the licensee shall pay to the commission daily four and one-half percent of the gross receipts up to the first five hundred thousand daily of all parimutuel machines at each race meet. All receipts in excess of five hundred thousand dollars shall be paid daily at the rate of five percent.

(2) For race meets which have gross receipts of all parimutuel machines averaging five hundred thousand dollars or less for each authorized day of racing, the licensee shall pay to the commission daily four percent of the gross receipts of all parimutuel machines at each race meet.

NEW SECTION. Sec. 7. There is added to chapter 67.16 RCW a new section to read as follows:

(1) Race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races, may retain fourteen percent from the gross receipts of any parimutuel machine.

(2) For race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races, the licensee shall pay to the commission daily one percent of the gross receipts of all parimutuel machines at each race meet. Such one percent shall be paid daily.

NEW SECTION. Sec. 8. This 1979 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 8, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 16, 1979

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 32

[Engrossed Senate Bill No. 2178]

STANDBY GUARDIANS—INFORMED CONSENT TO MEDICAL PROCEDURES

AN ACT Relating to guardianship; amending section 6, chapter 95, Laws of 1975 1st ex. sess. as amended by section 10, chapter 309, Laws of 1977 ex. sess. and RCW 11.88.125; and amending section 11.92.040, chapter 145, Laws of 1965 as last amended by section 13, chapter 309, Laws of 1977 ex. sess. and RCW 11.92.040.

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

Section 1. Section 6, chapter 95, Laws of 1975 1st ex. sess. as amended by section 10, chapter 309, Laws of 1977 ex. sess. and RCW 11.88.125 are each amended to read as follows:

(1) The person appointed by the court as either guardian or limited guardian of the person and/or estate of an incompetent or disabled person,

shall file in writing with the court, a designated standby limited guardian or guardian to serve as limited guardian or guardian at the death or legal incompetency or disability of the court-appointed guardian or limited guardian. Such standby guardian or limited guardian shall have all the powers, duties, and obligations of the regularly appointed guardian or limited guardian and in addition shall, within a period of thirty days from the death or adjudication of incompetency or disability of the regularly appointed guardian or limited guardian, file with the superior court in the county in which the guardianship or limited guardianship is then being administered, a petition for appointment of a substitute guardian or limited guardian. Upon the court's appointment of a new, substitute guardian or limited guardian, the standby guardian or limited guardian shall make an accounting and report to be approved by the court, and upon approval of the court, the standby guardian or limited guardian shall be released from all duties and obligations arising from or out of the guardianship or limited guardianship.

(2) Letters of guardianship shall be issued to the standby guardian or limited guardian upon filing an oath and posting a bond as required by RCW 11.88.100 as now or hereafter amended. The oath may be filed prior to the appointed guardian or limited guardian's death. The provisions of RCW 11.88.100 through 11.88.110 as now or hereafter amended shall apply to standby guardians and limited guardians.

(3) In addition to the powers of a standby limited guardian or guardian as noted in subsection (1) of this section, the standby limited guardian or guardian shall have the authority to provide timely, informed consent to necessary medical procedures, as authorized in RCW 11.92.040 as now or hereafter amended, if the guardian or limited guardian cannot be located within four hours after the need for such consent arises.

Sec. 2. Section 11.92.040, chapter 145, Laws of 1965 as last amended by section 13, chapter 309, Laws of 1977 ex. sess. and RCW 11.92.040 are each amended to read as follows:

It shall be the duty of the guardian or limited guardian:

(1) To make out and file within three months after his appointment a verified inventory of all the property of the incompetent or disabled person which shall come to his possession or knowledge, including a statement of all encumbrances, liens, and other secured charges on any item;

(2) To file annually, within thirty days after the anniversary date of his appointment, and also within thirty days after termination of his appointment, a written verified account of his administration: **PROVIDED**, That the court in its discretion may allow such reports at intervals of up to thirty-six months, with instruction to the guardian or limited guardian that any substantial increase in income or assets or substantial change in the incompetent's or disabled person's condition shall be reported within thirty days of such substantial increase or change;

(3) Consistent with the powers granted by the court, if he is a guardian or limited guardian of the person, to care for and maintain the incompetent or disabled person, assert his or her rights and best interests, and provide timely, informed consent to necessary medical procedures, and if the incompetent or disabled person is a minor, to see that the incompetent or disabled person is properly trained and educated and that the incompetent or disabled person has the opportunity to learn a trade, occupation, or profession. As provided in RCW 11.88.125 as now or hereafter amended, the standby guardian may provide timely, informed consent to necessary medical procedures if the guardian or limited guardian cannot be located within four hours after the need for such consent arises. The guardian or limited guardian of the person may be required to report the condition of his incompetent or disabled person to the court, at regular intervals or otherwise as the court may direct: PROVIDED, That no guardian ((or)), limited guardian, or standby guardian may involuntarily commit for mental health treatment, observation, or evaluation an alleged incompetent or disabled person who is, himself or herself, unable or unwilling to give informed consent to such commitment unless the procedures for involuntary commitment set forth in chapters 71.05 or 72.23 RCW are followed: PROVIDED FURTHER, That nothing in this section shall be construed to allow a guardian ((or)), limited guardian, or standby guardian to consent to:

- (a) Therapy or other procedure which induces convulsion;
- (b) Surgery solely for the purpose of psychosurgery;
- (c) Amputation;
- (d) Other psychiatric or mental health procedures which are intrusive on the person's body integrity, physical freedom of movement, or the rights set forth in RCW 71.05.370.

A guardian ((or)), limited guardian, or standby guardian who believes such procedures to be necessary for the proper care and maintenance of the incompetent or disabled person shall petition the court for an order unless the court has previously approved such procedure within thirty days immediately past. The court may make such order only after an attorney is appointed in accordance with RCW 11.88.045, as now or hereafter amended, if none has heretofore appeared, notice is given, and a hearing is held in accordance with RCW 11.88.040, as now or hereafter amended;

(4) If he is a guardian or limited guardian of the estate, to protect and preserve it, to apply it as provided in this chapter, to account for it faithfully, to perform all of the duties required of him by law, and at the termination of the guardianship or limited guardianship, to deliver the assets of the incompetent or disabled person to the persons entitled thereto. Except as provided to the contrary herein, the court may authorize a guardian or limited guardian to do anything that a trustee can do under the provisions of RCW 30.99.070 for a period not exceeding one year from the date of the order or for a period corresponding to the interval in which the guardian's

or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer;

(5) To invest and reinvest the property of the incompetent or disabled person in accordance with the rules applicable to investment of trust estates by trustees as provided in chapter 30.24 RCW, except that:

(a) No investments shall be made without prior order of the court in any property other than unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States, and in share accounts or deposits which are insured by an agency of the United States government. Such prior order of the court may authorize specific investments, or, in the discretion of the court, may authorize the guardian or limited guardian during a period not exceeding one year following the date of the order or for a period corresponding to the interval in which the guardian's or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer, to invest and reinvest as provided in chapter 30.24 RCW without further order of the court;

(b) If it is for the best interests of the incompetent or disabled person that a specific property be used by the incompetent or disabled person rather than sold and the proceeds invested, the court may so order;

(6) To apply to the court for an order authorizing any disbursement on behalf of the incompetent or disabled person: PROVIDED, HOWEVER, That ~~((the))~~ the guardian or limited guardian of the estate, or the person, department, bureau, agency, or charitable organization having the care and custody of an incompetent or disabled person, may apply to the court for an order directing the guardian or limited guardian of the estate to pay to the person, department, bureau, agency, or charitable organization having the care and custody of an incompetent or disabled person, or if the guardian or limited guardian of the estate has the care and custody of the incompetent or disabled person, directing the guardian or limited guardian of the estate to apply an amount weekly, monthly, quarterly, semi-annually, or annually, as the court may direct, to be expended in the care, maintenance, and education of the incompetent or disabled person and of his dependents. In proper cases, the court may order payment of amounts directly to the incompetent or disabled person for his maintenance or incidental expenses. The amounts authorized under this section may be decreased or increased from time to time by direction of the court. If payments are made to another under such order of the court, the guardian or limited guardian of the estate is not bound to see to the application thereof.

Passed the Senate February 19, 1979.

Passed the House March 1, 1979.

Approved by the Governor March 16, 1979.

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 33

[Engrossed Senate Bill No. 2186]
UTILITY POLES ATTACHMENTS

AN ACT Relating to utilities; providing for the regulation of attachments to poles of telephone, telegraph, and electrical companies; and adding a new chapter to Title 80 RCW.

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

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Attachment" means any wire or cable for the transmission of intelligence by telegraph, telephone, or television, including cable television, light waves, or other phenomena, or for the transmission of electricity for light, heat, or power, and any related device, apparatus, or auxiliary equipment, installed upon any pole or in any telegraph, telephone, electrical, cable television, or communications right of way, duct, conduit, manhole or handhole, or other similar facilities owned or controlled, in whole or in part, by one or more utilities, where the installation has been made with the consent of the one or more utilities.

(2) "Licensee" means any person, firm, corporation, partnership, company, association, joint stock association, or cooperatively organized association, other than a utility, which is authorized to construct attachments upon, along, under, or across the public ways.

(3) "Utility" means any electrical company, telephone company, or telegraph company, as defined in RCW 80.04.010, and does not include any entity cooperatively organized, or owned by federal, state, or local government, or a subdivision of state or local government.

NEW SECTION. Sec. 2. The commission shall have the authority to regulate in the public interest the rates, terms, and conditions for attachments by licensees or utilities. All rates, terms, and conditions made, demanded, or received by any utility for any attachment by a licensee or by a utility must be just, fair, reasonable, and sufficient.

NEW SECTION. Sec. 3. Whenever the commission shall find, after hearing had upon complaint by a licensee or by a utility, that the rates, terms, or conditions demanded, exacted, charged, or collected by any utility in connection with attachments are unjust, unreasonable, or that the rates or charges are insufficient to yield a reasonable compensation for the attachment, the commission shall determine the just, reasonable, or sufficient rates, terms, and conditions thereafter to be observed and in force and shall fix the same by order. In determining and fixing the rates, terms, and conditions, the commission shall consider the interest of the customers of the attaching utility or licensee, as well as the interest of the customers of the utility upon which the attachment is made.

NEW SECTION. Sec. 4. A just and reasonable rate shall assure the utility the recovery of not less than all the additional costs of procuring and maintaining pole attachments, nor more than the actual capital and operating expenses, including just compensation, of the utility attributable to that portion of the pole, duct, or conduit used for the pole attachment, including a share of the required support and clearance space, in proportion to the space used for the pole attachment, as compared to all other uses made of the subject facilities, and uses which remain available to the owner or owners of the subject facilities.

NEW SECTION. Sec. 5. Nothing in this chapter shall be deemed to apply to any attachment by one or more electrical companies on the facilities of one or more other electrical companies.

NEW SECTION. Sec. 6. The commission shall adopt rules, regulations and procedures relative to the implementation of this act.

NEW SECTION. Sec. 7. Notwithstanding any other provision of law, a utility as defined in section 1, subsection (3) of this act and any utility not regulated by the utilities and transportation commission shall levy attachment rates which are uniform for all licensees within the utility service area.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 80 RCW.

Passed the Senate February 20, 1979.

Passed the House March 1, 1979.

Approved by the Governor March 16, 1979.

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 34

[Senate Bill No. 2078]

MOTOR VEHICLE ACCIDENT REPORTS—FEE FOR WRITTEN INFORMATION
AN ACT Relating to motor vehicles; and amending section 5, chapter 119, Laws of 1965 ex. sess. as amended by section 5, chapter 91, Laws of 1971 ex. sess. and RCW 46.52.085.

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

Section 1. Section 5, chapter 119, Laws of 1965 ex. sess. as amended by section 5, chapter 91, Laws of 1971 ex. sess. and RCW 46.52.085 are each amended to read as follows:

Any information authorized for release under RCW 46.52.080 and 46.52.083 may be furnished in written form for a fee (~~of two dollars~~) sufficient to meet, but not exceed, the costs incurred. All fees received by the

Washington state patrol for such copies shall be deposited in the motor vehicle fund.

Passed the Senate March 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 16, 1979.

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 35

[Engrossed Substitute Senate Bill No. 2117]

SEWERAGE IMPROVEMENT DISTRICTS—TRANSFORMATION INTO, VALIDATION AS SEWER DISTRICTS'

AN ACT Relating to special purpose districts; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. (1) On and after the effective date of this act, any sewerage improvement districts created under Title 85 RCW and located in third class counties shall become sewer districts and shall be operated, maintained, and have the same powers as sewer districts created under Title 56 RCW, upon being so ordered by the board of county commissioners of the county in which such district is located after a hearing of which notice is given by publication in a newspaper of general circulation within the district and mailed to any known creditors, holders of contracts and obligees at least thirty days prior to such hearing. After such hearing if the board of county commissioners find the converting of such district to be in the best interest of that district, it shall order that such sewer improvement district shall become a sewer district and fix the date of such conversion. All debts, contracts and obligations created while attempting to organize or operate a sewerage improvement district and all other financial obligations and powers of the district to satisfy such obligations established under Title 85 RCW are legal and valid until they are fully satisfied or discharged under Title 85 RCW.

(2) The board of supervisors of a sewerage improvement district in a third class county shall act as the board of commissioners of the sewer district created under subsection (1) of this section until other members of the board of commissioners of the sewer district are elected and qualified. There shall be an election on the same date as the 1979 state general election and the seats of all three members of the governing authority of every entity which was previously known as a sewerage improvement district in a third class county shall be up for election. The election shall be held in the manner provided for in RCW 56.12.020 for the election of the first board of commissioners of a sewer district. Thereafter, the terms of office of the members of the governing body shall be determined under RCW 56.12.020.

NEW SECTION. Sec. 2. Any sewerage improvement district which has been operating as a sewer district shall be a sewer district under Title 56 RCW as of the effective date of this 1979 act upon being so ordered by the board of county commissioners of the county in which such district is located after a hearing of which notice is given by publication in a newspaper of general circulation within the district and mailed to any known creditors, holders of contracts and obligees at least thirty days prior to such hearing. After such hearing if the board of county commissioners finds that the sewerage improvement district was operating as a sewer district and that the converting of such district will be in the best interest of that district, it shall order that such sewer improvement district shall become a sewer district immediately upon the passage of the resolution containing such order. The debts, contracts and obligations of any sewerage improvement district which has been erroneously operating as a sewer district are recognized as legal and binding. The members of the government authority of any sewerage improvement district which has been operating as a sewer district and who were erroneously elected as sewer district commissioners shall be recognized as the governing authority of a sewer district. The members of the governing authority shall continue in office for the term for which they were elected.

NEW SECTION. Sec. 3. There is added to chapter 56.02 RCW a new section to read as follows:

(1) The board of commissioners of a sewer district may notify the owner or reputed owner of any tract, parcel of land, or other property located within the area included in a petition for a local improvement district being circulated under chapter 56.20 RCW or in a petition for annexation being circulated under chapter 56.24 RCW.

(2) Upon the request of any person, the board of commissioners of a sewer district may:

(a) Review a proposed petition to check if the petition is properly drafted; and

(b) Provide information regarding the effects of the adoption of any proposed petition.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 16, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 16, 1979.

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 36

[Engrossed Substitute Senate Bill No. 2118]

INTERLOCAL COOPERATION ACT—PUBLIC AGENCY, DEFINED

AN ACT Relating to special purpose districts; and amending section 3, chapter 239, Laws of 1967 as last amended by section 13, chapter 283, Laws of 1977 ex. sess. and RCW 39.34.020.

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

Section 1. Section 3, chapter 239, Laws of 1967 as last amended by section 13, chapter 283, Laws of 1977 ex. sess. and RCW 39.34.020 are each amended to read as follows:

For the purposes of this chapter, the term "public agency" shall mean any (~~city, town, county, public utility district, irrigation district, port district, fire protection district, school district, educational service district, air pollution control authority, rural county library districts, intercounty rural library districts, public hospital districts, regional planning agency created by any combination of county and city governments, health department or district, weed control district, county transit authority, Indian tribe recognized as such by the federal government, or metropolitan municipal corporation of this state; any agency of the state government or of the United States;)) agency, political subdivision, or unit of local government of this state including, but not limited to, special purpose and local service districts; any agency of the state government; any agency of the United States; any Indian tribe recognized as such by the federal government; and any political subdivision of another state.~~

The term "state" shall mean a state of the United States.

Passed the Senate February 9, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 16, 1979.

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 37

[Senate Bill No. 2121]

EYE REMOVAL AUTHORITY, EMBALMERS

AN ACT Relating to human remains; and amending section 4, chapter 80, Laws of 1969 and RCW 68.08.520.

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

Section 1. Section 4, chapter 80, Laws of 1969 and RCW 68.08.520 are each amended to read as follows:

(1) The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

~~((1))~~ (a) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation;

~~((2))~~ (b) Any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy;

~~((3))~~ (c) Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

~~((4))~~ (d) Any specified individual for therapy or transplantation needed by him.

(2) If the part of the body that is the gift is an eye, the donee or the person authorized to accept the gift may employ or authorize a qualified embalmer, licensed under chapter 18.39 RCW, to remove the eye.

Passed the Senate February 12, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 16, 1979.

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 38

[Senate Bill No. 2136]

DENTISTS—MULTI-STATE LICENSING EXAMINATIONS

An ACT Relating to dentistry; amending section 2, chapter 112, Laws of 1935 as last amended by section 1, chapter 49, Laws of 1975 and RCW 18.32.035; amending section 5, chapter 112, Laws of 1935 and RCW 18.32.040; amending section 3, chapter 93, Laws of 1953 as last amended by section 34, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.32-.050; and creating a new section.

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

Section 1. Section 2, chapter 112, Laws of 1935 as last amended by section 1, chapter 49, Laws of 1975 and RCW 18.32.035 are each amended to read as follows:

There shall be a board of dental examiners consisting of nine practicing dentists, to be known as the Washington state board of dental examiners.

The members shall be appointed by the governor in the manner hereinafter set forth and at the time of their appointment upon said board must be actual residents of the state in active practice of dentistry or dental surgery as hereinafter defined and must have been for a period of five years or more legally licensed to practice dentistry or dental surgery in this state: PROVIDED, HOWEVER, That no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning. Those members serving on the board on March 27, 1975 shall continue to hold office for the following terms: The terms of the two board members appointed in 1972

shall expire July 1, 1975: the terms of the two board members appointed in 1973 shall expire July 1, 1976, and the term of the board member appointed in 1974 shall expire July 1, 1977. Six members shall be appointed to the board and shall take office July 1, 1975: two members to serve a term of three years, two members to serve a term of four years and two members to serve a term of five years. The term of office of each such member shall be designated by the governor in his appointment. Thereafter, all members shall be appointed to the board to serve for terms of five years from July 1 of the year in which they are appointed.

In case of a vacancy occurring on said board, such vacancy shall be filled by the governor as herein provided for the remainder of the term of the vacancy.

The board shall have the power to employ competent persons on a temporary basis to assist in conducting examinations for licensure.

The board shall have the authority to enter into compacts and agreements with other states and with organizations formed by several states, for the purpose of conducting multi-state licensing examinations. The board may enter into such compacts and agreements even though they would result in the examination of a candidate for a license in this state by an examiner or examiners from another state or states, and even though they would result in the examination of a candidate or candidates for a license in another state or states by an examiner or examiners from this state.

Sec. 2. Section 5, chapter 112, Laws of 1935 and RCW 18.32.040 are each amended to read as follows:

Said board shall make rules and regulations to establish a uniform and reasonable standard of educational requirements to be observed by dental schools, colleges, or dental departments of universities, and said board may determine the reputability of these by reference to their compliance with said rules or regulations.

The board shall demand that every applicant for a license to practice dentistry shall:

(1) Be a graduate or have fifteen units of high school work in acceptable subjects from a high or other secondary school approved by the board.

(2) Present satisfactory evidence of completion of pre dental and dental education under one of the following plans:

(a) Completion of a minimum of thirty semester hours of collegiate credit in acceptable subjects from a college or university approved by the board, and graduation from a dental college, school, or dental department of an institution requiring four courses of instruction of at least eight months each, approved by the board.

(b) Completion of a minimum of sixty semester hours of collegiate credit in acceptable subjects from a college or university approved by the board, and graduation from a dental school, college, or dental department

of an institution requiring three courses of at least eight months each, approved by the board.

(3) Submit, for the files of the board, a recent picture duly identified and attested.

(4) Pass an examination given by the board of dental examiners in the theory and practice of the science of dentistry: PROVIDED, That the board may recognize a certificate granted by the national board of dental examiners in lieu of, or subject to, such examination as may be required: PROVIDED FURTHER, That the board may recognize passage of an examination given by another state or states, or by an organization formed by several states, with which the board has entered into a formal compact or agreement for the purpose of conducting a multi-state license examination: PROVIDED, HOWEVER, That nothing in this chapter shall be construed to prevent any dental school which may desire to do so from establishing for admission a higher standard of preliminary education than specified in this chapter.

Sec. 3. Section 3, chapter 93, Laws of 1953 as last amended by section 34, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.32.050 are each amended to read as follows:

The members of the board shall each receive as compensation the sum of twenty-five dollars for each day actually engaged in the duties of the office, and travel expenses incurred in attending the meetings of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Board members shall be compensated and reimbursed pursuant to this section for their activities in administering a multi-state licensing examination pursuant to the board's compact or agreement with another state or states or with organizations formed by several states: PROVIDED, That any compensation or reimbursement received by a board member from another state, or organization formed by several states, for such member's services in administering a multi-state licensing examination, shall be deposited in the state general fund.

NEW SECTION. Sec. 4. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 19, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 16, 1979.

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 39

[Substitute Senate Bill No. 2291]

TRANSPORTATION EQUIPMENT FUND—PROPERTY TRANSFER
VALIDATION

AN ACT Relating to highway funds; amending section 47.08.120, chapter 13, Laws of 1961 and RCW 47.08.120; and adding a new section to chapter 47.08 RCW.

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

Section 1. Section 47.08.120, chapter 13, Laws of 1961 and RCW 47.08.120 are each amended to read as follows:

There is hereby created in the state treasury a state fund to be known as the "~~((highway))~~ transportation equipment fund," the same to be used by the ~~((highway commission))~~ department of transportation as a revolving fund to be expended for salaries, wages and operations required for the repair, replacement, purchase and operation of equipment and for purchase of equipment, materials and supplies to be used as follows: (1) In the administration and operation of this fund; and (2) in the administration, maintenance and construction of highways and ~~((highway))~~ transportation facilities~~(, and (3) for the operation by the highway commission of an automobile pool of state owned vehicles)~~.

The ~~((highway))~~ transportation equipment fund shall be credited, in the case of equipment, with a reasonable rental assessed upon the use of such equipment by the various state departments, and in the case of materials and supplies, with a reasonable charge for such materials and supplies. Such credit for rental and charges for materials and supplies shall be charged against the proper appropriation therefor.

Equipment may be rented and materials and supplies may be sold out of this fund to any federal, state, county or city political subdivision or governmental agency. The terms and charges for such rental and the prices for such sale shall be solely within the discretion of the ~~((highway commission))~~ department of transportation and its determination of the charge for rental or sale price shall be considered a reasonable rental charge or a reasonable sale price. Any political subdivision or governmental agency shall make payment for such rental or for purchase of such materials or supplies directly to the ~~((highway))~~ transportation equipment fund at the office of the ~~((state highway commission))~~ department of transportation at Olympia.

NEW SECTION. Sec. 2. There is added to chapter 47.08 RCW a new section to read as follows:

The department of transportation may from time to time, transfer equipment, materials and supplies purchased with appropriations from the motor vehicle fund to the transportation equipment fund with or without charging the transportation equipment fund. The transfer of computer and computer-type equipment and hand-held and mobile radios, acquired with

motor vehicle fund appropriations, to the transportation equipment fund prior to the effective date of this 1979 act, is ratified and approved. The full charge for computer services provided from this fund shall be paid directly into the fund by the division of the department of transportation, the political subdivision or the other governmental agency receiving the benefit of such services.

Passed the Senate February 13, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 16, 1979.

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 40

[Engrossed Substitute Senate Bill No. 2304]

SPECIAL FUEL TAXATION

AN ACT Relating to the taxation and regulation of special fuel; amending section 2, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.010; amending section 3, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.020; amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 5, chapter 317, Laws of 1977 ex. sess. and RCW 82.38.030; amending section 1, chapter 42, Laws of 1973 and RCW 82.38.080; amending section 10, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.090; amending section 11, chapter 175, Laws of 1971 ex. sess. as amended by section 3, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.100; amending section 12, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 26, Laws of 1977 and RCW 82.38.110; amending section 13, chapter 175, Laws of 1971 ex. sess. as amended by section 5, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.120; amending section 14, chapter 175, Laws of 1971 ex. sess. as amended by section 2, chapter 26, Laws of 1977 and RCW 82.38.130; amending section 15, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.140; amending section 16, chapter 175, Laws of 1971 ex. sess. as amended by section 6, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.150; amending section 17, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.160; amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 3, chapter 26, Laws of 1977 and RCW 82.38.170; amending section 20, chapter 175, Laws of 1971 ex. sess. as last amended by section 8, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.190; amending section 22, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.210; amending section 23, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.220; amending section 24, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.230; amending section 27, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.260; amending section 28, chapter 175, Laws of 1971 ex. sess. as amended by section 4, chapter 26, Laws of 1977 and RCW 82.38.270; adding new sections to chapter 175, Laws of 1971 ex. sess. and to chapter 82.38 RCW; and adding a new section to chapter 175, Laws of 1971 ex. sess. and to chapter 82.38 RCW to be codified as RCW 82.38.235.

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

Section 1. Section 2, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.010 are each amended to read as follows:

The purpose of this chapter is to supplement the Motor Vehicle Fuel Tax Act, chapter 82.36 RCW, by imposing a tax upon ~~((the use, within this state, of))~~ all fuels not taxed under said Motor Vehicle Fuel Tax Act ~~((, and to require the collection of the tax from the vendee in anticipation of a subsequent taxable incident when the fuel is delivered into the fuel supply tank~~

~~of a motor vehicle or into the storage facilities used for the fueling of motor vehicles at an unbonded service station))~~ used for the propulsion of motor vehicles upon the highways of this state.

Sec. 2. Section 3, chapter 175, Laws of 1971 ex. sess. and RCW 82.38-.020 are each amended to read as follows:

As hereinafter used in this chapter:

(1) "Person" means every natural person, fiduciary, association or corporation. ~~((Whenever used in any clause prescribing and imposing a fine or imprisonment, or both;))~~ The term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(2) "Department" means the department of ~~((motor vehicles))~~ licensing.

(3) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

(4) "Motor vehicle" means every self-propelled vehicle ~~((required to be licensed for operation upon the highways))~~ designed for operation upon land utilizing special fuel as the means of propulsion.

(5) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel as defined in chapter 82.36 RCW.

(6) ~~((^aUse means the consumption by a special fuel user of special fuels in propulsion of a motor vehicle on the highways of this state))~~ "Bulk storage" means the placing of special fuel by a special fuel dealer into a receptacle other than the fuel supply tank of a motor vehicle.

(7) "Special fuel dealer" means any person engaged in the business of ~~((handling))~~ delivering special fuel ~~((who delivers any part thereof))~~ into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him, or ~~((places special fuel into the storage facilities used for the fueling of motor vehicles at an unbonded service station))~~ into bulk storage facilities for subsequent use in a motor vehicle. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

(8) "Special fuel user" means any person ~~((who consumes in this state special fuel for the propulsion of motor vehicles owned or controlled by him upon the highways of this state))~~ purchasing special fuel into bulk storage without payment of the special fuel tax for subsequent use in a motor vehicle, or any person engaged in interstate commercial operation of motor vehicles any part of which is within this state.

(9) "Special fuel supplier" means any person engaged in the business of selling special fuel where delivery thereof is made other than, or in addition to, the manner prescribed under the definition of "special fuel dealer", but does not include any person making retail sales of special fuel exclusively for heating purposes.

(10) "Service station" means any location at which fueling of motor vehicles is offered to the general public.

(11) "Unbonded service station" means any service station at which an unbonded special fuel dealer regularly makes sales of special fuel by means of delivery thereof into the fuel supply tanks of motor vehicles.

(12) "Bond" means: (a) A bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 48.28 RCW which bond shall be payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations of such dealer, arising out of this chapter; or (b) a deposit with the state treasurer by the special fuel dealer or special fuel user, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington, or any county of said state, of an actual market value not less than the amount so fixed by the department.

(13) "Lessor" means any person (a) whose principal business is the bona fide leasing or renting of motor vehicles without drivers for compensation to the general public, and (b) who maintains established places of business and whose lease or rental contracts require such motor vehicles to be returned to the established places of business.

(14) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.

(15) "Standard pressure and temperature" means fourteen and seventy-three hundredths pounds of pressure per square inch at sixty degrees Fahrenheit.

Sec. 3. Section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 5, chapter 317, Laws of 1977 ex. sess. and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate computed in the manner provided in RCW 82.36.025 per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use ~~((within the meaning of the word use as defined herein))~~ of special fuel in any motor vehicle operated upon the highways of this state during the fiscal half-year for which such rate is applicable.

(2) Said tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser ~~((indicates in writing to the special fuel dealer prior to or at~~

the time of the delivery that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose as a fuel in a motor vehicle)) is not the holder of a valid special fuel license issued pursuant to this chapter allowing the purchase of untaxed special fuel.

(3) Said tax shall be paid over to the department by the special fuel user as hereinafter provided ~~((a))~~ with respect to the taxable use of special fuel upon which the tax has not previously been imposed ~~((which was acquired in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2)(b) of this section)).~~

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

Sec. 4. Section 1, chapter 42, Laws of 1973 and RCW 82.38.080 are each amended to read as follows:

There is exempted from the tax imposed by this chapter, the use of fuel for: (1) street and highway construction and maintenance purposes in motor vehicles owned and operated by the state of Washington, or any county or municipality; (2) publicly owned fire fighting equipment; (3) special mobile equipment as defined in RCW 46.04.552; (4) power pumping units or other power take-off equipment of any motor vehicle which is accurately measured by metering devices that have been specifically approved by the department or which is established by either of the following formulae: (a) pumping propane, or fuel or heating oils by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of propane, or fuel or heating oil delivered, or such other appropriate information as may be required by the department to substantiate his claim; or (b) operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in such a truck; (5) motor vehicles owned and operated by the United States government; ~~((and))~~ (6) heating purposes; (7) moving a motor vehicle on a public highway between two pieces of private property when said moving is incidental to the primary use of the motor vehicle; and (8) notwithstanding any provision of law to the contrary, every urban passenger transportation system and carriers as defined by chapters 81.68 and 81.70 RCW shall be exempt from the provisions of this chapter requiring the payment of special fuel

taxes. For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding twenty-five road miles beyond the corporate limits of the county in which the original starting points of such motor vehicles are located: **PROVIDED**, That no refunds or credits shall be granted on fuel used by any urban transportation vehicle or vehicle operated pursuant to chapters 81.68 and 81.70 RCW on any trip where any portion of said trip is more than twenty-five road miles beyond the corporate limits of the county in which said trip originated.

Sec. 5. Section 10, chapter 175, Laws of 1971 ex. sess. and RCW 82-38.090 are each amended to read as follows:

It shall be unlawful for any person to act as a special fuel dealer, a special fuel supplier or a special fuel user in this state unless such person is the holder of an uncanceled special fuel dealer's, a special fuel supplier's or a special fuel user's license issued to him by the department (~~(, except for owners of privately operated passenger vehicles exempt from reporting requirements pursuant to RCW 82.38.150. Before issuing the certificate of registration of any motor vehicle under the provisions of Title 46 RCW, the department shall ascertain from the applicant for such registration whether the motor vehicle sought to be registered is propelled by a fuel the use of which is subject to the tax hereby imposed. If it is ascertained that any motor vehicle is so propelled, the department shall not complete such registration until the applicant therefor has established to the satisfaction of the department that he is the holder of a valid special fuel license issued to him pursuant to this chapter)).~~ A special fuel supplier's license authorizes a person to sell special fuel without collecting the special fuel tax to other suppliers and dealers holding valid special fuel licenses.

A special fuel dealer's license authorizes a person to deliver previously untaxed special fuel into the fuel supply tanks of motor vehicles, collect the special fuel tax on behalf of the state at the time of delivery, and remit the taxes collected to the state as provided herein. A licensed special fuel dealer may also deliver untaxed special fuel into bulk storage facilities of a licensed special fuel user without collecting the special fuel tax. Special fuel dealers and suppliers, when making deliveries of special fuel into bulk storage to any person not holding a valid special fuel license must collect the special fuel tax at time of delivery, unless the person to whom the delivery is made is specifically exempted from the tax as provided herein.

A special fuel user's license authorizes a person to purchase special fuel into bulk storage for use in motor vehicles either on or off the public highways of this state without payment of the special fuel tax at time of purchase. Holders of special fuel licenses are all subject to the bonding, reporting, tax payment, and record-keeping provisions of this chapter. All purchases of special fuel by a licensed special fuel user directly into the fuel supply tank of a motor vehicle are subject to the special fuel tax at time of purchase unless they have specific written authorization from the department as provided in RCW 82.38.040. Persons utilizing special fuel for heating purposes only are not required to be licensed.

Sec. 6. Section 11, chapter 175, Laws of 1971 ex. sess. as amended by section 3, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.100 are each amended to read as follows:

~~((1))~~ Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit in lieu of a special fuel user's license required in RCW 82.38.090 which shall be good for a period of not more than twenty consecutive days beginning and ending on the dates specified on the face of the permit issued. An administrative fee of ten dollars shall be required for each permit issued plus ~~((one))~~ three dollars for each consecutive day covered by such permit. Such fees shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state and no report of mileage shall be required with respect to such vehicle. Trip permits ~~((may))~~ will not be issued if the applicant ~~((does not operate motor vehicles into or from the state of Washington more than six times during any calendar year))~~ has outstanding fuel taxes, penalties or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

~~((2))~~ Any special fuel user desiring to operate a motor vehicle exclusively within the state of Washington pending the receipt of a special fuel user's license as required in RCW 82.38.090 may make application for a trip permit as provided in subsection (1) of this section. **PROVIDED**, That only one trip permit shall be issued for the same vehicle. All fees paid for such trip permit shall be in lieu of any special fuel tax otherwise due by the applicant for using special fuel in a motor vehicle on the public highways of this state and no report of mileage shall be required for the operation of the vehicle for the period for which the trip permit was issued.

~~((3))~~ All fees collected by the department ~~((under the provisions of subsections (1) and (2) of this section))~~ for trip permits shall be credited and deposited in the same manner as the special fuel tax collected hereunder and shall not be subject to refund or credit.

Sec. 7. Section 12, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 26, Laws of 1977 and RCW 82.38.110 are each amended to read as follows:

Application for a special fuel dealer's license, special fuel supplier's license or a special fuel user's license, shall be made to the department. The application shall be filed upon a form prepared and furnished by the department and shall contain such information as the department deems necessary.

No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished bond, as defined in RCW 82.38.020, in such form as the department may require, to secure his compliance with this chapter, and the payment of any and all taxes, interest and penalties due and to become due hereunder. The requirement of furnishing a bond shall be waived (~~provided all acquisitions of special fuel by the licensee are on a tax paid or a tax exempt basis~~) for special fuel users having valid Washington vehicle license plates on all of their licensed vehicles and having an estimated tax liability of less than five hundred dollars per year.

The total amount of the bond or bonds required of any special fuel dealer or special fuel user shall be equivalent to (~~twice~~) three times the estimated monthly fuel tax, determined in such manner as the department may deem proper: PROVIDED, That those special fuel dealers and special fuel users having held a special fuel license for five or more years without having said license suspended or revoked by the department shall be permitted to reduce the amount of their bond to twice the estimated monthly tax liability: PROVIDED FURTHER, That the total amount of the bond or bonds shall never be less than five hundred dollars nor more than fifty thousand dollars(~~: PROVIDED FURTHER, That special fuel dealers or special fuel users whose license is suspended or revoked for cause, shall be required to furnish bond coverage equivalent to three times the estimated monthly fuel tax.~~

~~Any person who has filed with the department a bond as a motor vehicle fuel distributor under the terms and conditions provided for in RCW 82:36.060, may extend the terms and conditions of said distributor's bond, by an approved rider or bond form, to include coverage of all liabilities and conditions imposed by this chapter upon the special fuel dealer or to the special fuel user to whom said extension is made applicable. The amount of any new bond that may be required of a dealer or user shall not exceed the maximum amount provided by RCW 82.36.060 for a motor vehicle fuel distributor's license).~~

Sec. 8. Section 13, chapter 175, Laws of 1971 ex. sess. as amended by section 5, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.120 are each amended to read as follows:

Upon receipt and approval of an application and bond (if required), the department shall issue to the applicant a license to act as a special fuel dealer, a special fuel supplier, or a special fuel user: PROVIDED, That the department may refuse to issue a special fuel dealer's license, special fuel

supplier's license, or a special fuel user's license to any person (1) who formerly held either type of license which, prior to the time of filing for application, has been revoked for cause; or (2) who is a subterfuge for the real party in interest whose license prior to the time of filing for application, has been revoked for cause; or (3) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a special fuel license revoked for cause; or (4) who has an unsatisfied debt to the state assessed under either chapter 82.36, 82.37, 82.38, or 46.85 RCW; or (5) upon other sufficient cause being shown. Before such refusal, the department shall grant the applicant a hearing and shall grant him at least five days written notice of the time and place thereof.

The department shall determine from the information shown in the application or other investigation the kind and class of license to be issued.

All licenses shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the owner thereof. License holders shall reproduce the license by photostat or other method and keep a copy on display for ready inspection at each additional place of business or other place of storage from which special fuel is sold, delivered or used and in each motor vehicle used by the license holder to transport special fuel purchased by him for resale, delivery or use. Every licensed special fuel user (~~((and consumer of special fuel used to propel motor vehicles upon the highways of this state))~~) operating a motor vehicle registered in a jurisdiction other than this state shall reproduce the license and carry a photocopy thereof with each motor vehicle being operated upon the highways of this state.

A special fuel dealer or a special fuel supplier may use special fuel in motor vehicles owned or operated by them without securing a license as a special fuel user but they shall be subject to all other conditions, requirements and liabilities imposed herein upon a special fuel user.

The department shall furnish to each licensed special fuel supplier a list showing the name and address of each bonded special fuel dealer as of the beginning of each fiscal year, and shall thereafter during each year supplement such list monthly.

Each special fuel dealer's license, special fuel supplier's license, and special fuel user's license shall be valid until the expiration date if shown on the license, or until suspended or revoked for cause or otherwise canceled.

No special fuel dealer's license, special fuel supplier's license, or special fuel user's license shall be transferable.

Sec. 9. Section 14, chapter 175, Laws of 1971 ex. sess. as amended by section 2, chapter 26, Laws of 1977 and RCW 82.38.130 are each amended to read as follows:

The department may revoke the license of any special fuel dealer, special fuel supplier, or special fuel user for any of the grounds constituting

cause for denial of a license set forth in RCW 82.38.120 or for other reasonable cause. Before revoking such license the department shall notify the licensee to show cause within twenty days of the date of the notice why the license should not be revoked: PROVIDED, That at any time prior to and pending such hearing the department may, in the exercise of reasonable discretion, suspend such license.

The department shall cancel any license to act as a special fuel dealer, a special fuel supplier, or a special fuel user immediately upon surrender thereof by the holder.

It shall be presumed that a special fuel dealer's bond is in effect until such time as the department notifies all licensed special fuel suppliers to the contrary by mailing to their current address of record.

Any surety on a bond furnished by a special fuel dealer or special fuel user as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of forty-five days from the date which such surety shall have lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the forty-five day period. The department shall promptly, upon receiving any such request, notify the special fuel dealer or special fuel user who furnished the bond, and unless the special fuel dealer or special fuel user shall, on or before the expiration of the forty-five day period, file a new bond, in accordance with the requirements of this section, or make a deposit in lieu thereof as provided in subsection (12) of RCW 82.38.020, the department forthwith shall cancel the special fuel dealer's or special fuel user's license.

The department may require a special fuel dealer or special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in subsection (12) of RCW 82.38.020 if, in its opinion, the security of the surety bond therefor filed by such special fuel dealer or special fuel user, or the market value of the properties deposited as security by such special fuel dealer or special fuel user, shall become impaired or inadequate. Upon failure of the special fuel dealer or special fuel user to give such new or additional surety bond or to deposit additional securities within forty-five days after being requested to do so by the department, or after he shall fail or refuse to file reports and remit or pay taxes at the intervals fixed by the department, the department forthwith shall cancel his license.

Sec. 10. Section 15, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.140 are each amended to read as follows:

(1) Every special fuel dealer, special fuel supplier, special fuel user, and every person importing, manufacturing, refining, dealing in, transporting, or storing special fuel in this state shall keep for a period of not less than three years open to inspection at all times during the business hours of the day to

the department or its authorized representatives, a complete record of all special fuel purchased or received and all of such products sold, delivered, or used by them. Such records shall show:

- (a) The date of each receipt;
- (b) The name and address of the person from whom purchased or received;
- (c) The number of gallons received at each place of business or place of storage in the state of Washington;
- (d) The date of each sale or delivery;
- (e) The number of gallons sold ~~((or))~~, delivered, or used for taxable purposes;
- (f) The number of gallons sold ~~((or))~~, delivered, or used for any purpose not subject to the tax imposed herein;
- (g) The name ~~((and))~~, address, and special fuel license number of the purchaser if the special fuel tax is not collected on the sale or delivery;
- (h) The inventories of special fuel on hand at each place of business at the end of each month.

(2) All special fuel users using special fuel in vehicles licensed for highway operation shall maintain detailed mileage records on an individual vehicle basis. Such operating records shall show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle.

(3) Persons using special fuel for heating purposes only are not required to maintain records of fuel usage.

(4) Invoices shall be prepared for sales and deliveries of special fuel in the manner and containing such information as may be prescribed by the department.

~~((Any person purchasing and receiving a delivery of special fuel into the fuel supply tank of a motor vehicle in Washington shall carry within the vehicle the invoice or other acceptable document evidencing receipt of such special fuel until the fuel is consumed.))~~

Every special fuel supplier, special fuel dealer or special fuel user making such sales or deliveries of special fuel and every person so receiving and purchasing special fuel must each retain one copy of each such invoice as part of his permanent records for the time and purposes above provided.

Every special fuel user shall keep, in addition to his records of deliveries into motor vehicles, a complete record as prescribed by the department of the total gallons of special fuel used for other purposes during each month and the purposes for which said special fuel was used:

Sec. 11. Section 16, chapter 175, Laws of 1971 ex. sess. as amended by section 6, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.150 are each amended to read as follows:

For the purpose of determining the amount of his liability for the tax herein imposed each special fuel dealer and each special fuel user shall file tax reports with the department, on forms prescribed by the department, ~~((a~~

monthly tax report)) at periodic intervals as shown in the following schedule:

<u>Estimated Yearly</u>	<u>Reporting Frequency</u>
<u>Tax Liability</u>	<u>Yearly</u>
<u>\$ 0 - \$100</u>	<u>Semi-yearly</u>
<u>\$101 - 250</u>	<u>Quarterly</u>
<u>\$251 - 499</u>	<u>Monthly</u>
<u>\$500 and over</u>	

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any special fuel licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to his address of record. A report shall be filed with the department ((for each calendar month, even though no special fuel was used, or tax is due, for the calendar month. Such)) even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and shall be in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter: PROVIDED, That if a special fuel dealer or special fuel user is also a special fuel supplier at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the ((monthly)) tax report to the department need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. The special fuel dealer or special fuel user shall file the report on or before the twenty-fifth day of the next succeeding calendar month following the ((monthly)) period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

~~((Any person whose sole use of special fuel is for the propulsion of a privately operated passenger automobile is exempt from the filing of a special fuel tax report on the condition that all fuel used in this state, except fuel brought into this state in the fuel tank of the vehicle, is purchased from a special fuel dealer in this state who collects the tax from the user when delivering the fuel into the fuel tank of the user's automobile. For the purposes of this chapter, "privately operated passenger automobile" includes passenger cars as that term is defined in RCW 46.04.382, and such light trucks and other noncommercial vehicles as may be defined as such by rules and regulations adopted by the department. A special fuel user may be relieved of the filing of the tax report even though he operates more than one passenger automobile using special fuel, whether or not such automobiles are used for pleasure or in a business or profession, providing that the user is not also using such fuel in other motor vehicles which are not privately operated passenger automobiles. Notwithstanding that a special fuel user's sole use of such special fuel is in a privately operated automobile, he shall continue to file the tax report if he is using such special fuels from bulk storage of special fuel on which the tax has not been paid at the time of purchase or acquisition.~~

~~The department may relieve any holder of a valid special fuel users license from the requirement of filing returns under this section when he has established to its satisfaction (1) that such user's vehicles are operated exclusively within the boundaries of this state; (2) that his purchases of special fuel are made exclusively from special fuel dealers holding valid licenses under this chapter; (3) that he does not acquire special fuel in any manner or for any purpose whereby payment of tax or undertaking therefor is not made to a special fuel dealer at time of purchase; and (4) that he maintains adequate records subject to audit:))~~

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, shall have the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

The department may permit any special fuel user whose sole use of special fuel is in motor vehicles or equipment exempt from tax as provided in RCW ~~((82.38.030(+)))~~ 82.38.075 and RCW 82.38.080(1), (2), (3) and (6), in lieu of the reports required in this section, to submit reports annually or as requested by the department, in such form as the department may require.

Sec. 12. Section 17, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.160 are each amended to read as follows:

The tax imposed by this chapter shall be computed as follows: (1) With respect to special fuel upon which the tax has been collected by the seller

thereof as a special fuel dealer, by multiplying the tax rate per gallon provided in this chapter by the number of gallons of special fuel delivered (~~or placed by him into the supply tank or tanks of a motor vehicle or into the storage facilities used in the fueling of motor vehicles at an unbonded service station or in all other transactions where the purchaser has indicated in writing to the special fuel dealer that the quantity of special fuel covered by the delivery is for use as a fuel in a motor vehicle~~) subject to the special fuel tax; (2) with respect to special fuel on which the tax has not been paid to a special fuel dealer in this state and which has been consumed by the purchaser thereof as a special fuel user, by multiplying the tax rate per gallon provided in this chapter by the number of gallons of special fuel consumed by him in the propulsion of a motor vehicle on the highways of this state.

The ~~((monthly))~~ tax return shall be accompanied by a remittance payable to the state treasurer covering the tax moneys collected by the special fuel dealer or the amount determined to be due hereunder ~~((on account of the use (as defined in RCW 82.38.020)))~~ by licensed users of special fuels during the preceding ~~((month))~~ reporting period.

Sec. 13. Section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 3, chapter 26, Laws of 1977 and RCW 82.38.170 are each amended to read as follows:

(1) If any special fuel dealer or special fuel user fails to pay any taxes collected or due the state of Washington by said dealer or user within the time prescribed by RCW 82.38.150, said dealer or user shall pay in addition to such tax a penalty of ten percent of the amount thereof plus interest at the rate of one percent per month, or fraction thereof, from the date such tax was due until paid.

(2) If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency a penalty of ten percent of the amount of the deficiency together with interest at the rate of one percent per month, or fraction thereof, from the date the report was due until paid: **PROVIDED**, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: **AND PROVIDED FURTHER**, That the department may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of ~~((motor vehicles))~~ licensing determines that the cost of processing the collection of the interest exceeds the amount of interest due.

(3) If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax report, the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the

department shall add the penalty and interest provided in subsection (2) of this section. An assessment made by the department pursuant to this subsection or to subsection (2) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(4) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or wilful, the department may waive the penalty prescribed in subsections (1), (2), and (3) of this section.

(5) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency together with interest at one percent per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment, in addition to the penalty provided in subsection (2) of this section and all other penalties prescribed by law: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, That the ~~((director))~~ department may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of ~~((motor vehicles))~~ licensing determines that the cost of processing the collection of the interest exceeds the amount of interest due.

(6) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection (2) of this section within three years from the twenty-fifth day of the next succeeding calendar month following the ~~((monthly))~~ reporting period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

(7) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections (2) or (3) of this section may petition for a reassessment thereof within thirty days after service upon the special fuel dealer or special fuel user of notice thereof. If such petition is not filed within such thirty day period, the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the special fuel dealer or special fuel user has so requested in his petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty

days after service upon the special fuel dealer or special fuel user of notice thereof.

Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.

(8) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his address as the same appears in the records of the department.

(9) Any licensee who has had their special fuel user (~~{{license}}~~) license, special fuel dealer (~~{{license}}~~) license, special fuel supplier (~~{{license}}~~) license, or combination thereof revoked shall pay a one hundred dollar penalty prior to the issuance of a new license.

(10) Any person who, upon audit or investigation by the department, is found to have not paid special fuel taxes as required by this chapter shall be subject to cancellation of all vehicle registrations for vehicles utilizing special fuel as a means of propulsion. Any unexpired Washington tonnage on the vehicles in question may be transferred to a purchaser of the vehicles upon application to the department who shall hold such tonnage in its custody until a sale of the vehicle is made or the tonnage has expired.

Sec. 14. Section 20, chapter 175, Laws of 1971 ex. sess. as last amended by section 8, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.190 are each amended to read as follows:

(1) Claims under RCW 82.38.180 shall be filed with the department on forms prescribed by the department and shall show the date of filing and the period covered in the claim, the number of gallons of special fuel used for purposes subject to tax refund, and such other facts and information as may be required. Every such claim shall be supported by an invoice or invoices issued to or by the claimant, as may be prescribed by the department, and such other information as the department may require.

(2) Any amount determined to be refundable by the department under RCW 82.38.180 shall first be credited on any amounts then due and payable from the special fuel dealer or special fuel user or to any person to whom the refund is due, and the department shall then certify the balance thereof to the state treasurer, who shall thereupon draw his warrant for such certified amount to such special fuel dealer or special fuel user or any person: PROVIDED, HOWEVER, That the department shall deduct fifty cents from all such refunds as a filing fee, which fee shall be deducted from the warrant issued in payment of such refund to defray expenses in furnishing the claim forms and other forms provided for in this chapter.

(3) No refund or credit shall be approved by the department unless a written claim for refund or credit stating the specific grounds upon which the claim is founded is filed with the department:

(a) Within thirteen months from the date of purchase or from the last day of the month following the close of the ~~((monthly))~~ reporting period for which the refundable amount or credit is due with respect to refunds or credits allowable under RCW 82.38.180, subsections (1), (2), (4) and (5), and if not filed within this period the right to refund shall be forever barred.

(b) Within three years from the last day of the month following the close of the ~~((monthly))~~ reporting period for which the overpayment is due with respect to the refunds or credits allowable under RCW 82.38.180(3).

(4) Within thirty days after disallowing any claim in whole or in part, the department shall serve written notice of its action on the claimant.

(5) Interest shall be paid upon any refundable amount or credit due under RCW 82.38.180(3) at the rate of one percent per month from the last day of the calendar month following the ~~((monthly))~~ reporting period for which the refundable amount or credit is due.

The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the department that a claim may be filed or the date upon which the claim is approved by the department, whichever date is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

If the department determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

(6) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against this state or against any officer of the state to prevent or enjoin the collection under this chapter of any tax or any amount of tax required to be collected.

Sec. 15. Section 22, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.210 are each amended to read as follows:

~~((The tax, including any penalty and interest hereby imposed, shall constitute a lien upon any motor vehicle in connection with which the taxable use is made, attaching at the time of such use. Such lien shall not be removed until such tax has been paid or the motor vehicle subject to such lien has been sold in payment of the tax, and shall be paramount to all private liens or encumbrances upon such motor vehicle and to the rights of any conditional vendor or any other holder of the legal title to such motor vehicle. In the event the ownership of a motor vehicle subject to the lien is transferred, whether by operation of law or otherwise, no registration card or certificate of title with respect to such motor vehicle shall be issued by~~

~~the department to the transferee or person otherwise entitled thereto until after the department has determined that such lien has been removed.)~~

If any special fuel dealer, supplier, or user liable for the remittance of tax imposed by this chapter fails to pay the same, the amount thereof, including any interest, penalty, or addition to such tax, together with any costs that may accrue in addition thereto, shall be a lien in favor of the state upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by such person, ~~((located or situated in the county wherein such lien arises,))~~ whether such property is employed by such person ~~((in the prosecution of business))~~ for personal or business use or is in the hands of a trustee, or receiver, or assignee for the benefit of creditors, from the date the taxes were due and payable, until the amount of the lien is paid or the property sold in payment thereof. The lien shall have priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that such lien shall not be valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached prior to the time the department has filed and recorded notice of such lien ~~((in the office of the county auditor of the county in which the principal place of business of the taxpayer is located))~~ as hereinafter provided.

In order to avail itself of the lien hereby created, the department shall file with any county auditor a statement of claim and lien specifying the amount of delinquent taxes, penalties and interest claimed by the department. From the time of filing for record, the amount required to be paid shall constitute a lien upon all franchises, property and rights to property, whether real or personal, then belonging to or thereafter acquired by such person in the county. Any lien as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state shall be of no effect, however, until the lien or copy thereof shall have been filed with the county auditor in the county where the property is located. When a lien is filed in compliance herewith and with the secretary of state, such filing shall have the same effect as if the lien had been duly filed for record in the office of the auditor in each county of this state.

Sec. 16. Section 23, chapter 175, Laws of 1971 ex. sess. and RCW 82-.38.220 are each amended to read as follows:

In the event any special fuel user or special fuel dealer is delinquent in the payment of any obligation imposed hereunder, the department may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such user or dealer or owing any debts to such user or dealer, at the time of the receipt by them of such notice, and thereafter any person so notified shall neither transfer nor make other disposition of such credits, personal property, or debts until the department consents to a transfer or other disposition ~~((or until twenty days have lapsed from and~~

after the receipt of the notice)). All persons so notified must, within five days after receipt of the notice, advise the department of any and all such credits, personal property, or debts in their possession, under their control or owing by them, as the case may be.

Sec. 17. Section 24, chapter 175, Laws of 1971 ex. sess. and RCW 82-.38.230 are each amended to read as follows:

Whenever any special fuel user, supplier or dealer is delinquent in the payment of any obligation imposed hereunder, and such delinquency continues after notice and demand for payment by the department, the department shall proceed to collect the amount due from the user, supplier or dealer in the following manner: The department shall seize any ((~~motor vehicle~~)) property subject to the lien of said excise tax, penalty, and interest and thereafter sell it at public auction to pay said obligation and any and all costs that may have been incurred on account of the seizure and sale. Notice of such intended sale and the time and place thereof shall be given to such delinquent user, supplier or dealer and to all persons appearing of record to have an interest in such ((~~motor vehicle~~)) property. The notice shall be given in writing at least ten days before the date set for the sale by enclosing it in an envelope addressed to such user, supplier or dealer at his address as the same appears in the records of the department and, in the case of any person appearing of record to have an interest in such ((~~motor vehicle~~)) property, addressed to such person at his last known residence or place of business, and depositing such envelope in the United States mail, postage prepaid. In addition, the notice shall be published for at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the ((~~motor vehicle~~)) property seized is to be sold. If there is no newspaper of general circulation in such county, the notice shall be posted in three public places in the county for a period of ten days. The notice shall contain a description of the ((~~motor vehicle~~)) property to be sold, together with a statement of the amount due hereunder, the name of the user, supplier or dealer and the further statement that unless such amount is paid on or before the time fixed in the notice the ((~~motor vehicle~~)) property will be sold in accordance with law.

The department shall then proceed to sell the ((~~motor vehicle~~)) property in accordance with the law and the notice, and shall deliver to the purchaser a bill of sale or deed which shall vest title in the purchaser. If upon any such sale the moneys received exceed the amount due to the state hereunder from the delinquent user, supplier or dealer, the excess shall be returned to such user, supplier or dealer and his receipt obtained therefor. If any person having an interest in or lien upon the ((~~motor vehicle~~)) property has filed with the department prior to such sale, notice of such interest or lien, the department shall withhold payment of any such excess to such user, supplier or dealer pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of

such user, supplier or dealer shall not be available, the department shall deposit such excess with the state treasurer as trustee for such user, supplier or dealer, his heirs, successors, or assigns: PROVIDED, That prior to making any seizure of property as herein provided for, the department may first serve upon the user's, supplier's, or dealer's bondsman a notice of the delinquency, with a demand for the payment of the amount due.

Sec. 18. Section 27, chapter 175, Laws of 1971 ex. sess. and RCW 82-38.260 are each amended to read as follows:

The department shall enforce the provisions of this chapter, and may prescribe, adopt, and enforce reasonable rules and regulations relating to the administration and enforcement thereof. The Washington state patrol and its officers shall aid the department 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.

The department or its authorized representative is hereby empowered to examine the books, papers, records and equipment of any special fuel dealer, special fuel supplier or special fuel user or any person dealing in, transporting, or storing special fuel as defined in this chapter and to investigate the character of the disposition which any person makes of such special fuel in order to ascertain and determine whether all taxes due hereunder are being properly reported and paid. The fact that such books, papers, records and equipment are not maintained in this state at the time of demand shall not cause the department to lose any right of such examination under this chapter when and where such records become available.

The department or its authorized representative is further empowered to investigate the disposition of special fuel by any person where the department has reason to believe that untaxed special fuel has been diverted to a use subject to the taxes imposed by this chapter without said taxes being paid in accordance with the requirements of this chapter.

For the purpose of enforcing the provisions of this chapter it shall be presumed that all special fuel delivered to service stations as well as all special fuel otherwise received by a special fuel dealer or a special fuel user into storage and dispensing equipment designed to fuel motor vehicles is delivered by the special fuel dealer or special fuel user into the fuel supply tanks of motor vehicles and consumed in the propulsion of motor vehicles on the highways of this state, unless the contrary is established by satisfactory evidence.

The department shall, upon request from the officials to whom are entrusted the enforcement of the special fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces or the Dominion of Canada, forward to such officials any information which he may have relative to the receipt, storage, delivery, sale, use, or other disposition of special fuel by any special fuel dealer, special

fuel supplier or special fuel user, provided such other state or states furnish like information to this state.

Returns required by this chapter, exclusive of schedules, itemized statements and other supporting evidence annexed thereto, shall at all reasonable times be open to the public.

Sec. 19. Section 28, chapter 175, Laws of 1971 ex. sess. as amended by section 4, chapter 26, Laws of 1977 and RCW 82.38.270 are each amended to read as follows:

It shall be unlawful for any person to:

(1) Refuse, or knowingly and intentionally fail to make and file any statement required by this chapter in the manner or within the time required;

(2) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this chapter;

(3) Conduct any activities requiring a license under this chapter without a license or after a license has been suspended, surrendered, canceled, or revoked;

(4) Fail to keep and maintain the books and records required by this chapter;

(5) Divert special fuel purchased for a nontaxable use to a use subject to the taxes imposed by this chapter without payment of the taxes as required by this chapter.

Except as otherwise provided by law, any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, or imprisonment for not more than one year, or both.

The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this chapter.

NEW SECTION. Sec. 20. There is added to chapter 175, Laws of 1971 ex. sess. and to chapter 82.38 RCW a new section to read as follows:

The department may initiate and conduct investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with the provisions of this chapter or any rules or regulations issued hereunder.

For the purpose of any investigation or proceeding under this chapter, 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.

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 testimony 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.

NEW SECTION. Sec. 21. There is added to chapter 175, Laws of 1971 ex. sess. and to chapter 82.38 RCW a new section to be codified as RCW 82.38.145 to read as follows:

A special fuel dealer is required to collect the special fuel tax for all fuel dispensed through a pump equipped with a keylock meter when such deliveries are not personally made by the special fuel dealer or his employees unless the purchaser has been issued an authorization by the department to purchase special fuel without payment of tax pursuant to RCW 82.38.040. A serially numbered invoice covering multiple withdrawals of fuel from a pump with a keylock meter for a stated period of time not to exceed one calendar month shall be accepted as an invoice issued at the time of sale.

NEW SECTION. Sec. 22. There is added to chapter 175, Laws of 1971 ex. sess. and to chapter 82.38 RCW a new section to be codified as RCW 82.38.235 to read as follows:

Whenever any assessment shall have become final in accordance with the provisions of this chapter, the department may file with the clerk of any county within the state a warrant in the amount of the assessment of taxes, penalties plus interest and a filing fee of five dollars. The clerk of the county wherein the warrant is filed shall immediately designate a superior court cause number for such warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the special fuel user, supplier or dealer mentioned in the warrant, the amount of the tax, penalties, interest and filing fee and the date when such warrant was filed. The aggregate amount of such warrant as docketed shall become a lien upon the title to, and interest in all real and personal property of named person against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. Such warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law in the case of civil judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant.

Passed the Senate February 22, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 16, 1979.

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 41

[Substitute House Bill No. 328]

ENERGY FACILITY SITE LOCATIONS—NATIONAL POLLUTION DISCHARGE
ELIMINATION SYSTEM (NPDES) COMPLIANCE—PENALTIES

AN ACT Relating to energy facility site locations; amending section 15, chapter 45, Laws of 1970 ex. sess. as amended by section 12, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.150; prescribing penalties; and declaring an emergency.

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

Section 1. Section 15, chapter 45, Laws of 1970 ex. sess. as amended by section 12, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.150 are each amended to read as follows:

(1) The courts are authorized to grant such restraining orders, and such temporary and permanent injunctive relief as is necessary to secure compliance with this chapter and/or with a site certification agreement issued pursuant to this chapter or a National Pollutant Discharge Elimination System (hereafter in this section, NPDES) permit issued by the council pursuant to chapter 90.48 RCW. The court may assess civil penalties in an amount not less than one thousand dollars per day nor more than twenty-five thousand dollars per day for each day of construction or operation in material violation of this chapter, or in material violation of any site certification agreement issued pursuant to this chapter or in violation of any NPDES permit issued by the council pursuant to chapter 90.48 RCW. The court may charge the expenses of an enforcement action relating to a site certification agreement under this section, including, but not limited to, expenses incurred for legal services and expert testimony, against any person found to be in material violation of the provisions of such certification: PROVIDED, That the expenses of a person found not to be in material violation of the provisions of such certification, including, but not limited to, expenses incurred for legal services and expert testimony, may be charged against the person or persons bringing an enforcement action or other action under this section.

(2) Wilful violation of any provision of this chapter shall be a gross misdemeanor.

(3) Wilful or criminally negligent, as defined in RCW 9A.08.010(d), violation of any provision of an NPDES permit issued by the council pursuant to chapter 90.48 RCW shall be deemed a crime, and upon conviction thereof shall be punished by a fine of up to twenty-five thousand dollars per day and costs of prosecution. Any violation of this subsection shall be a gross misdemeanor.

(4) Any person knowingly making any false statement, representation, or certification in any document in any NPDES form, notice, or report required by an NPDES permit shall be deemed guilty of a crime, and upon

conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution.

(5) Every person who violates the provisions of certificates and permits issued or administered by the council shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to five thousand 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 provided in this section. The penalty provided in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the council describing such violation with reasonable particularity. The council may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed in the best interest to carry out the purposes of this chapter, remit or mitigate any penalty provided in this section upon such terms as the council shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. Any person incurring any penalty under this section may appeal the same to the council. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the council. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the council setting forth the disposition of the application. Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred hereunder is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. If the amount of any penalty is not paid to the council within thirty days after it becomes due and payable, the attorney general, upon the request of the council, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any 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 provided in this chapter. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

(6) Civil proceedings to enforce this chapter may be brought by the attorney general or the prosecuting attorney of any county affected by the violation on his own motion or at the request of the council. Criminal proceedings to enforce this chapter may be brought by the prosecuting attorney of any county affected by the violation on his own motion or at the request of the council.

~~((4))~~ (7) The remedies and penalties in this section, both civil and criminal, shall be cumulative and shall be in addition to any other penalties and remedies available at law, or in equity, to any person.

NEW SECTION. Sec. 2. This 1979 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 February 22, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 16, 1979.

Filed in Office of Secretary of State March 16, 1979.

CHAPTER 42

[Substitute House Bill No. 248]

PUBLIC AGENCIES—EXECUTIVE SESSIONS—REAL ESTATE TRANSACTION DISCUSSIONS

AN ACT Relating to open public meetings; and amending section 11, chapter 250, Laws of 1971 ex. sess. as amended by section 2, chapter 66, Laws of 1973 and RCW 42.30.110.

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

Section 1. Section 11, chapter 250, Laws of 1971 ex. sess. as amended by section 2, chapter 66, Laws of 1973 and RCW 42.30.110 are each amended to read as follows:

Nothing contained in this chapter shall be construed to prevent a governing body from holding executive sessions during a regular or special meeting to consider matters affecting national security; to consider the selection of a site or the acquisition of real estate by lease or purchase, when publicity regarding such consideration would cause a likelihood of increased price; to consider the disposition of real estate by lease or sale, when publicity regarding such consideration would cause a likelihood of decreased price; to consider the appointment, employment, or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body. If executive sessions

are held to discuss the disposition by sale or lease of real estate, the discussion shall be limited to the minimum selling or leasing price.

Passed the House March 8, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 43

[House Bill No. 126]

TERM PAPER COMMERCIAL SALES

AN ACT Relating to postsecondary education; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; and providing penalties.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

(1) The legislature finds that commercial operations selling term papers, theses, and dissertations encourages dishonesty on the part of students attending Washington state institutions of higher learning, and in so doing impairs the public confidence in the credibility of these institutions to function within their prime mission, that of providing a quality education to the citizens of the state.

(2) The legislature further finds that this problem, beyond the ability of these institutions to control effectively, is a matter of state concern, while at the same time recognizing the need for and the existence of legitimate research functions.

It is the declared intent of sections 1 through 3 of this act, therefore, that the state of Washington prohibit the commercial sale of term papers, theses and dissertations: PROVIDED, That such legislation shall not affect legitimate and proper research activities: PROVIDED FURTHER, That such legislation does not impinge on the rights, under the First Amendment, of freedom of speech, of the press, and of distributing information.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

Unless the context clearly indicates otherwise, the words used in sections 1 through 3 of this act shall have the meaning given in this section:

(1) "Person" means any individual, partnership, corporation, or association.

(2) "Assignment" means any specific written, recorded, pictorial, artistic, or other academic task, including but not limited to term papers, theses, dissertations, essays, and reports, that is intended for submission to any postsecondary institution in fulfillment of the requirements of a degree, diploma, certificate, or course of study at any such educational institution.

(3) "Prepare" means to create, write, or in any way produce in whole or substantial part a term paper, thesis, dissertation, essay, report, or other assignment for a monetary fee.

(4) "Postsecondary institution" means any university, college, or other postsecondary educational institution which is chartered, incorporated, licensed, registered, or supervised by this state.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

(1) No person shall prepare, offer to prepare, cause to be prepared, sell, or offer for sale to any other person, including any student enrolled in a postsecondary institution, any assignment knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under a student's name in fulfillment of the requirements for a degree, diploma, certificate, or course of study at any postsecondary institution.

(2) No person shall sell or offer for sale to any student enrolled in a postsecondary institution any assistance in the preparation, research or writing of an assignment knowing or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under said student's name to such educational institution in fulfillment of the requirements for a degree, diploma, certificate, or course of study.

(3) Nothing contained in this section shall prevent any person from providing tutorial assistance, research material, information, or other assistance to persons enrolled in a postsecondary institution which is not intended for submission in whole or in substantial part as an assignment under the student's name to such institution. Nor shall any person be prevented by this section from rendering services for a monetary fee which includes typing, assembling, transcription, reproduction, or editing of a manuscript or other assignment: PROVIDED, That such services are not rendered with the intent of making substantive changes in a manuscript or other assignment.

(4) Any person violating any provision of this act shall be subject to civil penalties of not more than one thousand dollars for each violation. Any court of competent jurisdiction is hereby authorized to grant such further relief as is necessary to enforce the provisions of this section, including the issuance of an injunction.

(5) Any person against whom a judgment has been entered pursuant to section 3(4) of this act, shall upon any subsequent violation of this act be subject to civil penalties not to exceed ten thousand dollars. Any court of competent jurisdiction is hereby authorized to grant such further relief as is necessary to enforce the provisions of this section, including the issuance of an injunction.

(6) Actions for injunction under the provisions of this section may be brought in the name of the state of Washington upon the complaint of the attorney general or any prosecuting attorney in the name of the state of Washington.

NEW SECTION. Sec. 4. 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 January 26, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 44

[House Bill No. 983]

COMMUNITY COLLEGES—SABBATICAL LEAVE COSTS

AN ACT Relating to institutions of higher education; and amending section 3, chapter ..., Laws of 1979 (HB No. 348) and RCW 28B.10.650.

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

Section 1. Section 3, chapter ..., Laws of 1979 (HB No. 348) and RCW 28B.10.650 are each amended to read as follows:

It is the intent of the legislature that when the state and regional universities, The Evergreen State College, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College and the board of trustees of each community college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW 28B.16.040, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) hereof.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That for community college districts the aggregate cost shall not exceed one hundred fifty percent of the cost of salaries which would have otherwise been paid to personnel on leaves: PROVIDED FURTHER, That this subsection shall not apply to any community college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of financial management, who are engaged in instruction, and exempt staff as defined in RCW 28B.16.040.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after July 1, 1977, shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall annually report to the council for postsecondary education such information as the council deems necessary to determine compliance with the provisions of this section and the council for postsecondary education shall periodically report such information to the legislature.

Passed the House February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 45

[House Bill No. 808]

BANKS AND TRUST COMPANIES—TRUST SECURITIES CUSTODY

AN ACT Relating to corporations doing a trust business; and amending section 30.04.240, chapter 33, Laws of 1955 as amended by section 1, chapter 99, Laws of 1973 and RCW 30.04.240.

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

Section 1. Section 30.04.240, chapter 33, Laws of 1955 as amended by section 1, chapter 99, Laws of 1973 and RCW 30.04.240 are each amended to read as follows:

(1) Every corporation doing a trust business shall maintain in its office a trust department in which it shall keep books and accounts of its trust business, separate and apart from its other business. Such books and accounts shall specify the cash, securities and other properties, real and personal, held in each trust, and such securities and properties shall be at all times segregated from all other securities and properties except as otherwise provided in this section. ~~((Such corporation shall also cause each bond, warrant, note, mortgage, deed or other security of any nature to be labeled to indicate the trust to which it belongs.))~~ Any person connected with a bank or trust company who shall, contrary to this section or any other provision of law, commingle any funds or securities of any kind held by such corporation in trust, for safekeeping or as agent for another, with the funds or assets of the corporation shall be guilty of a felony.

(2) Notwithstanding any other provisions of law, any fiduciary holding securities in its fiduciary capacity~~((;))~~ or any state bank, national bank, or trust company holding securities as ~~((a custodian or managing agent and any state bank, national bank, or trust company holding securities))~~ fiduciary or as custodian for a fiduciary is authorized to deposit or arrange for the deposit of such securities: (a) In a clearing corporation (as defined in Article 8 of the Uniform Commercial Code, chapter 62A.8 RCW); (b) within another state bank, national bank, or trust company having trust power whether located inside or outside of this state; or (c) within itself. When such securities are so deposited, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation or state bank, national bank, or trust company holding the securities as the depository, with any other such securities deposited in such clearing corporation or depository by any person, regardless of the ownership of such securities, and certificates of small denomination may be merged into one or more certificates of larger denomination. The records of such fiduciary and the records of such state bank, national bank, or trust company ~~((acting as custodian, as managing agent,))~~ as a fiduciary or as custodian for a fiduciary shall at all times show the name of the party for whose account the securities are so deposited. Ownership of, and other interests in, such securities ~~((any {may}))~~ may be transferred by bookkeeping ~~((entry))~~ entries on the books of such clearing corporation, state bank, national bank, or trust company without physical delivery or alteration of certificates representing such securities. A state bank, national bank, or trust company so depositing securities pursuant to this section shall be subject to such rules and regulations as, in the case of state chartered banks and trust companies, the supervisor of banking and, in the case of national banking associations, the comptroller of the currency

may from time to time issue. A state bank, national bank, or trust company acting as custodian for a fiduciary shall, on demand by the fiduciary, certify in writing to the fiduciary the securities so deposited by such state bank, national bank, or trust company in such clearing corporation or state bank, national bank, or trust company acting as such depository for the account of such fiduciary. A fiduciary shall, on demand by any party to a judicial proceeding for the settlement of such fiduciary's account or on demand by the attorney for such party, certify in writing to such party the securities deposited by such fiduciary in such clearing corporation or state bank, national bank, or trust company acting as such depository for its account as such fiduciary.

This subsection shall apply to any fiduciary holding securities in its fiduciary capacity, and to any state bank, national bank, or trust company holding securities as a custodian, managing agent, or custodian for a fiduciary, acting on March 14, 1973 or who thereafter may act regardless of the date of the agreement, instrument, or court order by which it is appointed and regardless of whether or not such fiduciary, custodian, managing agent, or custodian for a fiduciary owns capital stock of such clearing corporation.

Passed the House February 21, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 46

[House Bill No. 806]

MUTUAL SAVINGS BANKS—UNSAFE, ILLEGAL PRACTICES—CEASE AND DESIST ORDERS—PENALTIES

AN ACT Relating to mutual savings banks; amending section 32.16.090, chapter 13, Laws of 1955 and RCW 32.16.090; adding new sections to chapter 32.04 RCW; adding new sections to chapter 32.16 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 32.04 RCW a new section to read as follows:

(1) The supervisor may issue and serve upon a mutual savings bank a notice of charges if in the opinion of the supervisor any mutual savings bank:

(a) Is engaging or has engaged in an unsafe or unsound practice in conducting the business of the mutual savings bank;

(b) Is violating or has violated the law, rule, or any condition imposed in writing by the supervisor in connection with the granting of any application or other request by the mutual savings bank or any written agreement made with the supervisor; or

(c) Is about to do the acts prohibited in (a) or (b) of this subsection when the opinion that the threat exists is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or violations or the practice or practices and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the mutual savings bank. The hearing shall be set not earlier than ten days nor later than thirty days after service of the notice, unless a later date is set by the supervisor at the request of the mutual savings bank.

Unless the mutual savings bank shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease and desist order. In the event of this consent or if upon the record made at the hearing the supervisor finds that any violation or practice specified in the notice of charges has been established, the supervisor may issue and serve upon the mutual savings bank an order to cease and desist from the violation or practice. The order may require the mutual savings bank and its trustees, officers, employees, and agents to cease and desist from the violation or practice and may require the mutual savings bank to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after the service of the order upon the mutual savings bank concerned, except that a cease and desist order issued upon consent shall become effective at the time specified in the order and shall remain effective as provided therein, unless it is stayed, modified, terminated, or set aside by action of the supervisor or a reviewing court.

NEW SECTION. Sec. 2. There is added to chapter 32.04 RCW a new section to read as follows:

Whenever the supervisor determines that the acts specified in section 1 of this 1979 act or their continuation is likely to cause insolvency or substantial dissipation of assets or earnings of the mutual savings bank or to otherwise seriously prejudice the interest of its depositors, the supervisor may also issue a temporary order requiring the mutual savings bank to cease and desist from the violation or practice. The order shall become effective upon service on the mutual savings bank and, unless set aside, limited, or suspended by a court in proceedings under section 3 of this 1979 act, shall remain effective pending the completion of the administrative proceedings under the notice and until such time as the supervisor shall dismiss the charges specified in the notice or until the effective date of a cease and desist order issued against the mutual savings bank under section 1 of this 1979 act.

NEW SECTION. Sec. 3. There is added to chapter 32.04 RCW a new section to read as follows:

Within ten days after a mutual savings bank has been served with a temporary cease and desist order, the mutual savings bank may apply to the superior court in the county of its principal place of business for an injunction setting aside, limiting, or suspending the order pending the completion of the administrative proceedings pursuant to the notice served under section 1 of this 1979 act.

The superior court shall have jurisdiction to issue the injunction.

NEW SECTION. Sec. 4. There is added to chapter 32.04 RCW a new section to read as follows:

In the case of a violation or threatened violation of a temporary cease and desist order issued under section 2 of this 1979 act, the supervisor may apply to the superior court of the county of the principal place of business of the mutual savings bank for an injunction to enforce the order. The court shall issue an injunction if it determines there has been a violation or threatened violation.

NEW SECTION. Sec. 5. There is added to chapter 32.04 RCW a new section to read as follows:

(1) Any administrative hearing provided in section 1 or 8 of this 1979 act may be held at such place as is designated by the supervisor and shall be conducted in accordance with chapter 34.04 RCW. The hearing shall be private unless the supervisor determines that a public hearing is necessary to protect the public interest after fully considering the views of the party afforded the hearing.

Within sixty days after the hearing, the supervisor shall render a decision which shall include findings of fact upon which the decision is based and shall issue and serve upon each party to the proceeding an order or orders consistent with section 1 or 8 of this 1979 act, as the case may be.

Unless a petition for review is timely filed in the superior court of the county of the principal place of business of the affected mutual savings bank under subsection (2) of this section, and until the record in the proceeding has been filed as provided therein, the supervisor may at any time modify, terminate, or set aside any order upon such notice and in such manner as he shall deem proper. Upon filing the record, the supervisor may modify, terminate, or set aside any order only with permission of the court.

The judicial review provided in this section shall be exclusive for orders issued under sections 1 and 8 of this 1979 act.

(2) Any party to the proceeding or any person required by an order, temporary order, or injunction issued under section 1, 2, 4, or 8 of this 1979 act to refrain from any of the violations or practices stated therein may obtain a review of any order served under subsection (1) of this section other than one issued upon consent by filing in the superior court of the county of the principal place of business of the affected mutual savings bank within ten days after the date of service of the order a written petition praying that the order of the supervisor be modified, terminated, or set aside. A copy of

the petition shall be immediately served upon the supervisor and the supervisor shall then file in the court the record of the proceeding. The court shall have jurisdiction upon the filing of the petition, which jurisdiction shall become exclusive upon the filing of the record, to affirm, modify, terminate, or set aside in whole or in part the order of the supervisor except that the supervisor may modify, terminate, or set aside an order with the permission of the court. The judgment and decree of the court shall be final, except that it shall be subject to appellate review under the rules of court.

(3) The commencement of proceedings for judicial review under subsection (2) of this section shall not operate as a stay of any order issued by the supervisor unless specifically ordered by the court.

(4) Service of any notice or order required to be served under section 1, 2, or 8 of this 1979 act, or under RCW 32.16.090, as now or hereafter amended, shall be accomplished in the same manner as required for the service of process in civil actions in superior courts of this state.

NEW SECTION. Sec. 6. There is added to chapter 32.04 RCW a new section to read as follows:

The supervisor may apply to the superior court of the county of the principal place of business of the mutual savings bank affected for the enforcement of any effective and outstanding order issued under section 1 or 8 of this 1979 act, and the court shall have jurisdiction to order compliance therewith.

No court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any such order, or to review, modify, suspend, terminate, or set aside any such order, except as provided in sections 3, 4, and 5 of this 1979 act.

Sec. 7. Section 32.16.090, chapter 13, Laws of 1955 and RCW 32.16.090 are each amended to read as follows:

Whenever the supervisor finds that: (1) Any trustee, officer, or employee of any mutual savings bank ((is dishonest, reckless, or incompetent, or fails to perform any duty of his office, he shall notify the board of trustees of such savings bank, in writing, of his objections to any such trustee, officer or employee, and such board shall within twenty days after receiving such notification meet and consider such objections, first giving notice to the supervisor of the time and place of such meeting. If the board finds the objections to be well-founded, such trustee, officer or employee shall be immediately removed:)) has committed or engaged in:

(a) A violation of any law, rule, or cease and desist order which has become final;

(b) Any unsafe or unsound practice in connection with the mutual savings bank; or

(c) Any act, omission, or practice which constitutes a breach of his fiduciary duty as trustee, officer, or employee; and

(2) The supervisor determines that:

(a) The mutual savings bank has suffered or may suffer substantial financial loss or other damage; or

(b) The interests of its depositors could be seriously prejudiced by reason of the violation, practice, or breach of fiduciary duty; and

(3) The supervisor determines that the violation, practice, or breach of fiduciary duty is one involving personal dishonesty, recklessness, or incompetence on the part of the trustee, officer, or employee;

Then the supervisor may serve upon the trustee, officer, or employee of any mutual savings bank a written notice of the supervisor's intention to remove the person from office or to prohibit the person from participation in the conduct of the affairs of the mutual savings bank.

NEW SECTION. Sec. 8. There is added to chapter 32.16 RCW a new section to read as follows:

A notice of an intention to remove a trustee, officer, or employee from office or to prohibit his participation in the conduct of the affairs of a mutual savings bank shall contain a statement of the facts which constitute grounds therefor and shall fix a time and place at which a hearing will be held. The hearing shall be set not earlier than ten days nor later than thirty days after the date of service of the notice unless an earlier or later date is set by the supervisor at the request of the trustee, officer, or employee for good cause shown or at the request of the attorney general of the state.

Unless the trustee, officer, or employee appears at the hearing personally or by a duly authorized representative, the person shall be deemed to have consented to the issuance of an order of removal or prohibition or both. In the event of such consent or if upon the record made at the hearing the supervisor finds that any of the grounds specified in the notice have been established, the supervisor may issue such orders of removal from office or prohibition from participation in the conduct of the affairs of the mutual savings bank as the supervisor may consider appropriate.

Any order under this section shall become effective at the expiration of ten days after service upon the mutual savings bank and the trustee, officer, or employee concerned except that an order issued upon consent shall become effective at the time specified in the order.

An order shall remain effective except to the extent it is stayed, modified, terminated, or set aside by the supervisor or a reviewing court.

NEW SECTION. Sec. 9. There is added to chapter 32.16 RCW a new section to read as follows:

If at any time because of the removal of one or more trustees under this chapter there shall be on the board of trustees of a mutual savings bank less than a quorum of trustees, all powers and functions vested in, or exercisable by the board shall vest in, and be exercisable by the trustee or trustees remaining, until such time as there is a quorum on the board of trustees. If all of the trustees of a mutual savings bank are removed under this chapter, the

supervisor shall appoint persons to serve temporarily as trustees until such time as their respective successors take office.

NEW SECTION. Sec. 10. There is added to chapter 32.16 RCW a new section to read as follows:

Any present or former trustee, officer, or employee of a mutual savings bank or any other person against whom there is outstanding an effective final order issued under section 8 of this 1979 act, which order has been served upon the person, and who, in violation of the order, (1) participates in any manner in the conduct of the affairs of the mutual savings bank involved; or (2) directly or indirectly solicits or procures, transfers or attempts to transfer, or votes or attempts to vote any proxies, consents, or authorizations with respect to any voting rights in the mutual savings bank; or (3) without the prior approval of the supervisor, votes for a trustee or serves or acts as a trustee, officer, employee, or agent of any mutual savings bank, shall be guilty of a gross misdemeanor, and, upon conviction, shall be punishable as prescribed under chapter 9A.20 RCW.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 21, 1979.
Passed the Senate March 2, 1979.
Approved by the Governor March 19, 1979.
Filed in Office of Secretary of State March 19, 1979.

CHAPTER 47

[Substitute House Bill No. 88]

IDIOPATHIC SCOLIOSIS—SCHOOL SCREENING PROGRAM—
APPROPRIATION

AN ACT Relating to the examination of pupils for scoliosis; adding new sections to chapter 28A.31 RCW; and making an appropriation.

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

NEW SECTION. Section 1. There is added to chapter 28A.31 RCW a new section to read as follows:

The legislature recognizes that the condition known as idiopathic scoliosis, a lateral curvature of the spine commonly appearing in adolescents, can develop into a permanent, crippling disability if left untreated. Early diagnosis and referral can often result in the successful treatment of this condition and greatly reduce the need for major surgery. Therefore, the purpose of sections 1 through 7 of this act is to recognize that a school

screening program is an invaluable tool for detecting the number of adolescents with scoliosis. It is the intent of the legislature to insure that the superintendent of public instruction provide and require screening for the condition known as scoliosis of all children in the highest risk age group, grades 5 through 8, to ascertain which, if any, of these children have defects requiring corrective treatment.

NEW SECTION. Sec. 2. There is added to chapter 28A.31 RCW a new section to read as follows:

As used in this chapter, the following terms have the meanings indicated.

(1) "Superintendent" means the superintendent of public instruction of public schools in the state, or his designee.

(2) "Pupil" means a student enrolled in the public school system in the state.

(3) "Screening" means an examination to be performed on all pupils in grades 5 through 8 for the purpose of detecting the condition known as scoliosis.

(4) "Public schools" means the common schools referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.

NEW SECTION. Sec. 3. There is added to chapter 28A.31 RCW a new section to read as follows:

The superintendent shall provide for and require the yearly examination of all children attending public schools in grades 5 through 8 in accordance with procedures and standards adopted by rule of the state board of health in cooperation with the superintendent of public instruction. The examination shall be made by a school physician, school nurse, or physical education instructor or by other school personnel. Proper training of the personnel in the screening process for scoliosis shall be provided by the superintendent.

NEW SECTION. Sec. 4. There is added to chapter 28A.31 RCW a new section to read as follows:

Every person performing the screening under section 3 of this act shall promptly prepare a record of the screening of each child found to have or suspected of having scoliosis and shall send copies of the records to the parents or guardians of the children. The notification shall include an explanation of idiopathic scoliosis, the significance of treating it at an early stage, and the services generally available for the treatment after diagnosis.

NEW SECTION. Sec. 5. There is added to chapter 28A.31 RCW a new section to read as follows:

The superintendent shall print and distribute to appropriate school officials the rules adopted by the state board of health in cooperation with the

superintendent of public instruction under section 3 of this act and the recommended records and forms to be used in making and reporting the screenings.

NEW SECTION. Sec. 6. There is added to chapter 28A.31 RCW a new section to read as follows:

Any pupil shall be exempt from the examination upon written request of his or her parent or guardian.

NEW SECTION. Sec. 7. There is added to chapter 28A.31 RCW a new section to read as follows:

The superintendent may establish appropriate sanctions to be applied to any school officials of the state failing to comply with sections 3 through 6 of this act which sanctions may include withholding of any portion of state aid to the district until such time as compliance is assured.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. There is appropriated to the office of the superintendent of public instruction from the general fund for the biennium ending June 30, 1981, the sum of twenty-seven thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 3 and 5 of this act.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 48

[House Bill No. 288]

NONPOLLUTING FUELS—LICENSE FEE IN LIEU OF FUEL TAX

AN ACT Relating to transportation; amending section 1, chapter 335, Laws of 1977 ex. sess. and RCW 82.38.075; providing an effective date; and declaring an emergency.

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

Section 1. Section 1, chapter 335, Laws of 1977 ex. sess. and RCW 82.38.075 are each amended to read as follows:

In order to encourage the use of nonpolluting fuels, until July 1, ((+1979))1983, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, in accordance with the following schedule:

VEHICLE TONNAGE (GVW)	FEE
0 - 6,000	\$ ((60)) <u>\$45</u>
6,001 - 10,000	\$ ((70)) <u>\$45</u>
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

The department of (~~((motor vehicles))~~) licensing, in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.

The director of (~~((the department of motor vehicles))~~) licensing shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1979.

Passed the House March 8, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 49

[House Bill No. 874]

FOREST FIRE ADVISORY BOARD—TERM—PREVENTION AND SUPPRESSION POLICIES

AN ACT Relating to the forest fire advisory board; amending section 14, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.140; and amending section 9, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.520.

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

Section 1. Section 14, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.140 are each amended to read as follows:

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

- (a) Debt adjusting (chapter 18.28 RCW);
- (b) Proprietary schools (chapter 18.82 RCW);
- (c) Grist mills (chapter 19.44 RCW); and
- (d) Regulation of vessels (chapter 88.04 RCW).

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

- (a) Driving instructors examining committee;
- (b) Water well construction operators examining board;

- (c) (~~Forest fire advisory board;~~
 (d)) Escrow commission;
 ((~~e~~)) (d) Employment agency advisory board.

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

Sec. 2. Section 9, chapter 207, Laws of 1971 ex. sess. and RCW 76.04-.520 are each amended to read as follows:

There is hereby created a forest fire advisory board, consisting of seven members who shall represent private and public forest landowners and other interested segments of the public. The members shall be appointed by the commissioner of public lands and shall serve at his pleasure, without compensation.

The duties of the forest fire advisory board shall be strictly advisory and shall include, but not necessarily be limited to, reviewing forest fire (~~policy and protection budgets~~) prevention and suppression policies of the department; monitoring expenditures from and recoveries for the landowner contingency forest fire suppression account; recommending appropriate assessments and allocations for establishment and replenishment of said account based upon the proportionate expenditures necessitated by participating landowner operations in western and eastern Washington; recommending to the department appropriate rules and regulations or amendments to existing rules and regulations and reviewing nonemergency rules and regulations, affecting the protection of forest lands from fire, including reasonable alternative means or procedures for the abatement, isolation, or reduction of forest fire hazards. Except where an emergency exists, all rules and regulations as to the above shall be promulgated by the department after consultation with the forest fire advisory board.

Passed the House February 21, 1979.

Passed the Senate March 7, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 50

[House Bill No. 585]

INSTITUTE OF FOREST RESOURCES—DUTIES, ADMINISTRATION

AN ACT Relating to forest resources; amending section 1, chapter 177, Laws of 1947 and RCW 76.44.010; amending section 2, chapter 177, Laws of 1947 as amended by section 1, chapter 306, Laws of 1959 and RCW 76.44.020; amending section 3, chapter 177, Laws of 1947 and RCW 76.44.030; amending section 4, chapter 177, Laws of 1947 and RCW 76.44.040; amending section 5, chapter 177, Laws of 1947 and RCW 76.44.050; adding a new section to chapter 76.44 RCW; creating new sections; and repealing section 2, chapter 306, Laws of 1959 and RCW 76.44.025.

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

Section 1. Section 1, chapter 177, Laws of 1947 and RCW 76.44.010 are each amended to read as follows:

There is hereby created the institute of forest ~~((products))~~ resources of the state of Washington which shall operate under the authority of the board of regents of the University of Washington.

Sec. 2. Section 2, chapter 177, Laws of 1947 as amended by section 1, chapter 306, Laws of 1959 and RCW 76.44.020 are each amended to read as follows:

The institute of forest ~~((products))~~ resources shall be administered by the ~~((board of regents of the University of Washington with the advice of a nonsalaried commission consisting of the dean of forestry of the University of Washington, the state supervisor of department of natural resources, and the director of the Pacific northwest forest and range experiment station as ex officio members, and six additional members who shall be appointed by the president of the University of Washington and shall serve at his pleasure. Of these additional members, two shall represent the forest industries of the state and two shall represent the labor of the state, and two shall be chosen at large))~~ dean of the college of forest resources of the University of Washington who shall also be the director of the institute with the advice of a nonsalaried commission which shall function in a role of review, oversight, and policy formulation for the institute and which shall annually report their findings and recommendations to the president for consideration.

NEW SECTION. Sec. 3. There is added to chapter 76.44 RCW a new section to read as follows:

The institute of forest resources' advisory commission shall consist of eight members appointed by the president of the university, six of whom shall be named from the visiting committee to the college of forest resources and two who shall represent the labor of the state. The state supervisor of the department of natural resources, the director of the pacific northwest forest and range experiment station, and the dean of the college of agriculture at Washington State University shall serve as ex officio members. The terms of the initial eight members shall be as follows: Three members shall

serve for a term of two years, three members shall serve for a term of three years, and two members shall serve for a term of four years, respectively. The successors of the members initially appointed shall be appointed for terms of three years.

NEW SECTION. Sec. 4. Section 2, chapter 306, Laws of 1959 and RCW 76.44.025 are each hereby repealed.

Sec. 5. Section 3, chapter 177, Laws of 1947 and RCW 76.44.030 are each amended to read as follows:

The institute of forest ~~((products))~~ resources shall ~~((investigate current and necessary research in forest utilization and the marketing of forest products, affecting the industrial and commercial development of the state of Washington; shall correlate, interchange information and disseminate the results of such research; and shall, to the extent deemed necessary, provide for or conduct additional research projects or pilot plant demonstrations of research results by cooperating with all existing educational, public and industrial institutions or agencies of the state and arranging for the financing of such projects))~~ pursue research and education related to the forest resource and its multiple use including its conservation, management and utilization; its evaluation of forest land use and the maintenance of its rural environment; the manufacture and marketing of forest products and the provision of recreation and aesthetic values.

In pursuit of these objectives, the institute of forest resources is authorized to cooperate with other universities, state and federal agencies, industrial institutions, domestic or foreign, where such cooperation advances these objectives.

Sec. 6. Section 4, chapter 177, Laws of 1947 and RCW 76.44.040 are each amended to read as follows:

The results of any research ~~((or pilot plant tests))~~ undertaken by the institute or in which the institute participates shall be available to all industries and citizens of the state of Washington ~~((under such methods of dissemination and use as the commission may designate))~~ and the institute is authorized to disseminate such information.

Sec. 7. Section 5, chapter 177, Laws of 1947 and RCW 76.44.050 are each amended to read as follows:

The institute is ~~((hereby authorized to accept funds from any forest using industry or others for the prosecution of any research or pilot plant project which it may undertake; and the commission shall determine the just and fair contributions from industries or persons benefiting from its activities as a necessary requirement to the initiation of any research project))~~ authorized to solicit and/or accept funds through grants, contracts, or institutional consulting arrangements for the prosecution of any research or education activity which it may undertake in pursuit of its objectives.

NEW SECTION. Sec. 8. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 21, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 51

[House Bill No. 482]

MUTUAL SAVINGS BANKS—CERTIFICATES OF DEPOSIT—MATURITY

AN ACT Relating to certificates of deposit; and amending section 32.08.150, chapter 13, Laws of 1955 as last amended by section 1, chapter 15, Laws of 1975 and RCW 32.08.150.

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

Section 1. Section 32.08.150, chapter 13, Laws of 1955 as last amended by section 1, chapter 15, Laws of 1975 and RCW 32.08.150 are each amended to read as follows:

(1) A savings bank shall not purchase, deal or trade in any goods, wares, merchandise, or commodities whatsoever except such personal property as may be necessary for the transaction of its authorized business.

(2) Such bank shall not make or issue any certificate of deposit payable either on demand or at a fixed day, except the bank may issue savings certificates of deposit in such form as the bank may determine upon the following terms:

(a) The certificates may provide for the payment of interest at a rate fixed in advance by the bank(~~(, provided certificates carrying a fixed rate shall mature in a period not exceeding six years from the date of issuance));~~);

(b) The certificates may be payable at a fixed future time not less than thirty days after the date of issuance or may contain provisions requiring thirty or more days' notice of demand for payment;

(c) The certificates may be issued at a discount instead of stipulating a rate of interest, or interest thereon may be deferred to be paid at maturity or other stipulated date.

Passed the House February 12, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 52

[House Bill No. 69]

WASHINGTON STATE UNIVERSITY—FOREST TREE NURSERY REPEAL

AN ACT Relating to Washington State University; and repealing sections 28B.30.370, 28B.30.375 and 28B.30.380, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.370, 28B.30.375 and 28B.30.380.

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

NEW SECTION. Section 1. Sections 28B.30.370, 28B.30.375, and 28B.30.380, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.370, 28B.30.375 and 28B.30.380 are each hereby repealed.

Passed the House January 29, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 53

[House Bill No. 50]

RECREATIONAL USE OF LAND—OWNER'S LIABILITY

AN ACT Relating to liability of landowners or others in possession or control; and amending section 2, chapter 216, Laws of 1967 as last amended by section 17, chapter 153, Laws of 1972 ex. sess. and RCW 4.24.210.

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

Section 1. Section 2, chapter 216, Laws of 1967 as last amended by section 17, chapter 153, Laws of 1972 ex. sess. and RCW 4.24.210 are each amended to read as follows:

Any public or private landowners or others in lawful possession and control of ~~((agricultural or forest))~~ any lands whether rural or urban, or water areas or channels and ~~((rural))~~ lands adjacent to such areas or channels, who allow members of the public to use them for the purposes of outdoor recreation, which term includes, but is not limited to, hunting, fishing, camping, picnicking, swimming, hiking, bicycling, the riding of horses or other animals, clam digging, pleasure driving of ~~((all-terrain))~~ off-road vehicles, snowmobiles, and other vehicles, boating, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users: PROVIDED, That nothing in this section shall prevent the liability of such a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted: PROVIDED FURTHER, That nothing in RCW

4.24.200 and 4.24.210 limits or expands in any way the doctrine of attractive nuisance; AND PROVIDED FURTHER, That the usage by members of the public is permissive and does not support any claim of adverse possession.

Passed the House March 7, 1979.
 Passed the Senate March 2, 1979.
 Approved by the Governor March 19, 1979.
 Filed in Office of Secretary of State March 19, 1979.

CHAPTER 54

[Senate Bill No. 2159]

PUBLIC LANDS AND MATERIALS—SALES AND EXCHANGES

AN ACT Relating to public lands and materials; amending section 2, chapter 107, Laws of 1975 1st ex. sess. and RCW 79.08.015; amending section 50, chapter 255, Laws of 1927 as last amended by section 1, chapter 45, Laws of 1975 1st ex. sess. and RCW 79.01.200; amending section 51, chapter 255, Laws of 1927 as last amended by section 4, chapter 73, Laws of 1961 and RCW 79.01.204; and declaring an emergency.

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

Section 1. Section 2, chapter 107, Laws of 1975 1st ex. sess. and RCW 79.08.015 are each amended to read as follows:

~~((At least ten days but not more than twenty-five days))~~ Before the department of natural resources presents a proposed exchange to the board of natural resources involving an exchange of any lands under the administrative control of the department of natural resources, the department shall hold a public hearing on the proposal in the county where the state land or the greatest proportion thereof is located. Ten days but not more than twenty-five days prior to such hearing, the department shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state-owned land is located. A news release pertaining to the hearing shall be disseminated among printed and electronic media in the area where the state land is located. The public notice and news release also shall identify lands involved in the proposed exchange and describe the purposes of the exchange and proposed use of the lands involved. A summary of the testimony presented at the hearings shall be prepared for the board's consideration when reviewing the department's exchange proposal. If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement.

Sec. 2. Section 50, chapter 255, Laws of 1927 as last amended by section 1, chapter 45, Laws of 1975 1st ex. sess. and RCW 79.01.200 are each amended to read as follows:

All sales of land shall be at public auction, and all sales of valuable materials shall be at public auction or by sealed bid to the highest bidder, on the terms prescribed by law and as specified in the notice (~~heretofore~~) provided, and no land or materials shall be sold for less than its appraised value: PROVIDED, That on public lands granted to the state for educational purposes sealed bids may be accepted for sales of timber or stone only: PROVIDED FURTHER, That when valuable material has been appraised at an amount not exceeding ~~(ten)~~ twenty thousand dollars, the ~~(commissioner of public lands)~~ department of natural resources, when authorized by the board of natural resources, may arrange for the sale at public auction of said valuable material and for its removal under such terms and conditions as the ~~(commissioner)~~ department may prescribe, after ~~(said commissioner)~~ the department shall have caused to be published ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to property to be sold: AND PROVIDED FURTHER, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of ~~(five hundred)~~ one thousand dollars or less may be sold directly to the applicant for cash without notice or advertising.

Sec. 3. Section 51, chapter 255, Laws of 1927 as last amended by section 4, chapter 73, Laws of 1961 and RCW 79.01.204 are each amended to read as follows:

~~(Such)~~ Sales by public auction under this chapter shall be conducted under the direction of the ~~(commissioner of public lands)~~ department of natural resources, by ~~(his)~~ its authorized representative or by the county auditor of the county in which the sale is held. The ~~(commissioner's)~~ department's representative and the county auditor are hereinafter referred to as auctioneers. On or before the time specified in the notice of sale each bidder ~~(must)~~ shall deposit with the auctioneer, ~~(either)~~ in cash or by certified check, cashier's check, or ~~(by)~~ postal money order ~~(;)~~ payable to the order of the ~~(commissioner of public lands)~~ department of natural resources, or by bid guarantee in the form of bid bond acceptable to the department, an amount equal to the deposit specified in the notice of sale. The deposit shall include a specified amount of the appraised price for the land or valuable materials offered for sale, together with any fee required by law for the issuance of contracts, deeds, or bills of sale. Said deposit may, when prescribed in notice of sale, be considered an opening bid of an amount not less than the minimum appraised price established in the notice of sale. The successful bidder's deposit will be retained by the auctioneer and the difference, if any, between the deposit and the total amount due ~~(;)~~ shall on the day of the sale be paid in cash, certified check, cashier's check, draft, postal

money order, or by personal check made payable to the ~~((commissioner))~~ department. If a bid bond is used, the share of the total deposit due guaranteed by the bid bond shall, within ten days of the day of sale, be paid in cash, certified check, cashier's check, draft, or postal money order payable to the department. Other deposits, if any, ~~((will))~~ shall be returned to the respective bidders at the conclusion of each sale. The auctioneer shall deliver to the purchaser~~(;)~~ a memorandum of his purchase containing a description of the land~~(;)~~ or materials~~(;)~~ purchased, the price bid, and the terms of the sale. The auctioneer shall at once send to the ~~((commissioner such))~~ department the cash ~~((or))~~, certified check, cashier's check, draft ~~((or))~~, postal money order, or bid guarantee received from the purchaser, and a copy of the memorandum delivered to the purchaser, together with such additional report of his proceedings with reference to such sales as may be required by the ~~((commissioner))~~ department.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 5, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 55

[Substitute Senate Bill No. 2376]

LOCAL IMPROVEMENT GUARANTY FUNDS—GENERAL FUND TRANSFERS

AN ACT Relating to local improvement guaranty funds; and adding a new section to chapter 35.54 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.54 RCW a new section to read as follows:

(1) Any city or town maintaining a local improvement guaranty fund under this chapter, upon certification by the city or town treasurer that the local improvement guaranty fund has sufficient funds currently on hand to meet all valid outstanding obligations of the fund and all other obligations of the fund reasonably expected to be incurred in the near future, may by ordinance transfer assets from such fund to its general fund. The net cash of the local improvement guaranty fund may be reduced by such transfer to an amount not less than ten percent of the net outstanding obligations guaranteed by such fund.

(2) If, at any time within five years of any transfer of assets from the local improvement guaranty fund to the general fund of a city or town, the

net cash of the local improvement guaranty fund is reduced below the minimum amount specified in subsection (1) of this section, the city or town shall, to the extent of the amount transferred, pay valid claims against the local improvement guaranty fund as a general obligation of the city or town. In addition, such city or town shall pay all reasonable costs of collection necessarily incurred by the holders of valid claims against the local improvement guaranty fund.

Passed the Senate February 20, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 56

[Senate Bill No. 2321]

DEPARTMENT OF GAME—PUBLICATION OF INFORMATIONAL MATERIAL—FEES

AN ACT Relating to the department of game; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 12, chapter 200, Laws of 1973 1st ex. sess. and RCW 77.12.170; and adding a new section to chapter 77.12 RCW.

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

Section 1. Section 77.12.170, chapter 36, Laws of 1955 as last amended by section 12, chapter 200, Laws of 1973 1st ex. sess. and RCW 77.12.170 are each amended to read as follows:

There is established in the state treasury a fund to be known as the state game fund which shall consist of all moneys received from fees for the sale of licenses and permits provided in this title, from fees for the recovery of reasonable costs of publication of informational materials by the department, from the personalized vehicle license plate fees provided in chapter 46.16 RCW, and from fines, forfeitures, and costs collected for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission relating thereto: PROVIDED, That fifty percent of all fines and bail forfeitures shall not become part of the state game fund and shall be retained by the county in which collected: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

All state and county officers receiving any moneys in payment of fees for licenses under this title, or in payment of fees for reasonable costs of publication of informational materials by the department, or from fees for the personalized vehicle license plates provided in chapter 46.16 RCW, or in payment of fines, penalties, or costs imposed for violations of this title, or any other statute for the protection of wild animals and birds and game fish,

or any rule or regulation of the commission; from rentals or concessions, and from the sale of real or personal property held for game department purposes, shall pay them into the state treasury to be placed to the credit of the state game fund: PROVIDED, That county officers shall remit only fifty percent of all fines and bail forfeitures: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

NEW SECTION. Sec. 2. There is added to chapter 77.12 RCW a new section to read as follows:

The director may collect and expend moneys for the reasonable costs of publication of informational materials by the department.

Passed the Senate February 20, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 57

[Substitute Senate Bill No. 2274]

MUNICIPAL CORPORATIONS' FUNDS—INVESTMENT

AN ACT Relating to county treasurers; and amending section 36.29.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 140, Laws of 1973 1st ex. sess. and RCW 36.29.020.

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

Section 1. Section 36.29.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 140, Laws of 1973 1st ex. sess. and RCW 36.29.020 are each amended to read as follows:

The county treasurer shall keep all moneys belonging to the state, or to any county, in his own possession until disbursed according to law. He shall not place the same in the possession of any person to be used for any purpose; nor shall he loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated qualified public depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate expenditure, and which are in the custody of the county treasurer or other municipal corporation treasurer, to be invested by such treasurer in savings or time accounts 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, or in accounts in savings and loan associations which are doing business in this state, up to the amount of insurance afforded such

accounts by the federal savings and loan insurance corporation, or in certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States; in bankers' acceptances purchased on the secondary market, in federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapter 193, Laws of 1969 ex. sess.: PROVIDED, Five percent of the interest or earnings, with an annual minimum of ten dollars or annual maximum of fifty dollars, on any transactions authorized by each resolution of the governing body shall be paid as an investment service fee to the office of the county treasurer or other municipal corporation treasurer when the interest or earnings become available to the governing body.

Whenever the funds of any municipal corporation which are not required for immediate expenditure are in the custody or control of the county treasurer, and the governing body of such municipal corporation has not taken any action pertaining to the investment of any such funds, the county finance committee shall direct the county treasurer to invest, to the maximum prudent extent, such funds or any portion thereof in certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, in bankers' acceptances purchased on the secondary market, in federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapter 193, Laws of 1969 ex. sess.: PROVIDED, That the county treasurer shall have the power to select the specific qualified financial institution in which said funds may be invested. The interest or other earnings from such investments or deposits shall be deposited in the current expense fund of the county and may be used for general county purposes. The investment or deposit and disposition of the interest or other earnings therefrom authorized by this paragraph

shall not apply to such funds as may be prohibited by the state Constitution from being so invested or deposited.

Passed the Senate March 5, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 58

[Engrossed Senate Bill No. 2155]

PUBLIC SCHOOL FOOD SERVICE—PRIVATE SCHOOL STUDENTS

AN ACT Relating to the provision of food services by school districts; amending section 28A.58.136, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 107, Laws of 1973 and RCW 28A.58.136; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

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

Section 1. Section 28A.58.136, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 107, Laws of 1973 and RCW 28A.58.136 are each amended to read as follows:

The directors of any school district may establish, equip and operate lunchrooms in school buildings for pupils, certificated and noncertificated employees, and for school or employee functions: **PROVIDED**, That the expenditures for food supplies shall not exceed the estimated revenues from the sale of lunches, federal lunch aid, Indian education fund lunch aid, or other anticipated revenue, including donations, to be received for that purpose: **PROVIDED FURTHER**, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals to elderly persons at cost as provided in RCW 28A.58.722: **PROVIDED, FURTHER**, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals at cost as provided in section 2 of this amendatory act to children who are participating in educational programs or activities conducted by private, nonprofit organizations and entities and to students who are attending private elementary and secondary schools. Operation for the purposes of this section shall include the employment and discharge for sufficient cause of personnel necessary for preparation of food or supervision of students during lunch periods and fixing their compensation, payable from the district general fund, or entering into agreement for the preparation and service of food by a private agency.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The board of directors of any school district may establish or allow for the establishment of a nonprofit meal program using school facilities for feeding children who are participating in educational programs or activities

conducted by private, nonprofit organizations and entities and students who are attending private elementary and secondary schools, and may authorize the extension of any school food services for the purpose of feeding such children and students, subject to the following conditions and restrictions:

(1) The charge to such persons, organizations, entities or schools for each meal shall be not less than the actual cost of such meal to the school, inclusive of a reasonable charge for overhead and the value of the use of the facilities.

(2) The meal program shall not be operated so as to interfere with the educational process within the school district.

(3) The meal program shall not be operated so as to impair or reduce the provision of food services to students of the school districts.

NEW SECTION. Sec. 3. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 22, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 59

[Engrossed Senate Bill No. 2026]

MUNICIPAL PUBLIC TRANSPORTATION FEASIBILITY STUDIES—ADVANCE FINANCIAL SUPPORT PAYMENTS—AMOUNT—SCHOOL TRANSPORTATION COORDINATION

AN ACT Relating to public transportation; and amending section 6, chapter 44, Laws of 1977 ex. sess. and RCW 35.58.2712.

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

Section 1. Section 6, chapter 44, Laws of 1977 ex. sess. and RCW 35-.58.2712 are each amended to read as follows:

Any municipality, as defined in RCW 35.95.020, may be eligible to receive a one-time advanced financial support payment to perform a feasibility study to determine the need for public transportation to serve its residents. This payment shall be governed by the following conditions:

(1) The payment shall precede any advanced financial support payment to develop a plan pursuant to RCW 36.57A.150;

(2) The amount of such payment shall be commensurate with the number of residents in and the size of the land area of such municipality and ~~((shall not exceed thirty-five thousand dollars))~~ the number and size of school districts in such municipality and shall not exceed one hundred ten thousand dollars; and

(3) Repayment of an advanced financial support payment shall be made ~~((to the public transportation account in the general fund, or, if such account does not exist,))~~ to the general fund by the municipality within two years after the date such advanced payment was received. The study shall be completed within one year after the date such advanced payment was received. The study and its recommendations shall then be presented to the legislative authority of the municipality. Within six months of its receipt of the study and its recommendations, the legislative authority shall pass a resolution adopting or rejecting all or part of the study. A copy of the resolution shall be transmitted to the state agency administering this section. Such repayment shall be waived within two years of the date such advanced payment was received if the legislative authority or the voters in such municipality do not elect to levy and collect taxes to support public transportation in their area. Such repayment shall not be waived in the event any of the provisions of this subsection are not followed;

(4) The feasibility study shall give consideration to consolidating or coordinating all or any portion of the K-12 pupil transportation system within the proposed boundaries of the municipality. Any school district lying wholly or in part within the proposed boundaries shall fully cooperate in the study unless the school board shall pass a resolution to the contrary setting forth the reasons therefor. A copy of the resolution shall be forwarded to the secretary of the department of transportation for inclusion in the municipality's application file.

The ~~((state))~~ department of transportation ~~((commission, or, if such does not exist, the planning and community affairs agency))~~ shall provide technical assistance in the preparation of feasibility studies, and shall adopt reasonable rules and regulations to carry out the provisions of this section.

Passed the Senate February 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 60

[Senate Bill No. 2045]

SALMON—CHARTER BOAT LICENSE—ADVISORY COUNCIL, TERMINATION, MEMBERS' TERMS

AN ACT Relating to food fish; amending section 1, chapter 90, Laws of 1969 as last amended by section 5, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.095; amending section 2, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.110; adding a new section to chapter 75.28 RCW; providing an expiration date; and declaring an emergency.

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

Section 1. Section 1, chapter 90, Laws of 1969 as last amended by section 5, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.095 are each amended to read as follows:

~~((Every owner of a vessel used as a charter boat from which salmon and other food fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, and the fee for said license shall be two hundred dollars per annum. PROVIDED, That))~~ Every owner of a vessel used as a charter boat from which only food fish other than salmon are taken for personal use shall obtain a yearly charter boat license for each vessel, and the fee for said license shall be one hundred dollars per annum. "Charter boat" means any vessel from which persons may, for a fee, angle for food fish, and which delivers food fish taken from waters either within or without the territorial boundaries of the state of Washington into state ports.

No vessel may engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time: PROVIDED, That the license and delivery permit allowing the the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

Nothing in this section shall be construed to mean that vessels not generally engaged in charter boat fishing, and under private lease or charter being operated by the lessee for the lessee's personal recreational enjoyment, shall be included under the provisions of this section.

NEW SECTION. Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

Every owner of a vessel used as a charter boat from which salmon and other food fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, whether resident or nonresident, and the fee for the license shall be two hundred dollars per annum. However, vessels used by guides for clients seeking salmon for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia river below the bridge at Longview, are not charter boats under this section or RCW 75.28.095.

Sec. 3. Section 2, chapter 327, Laws of 1977 ex. sess. and RCW 75.18-.110 are each amended to read as follows:

(1) The department shall not acquire, construct, or substantially improve any salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of any salmon propagation facility is very dependent on water quantity and quality. Since there is a limited number of water sources which meet the critical needs of a facility it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending any moneys for the construction and development of any particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

- (i) The department's management authority over propagated salmon;
- (ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;
- (iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; and
- (iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game.

(2) To aid and advise the department in the performance of its functions as specified by this section with regard to the salmon enhancement program, a salmon advisory council is hereby created. The advisory council shall consist of ten members appointed by the governor; the director of the department of fisheries, who shall be chairman; the director of the department of game, or the director's designee; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; two shall represent sportsmen; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries.

The terms of the initial members appointed by the governor expire on December 31, 1979. Thereafter, all members appointed by the governor shall serve terms of two years.

The advisory council shall be convened by the director prior to the decision to expend any funds for construction and development of any salmon propagation facility. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and any other factors the council deems relevant with respect to the proposed facility.

Vacancies shall be filled in the same manner as original appointments. Except for the director of the department of game and legislative members, members shall receive reimbursement through the department of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses

incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120 as now existing or hereafter amended.

The salmon advisory council shall cease to exist on December 31, 1989.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 61

[Engrossed Senate Bill No. 2067]

MOTOR VEHICLES—DRIVER LICENSING

AN ACT Relating to motor vehicles; amending section 46.04.090, chapter 12, Laws of 1961 and RCW 46.04.090; amending section 5, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.041; amending section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055; amending section 46.20.070, chapter 12, Laws of 1961 as last amended by section 9, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.070; amending section 46.20.102, chapter 12, Laws of 1961 as last amended by section 2, chapter 167, Laws of 1967 and RCW 46.20.102; amending section 46.20.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.120; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.270; amending section 9, chapter 167, Laws of 1967 and RCW 46.20.292; amending section 10, chapter 167, Laws of 1967 as last amended by section 2, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.293; amending section 29, chapter 121, Laws of 1965 ex. sess. as last amended by section 88, chapter 154, Laws of 1973 1st ex. sess. and RCW 46.20.322; amending section 35, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.328; amending section 46.20.380, chapter 12, Laws of 1961 as amended by section 31, chapter 32, Laws of 1967 and RCW 46.20.380; amending section 1, chapter 5, Laws of 1973 and RCW 46.20.391; and amending section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390.

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

Section 1. Section 46.04.090, chapter 12, Laws of 1961 and RCW 46.04.090 are each amended to read as follows:

"Cancel," in all its forms, means ~~((the))~~ invalidation indefinitely ~~((and until successful application, but shall be for a period of not less than one year))~~.

Sec. 2. Section 5, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.041 are each amended to read as follows:

(1) The department shall permit any person suffering from any physical or mental disability or disease which may affect ~~((his))~~ that person's ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he or she is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department. The certificate shall be for the confidential use of the director and the chief of the Washington state patrol and for such other cognizant public officials as may be designated by law. It shall be exempt from public inspection and copying notwithstanding the provisions of chapter 42.17 RCW. The certificate may not be offered as evidence in any court except when appeal is taken from the order of the director suspending, revoking, canceling, or refusing a vehicle driver's license.

(2) The department may issue a driver's license to such a person imposing restrictions suitable to the licensee's driving ability with respect to the special mechanical control devices required on a motor vehicle or the type of motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(3) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(4) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same, but the licensee shall be entitled to a driver improvement interview and a hearing as upon a suspension or revocation under this chapter.

(5) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her.

Sec. 3. Section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055 are each amended to read as follows:

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person who is at least sixteen years of age may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in ~~((his))~~ immediate possession to drive a motor vehicle upon

the public highways for a period of six months when accompanied by a licensed driver who has had at least five years of driving experience (~~and is licensed in the state of Washington~~) and who is occupying a seat beside the driver, except (~~in the event~~) if the permittee is operating a motorcycle. Only one additional instruction permit may be issued within a period of twenty-four months after the issuance of the first such permit. The department after investigation may in its discretion issue a third instruction permit within a twenty-four month period where it finds that the permittee is diligently seeking to improve (~~his~~) driving proficiency.

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

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

Sec. 4. Section 46.20.070, chapter 12, Laws of 1961 as last amended by section 9, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.070 are each amended to read as follows:

Upon receiving a written application on a form provided by the director for permission for a person under the age of eighteen years to operate a motor vehicle (~~under twenty thousand pounds gross weight~~) over and upon the public highways of this state in connection with farm work, the director (~~is hereby authorized to~~) may issue a limited driving permit to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother, or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle driver's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit (~~shall~~) authorizes the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of eighteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle driver's license.

The director shall charge a fee of one dollar for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle driver's licenses and deposited to the credit of the traffic safety education account in the general fund.

The director (~~shall have authority to~~) may transfer this permit from one farming locality to another, but this does not constitute a renewal of the permit.

The director (~~shall have authority to~~) may deny the issuance of a juvenile agricultural driving permit to any person whom (~~he shall determine~~) the director determines to be incapable of operating a motor vehicle with safety to himself or herself and to persons and property.

The director (~~shall have authority to~~) may suspend, revoke, or cancel the juvenile agricultural driving permit of any person when in (~~his~~) the director's sound discretion (~~he~~) the director has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle driver's license is provided by law.

The director (~~shall have authority to~~) may suspend, cancel, or revoke a juvenile agricultural driving permit when in (~~his~~) the director's sound discretion (~~he~~) the director is satisfied the restricted character of the permit has been violated.

Sec. 5. Section 46.20.102, chapter 12, Laws of 1961 as last amended by section 2, chapter 167, Laws of 1967 and RCW 46.20.102 are each amended to read as follows: -

The (~~juvenile driver's license~~;) minor driver's license(;) and adult driver's license as provided for in this chapter shall each be distinguishable in color or design.

Sec. 6. Section 46.20.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.120 are each amended to read as follows:

No new driver's license (~~shall~~) may be issued and no previously issued license (~~shall~~) may be renewed until the applicant therefor has successfully passed a driver licensing examination: PROVIDED, That the department may waive all or any part of the examination of any person applying for the renewal of a driver's license (~~or the issuance of a minor driver's license when the applicant previously held a juvenile driver's license or the issuance~~

of an adult driver's license when the applicant previously held a minor driver's license issued under the laws of this state;)) except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license examination a fee of three dollars shall be paid by each applicant, in addition to the fee charged for issuance of ~~((his))~~ the license. A new license ~~((shall be))~~ is one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license has expired.

Any person who is ~~((without))~~ outside the state at the time his or her driver's license expires or who is unable to renew ~~((his))~~ the license due to any incapacity may renew the license within sixty days after ~~((his))~~ returning to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses.

The department shall provide for giving examinations at places and times reasonably available to the people of this state.

Sec. 7. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1977 ex. sess. 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))~~ if the convicted person ~~((shall testify))~~ testifies that he or she 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))~~ may not issue a driver's license to such persons during the period of ~~((such))~~ suspension or revocation: PROVIDED, ALSO, That ~~((in the event that))~~ if the driver's license of such convicted person has been lost or destroyed and such convicted person ~~((shall))~~ makes an affidavit to that effect, sworn to before the judge, ~~((he shall))~~ the convicted person may not be so confined, but the department ~~((shall))~~ may 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.

(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, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, or a payment of a fine, or a plea of guilty or a finding of guilt, an abstract of the court record in the form prescribed by rule of the supreme court, 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 RCW the term "conviction" (~~(shall)~~) means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, 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, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 8. Section 9, chapter 167, Laws of 1967 and RCW 46.20.292 are each amended to read as follows:

The department may suspend, revoke, restrict, or condition any (~~(juvenile)~~) driver's license upon a showing of its records that the (~~(juvenile)~~) licensee has been found by a juvenile court, chief probation officer, or any other duly authorized officer of a juvenile court to have committed any offense or offenses which under Title 46 RCW constitutes grounds for said action.

Sec. 9. Section 10, chapter 167, Laws of 1967 as last amended by section 2, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.293 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.100 and (~~(13.04.120)~~) 13.04.278, against any (~~(juvenile)~~) minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against said person and shall collect for said copy a fee of one dollar and fifty cents to be deposited in the highway safety fund.

Sec. 10. Section 29, chapter 121, Laws of 1965 ex. sess. as last amended by section 88, chapter 154, Laws of 1973 1st ex. sess. and RCW 46.20.322 are each amended to read as follows:

(1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on ~~((his))~~ a person's driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict, or condition a ~~((juvenile))~~ minor driver's driving privilege the department may require the appearance of the ~~((juvenile's))~~ minor's legal guardian or father or mother, otherwise the parent or guardian having custody of the minor.

Sec. 11. Section 35, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.328 are each amended to read as follows:

Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and ~~((may prepare and submit recommendations to the department. After a review of the referee's report together with the department's records, the department shall render its decision concerning the matter under consideration and))~~ shall notify the person involved in writing by personal service ((or by registered or certified mail)) of the findings. The referee's findings shall be final unless the person involved is notified to the contrary by personal service or by certified mail within fifteen days. The decision is effective upon notice. The person upon receiving such notice may, in writing and within ten days, request a formal hearing.

Sec. 12. Section 46.20.380, chapter 12, Laws of 1961 as amended by section 31, chapter 32, Laws of 1967 and RCW 46.20.380 are each amended to read as follows:

No person ~~((shall))~~ may file ~~((a petition))~~ an application for an occupational ~~((operator's))~~ driver's license as provided in RCW ~~((46.20.390))~~ 46.20.391 unless he ~~((shall))~~ or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of ten dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 13. Section 1, chapter 5, Laws of 1973 and RCW 46.20.391 are each amended to read as follows:

(1) ~~((A person is eligible to petition for an occupational driver's license if he has been convicted of an offense relating to motor vehicles, other than negligent homicide or manslaughter, for which suspension or revocation of his driver's license is mandatory. PROVIDED, That notwithstanding the provisions of RCW 46.20.270, if such person declares at the time of conviction his intent to so petition, the court may stay the effect of such mandatory suspension or revocation for a period not to exceed thirty days to allow the making of such petition.))~~ Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than negligent homicide, may petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting to the department an application for an occupational driver's license. The court upon determining that the petitioner is engaged in an occupation or trade which makes it essential that the petitioner operate a motor vehicle may stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days and may set definite restrictions as to hours of the day which may not exceed twelve hours in any one day, days of the week, type of occupation, and areas or routes of travel permitted under the occupational driver's license.

(2) ~~((A petitioner))~~ An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction ~~((he))~~ the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) ~~((He))~~ The applicant is engaged in an occupation or trade which makes it essential that he or she operate a motor vehicle; and

(c) ~~((He))~~ The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) ~~((A petitioner for an occupational driver's license must file a verified petition on a form provided by the director, who shall issue such form upon receipt of the prescribed fee if petitioner is eligible under the requirements of subsections (1) and (2)(a) and (2)(c) of this section. Petitioner must set forth in detail in such petition his need for operating a motor vehicle and may file such petition with any judge in a court of record, justice court, or municipal court having criminal jurisdiction in the county of the petitioner's residence.~~

~~If such petitioner is qualified under the provisions of subsection (2)(b) of this section, and if the judge to whom petition was made believes such petition should be granted, such judge may order the director to issue an occupational driver's license to such petitioner. PROVIDED, That an~~

~~occupational driver's license may be issued for a period of not more than one year, and shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is essential to the licensee's occupation or trade. PROVIDED FURTHER, That such order shall be on a form provided by the director, and shall contain definite restrictions as to hours of the day, days of the week, type of occupation, and areas or routes of travel to be permitted under such license and such other conditions as the judge granting the same deems appropriate.~~

~~A copy of the order and of the petition shall be sent to the director by the court. The order shall be given to the petitioner and shall serve as his occupational license until the petitioner receives the license issued by the director. PROVIDED, That the director shall not be required to issue such license if the petitioner's mandatory suspension or revocation is for sixty days or less.~~

~~(4) If the convicting judge granted a stay of effect as provided in subsection (1) of this section, then at the time the judge to whom petition was made issues the order he shall collect the petitioner's driver's license in the same manner as is specified in RCW 46.20.270, and at such time also the conviction shall take full effect.~~

~~(5)) The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section for a period of not more than one year which permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade.~~

~~(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense which pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. Such cancellation shall be effective as of the date of such conviction, and shall continue with the same force and effect as any suspension or revocation under this title.~~

Sec. 14. Section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390 are each amended to read as follows:

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

(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))~~ fifteen 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.

Passed the Senate February 14, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 62

[Engrossed Senate Bill No. 2068]

HABITUAL TRAFFIC OFFENDERS

AN ACT Relating to habitual traffic offenders; amending section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020; amending section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.030; amending section 8, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 83, Laws of 1973 1st ex. sess. and RCW 46.65.060; amending section 9, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.070; amending section 11, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 138, Laws of 1977 ex. sess. and RCW 46.65.090; amending section 46.04.480, chapter 12, Laws of 1961 and RCW 46.04.480; adding a new section to chapter 284, Laws of 1971 ex. sess. and to chapter 46.65 RCW; repealing section 6, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.040; repealing section 7, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.050; and repealing section 13, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.110.

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

Section 1. Section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender shall mean any person, resident or nonresident, who has accumulated convictions as defined in RCW 46.20.270 or, if a minor, shall have violations recorded with the department of (~~motor vehicles, or forfeited bait~~) licensing, for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five year period, as evidenced by the records maintained in the department of (~~motor vehicles~~) licensing: PROVIDED, That where more than one described offense shall be committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

(a) Negligent homicide as defined in RCW 46.61.520; ((or))

(b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs; ((or))

(c) Driving a motor vehicle while his or her license, permit, or privilege to drive has been suspended or revoked; ~~((or))~~

(d) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person or damage to any vehicle which is driven or attended by any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled the requirements of RCW 46.52.020(-); or

(e) Reckless driving as defined in RCW 46.61.500;

(2) Twenty or more convictions ~~((or bail forfeitures))~~ for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle which are required to be reported to the department of ~~((motor vehicles))~~ licensing other than the offenses of driving with an expired driver's license and not having a driver's license in the operator's immediate possession. Such convictions ~~((or bail forfeitures))~~ shall include those for offenses enumerated in subsection (1) above when taken with and added to those offenses described herein but shall not include convictions ~~((or forfeitures))~~ for any nonmoving violation. No person shall be considered an habitual offender under this subsection unless at least three convictions have occurred within the three hundred sixty-five days immediately preceding the last conviction.

The offenses included in subsections (1) and (2) hereof shall be deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in said subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions.

Sec. 2. Section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46.65-.030 are each amended to read as follows:

The director of the department of ~~((motor vehicles))~~ licensing shall certify three transcripts or abstracts of the conviction record as maintained by the department of ~~((motor vehicles))~~ licensing of any person whose record brings him or her within the definition of an habitual offender, as defined in RCW 46.65.020, ~~((to the prosecuting attorney of the county in which such person resides according to the records of the department or to the attorney general of the state of Washington if such person is not a resident of this state))~~ to the hearing officer appointed in the event a hearing is requested. Such transcript or abstract may be admitted as evidence in any hearing or court proceeding and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he or she shall have the burden of proving that such fact is untrue.

Sec. 3. Section 8, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 83, Laws of 1973 1st ex. sess. and RCW 46.65.060 are each amended to read as follows:

If the ~~((court))~~ department finds that such person is not ~~((the same person named in the aforesaid transcript or abstract or that he is not))~~ an habitual offender under this chapter, the proceeding shall be dismissed, but if the ~~((court))~~ department finds that such person ~~((is the same person named in the aforesaid transcript or abstract and that such person))~~ is an habitual offender, the ~~((court))~~ department shall ~~((so find and by appropriate order direct such person not to operate a motor vehicle on the highways of the state of Washington and to surrender to the court all licenses or permits to operate a motor vehicle on the highways of this state for disposal. The clerk of the court shall file with the department of motor vehicles a copy of such order which shall become a part of the permanent records of the department. Upon receipt of the court order finding such person to be an habitual offender the department of motor vehicles shall))~~ revoke the operator's license for a period of five years: PROVIDED, That ~~((a judge may stay the effective date of the order declaring the person to be a habitual traffic offender))~~ the department may stay the date of the revocation if ~~((he))~~ it finds that the traffic offenses upon which it is based were caused by or are the result of the alcoholism of the person, as defined in RCW 70.96A.020, as now or hereafter amended and that since his or her last offense he or she has undertaken and followed a course of treatment for alcoholism on a program approved by the department of social and health services; ~~((notice of))~~ such stay shall be ~~((entered on the copy of the order filed with))~~ subject to terms and conditions as are deemed reasonable by the department ~~((of motor vehicles))~~. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020(1). Upon a subsequent conviction for any offense listed in RCW 46.65.020(1), the stay shall be removed and the department ~~((of motor vehicles))~~ shall revoke the operator's license for a period of five years.

Sec. 4. Section 9, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.070 are each amended to read as follows:

No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of five years from the date of the ~~((order of the court finding such person to be an habitual offender))~~ license revocation, and (2) until the privilege of such person to operate a motor vehicle in this state has been restored by the department of ~~((motor vehicles))~~ licensing as hereinafter in this chapter provided.

NEW SECTION. Sec. 5. There is added to chapter 284, Laws of 1971 ex. sess. and to chapter 46.65 RCW a new section to read as follows:

(1) Whenever a person's driving record, as maintained by the department, brings him or her within the definition of an habitual traffic offender, as defined in RCW 46.65.020, the department shall forthwith notify such

person of the revocation in writing by certified mail at his or her address of record as maintained by the department. If such person is a nonresident of this state, notice shall be sent to such person's last known address. Notices of revocation shall inform the recipient thereof of his or her right to a formal hearing and specify the steps which must be taken in order to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing: **PROVIDED**, That if such a request is not made within the prescribed time the right to a hearing shall be deemed to have been waived: **PROVIDED FURTHER**, That a request for a hearing shall stay the effectiveness of the revocation.

(2) Upon receipt of a request for a hearing, the department shall schedule a hearing in the county in which the person making the request resides, and if such person is a nonresident of this state, the hearing shall be held in Thurston county. The department shall give at least ten days notice of the hearing to such person.

(3) The scope of the hearings provided by this section shall be limited to the issues of whether the certified transcripts or abstracts of the convictions, as maintained by the department, show that the requisite number of violations have been accumulated within the prescribed period of time as set forth in RCW 46.65.020 as now or hereafter amended and, whether the terms and conditions for granting stays, as provided in RCW 46.65.060 as now or hereafter amended, have been met.

(4) Upon receipt of the hearing officer's decision, an aggrieved party shall have the right to appeal to the superior court of the county wherein he or she resides, or, in the case of a nonresident of this state, in the superior court of Thurston county for review of the revocation. Notice of appeal must be filed within thirty days after receipt of the hearing officer's decision or the right to appeal shall be deemed to have been waived. Review by the court shall be de novo and without a jury.

(5) The filing of a notice of appeal shall not stay the effective date of the revocation.

Sec. 6. Section 11, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 138, Laws of 1977 ex. sess. and RCW 46.65.090 are each amended to read as follows:

It shall be unlawful for any person to operate a motor vehicle in this state while the order of revocation remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is thereafter convicted of operating a motor vehicle in this state while the order of ~~((the court))~~ revocation prohibiting such operation is in effect shall be guilty of a gross misdemeanor, the punishment for which shall be confinement in the county jail for not more than one year: **PROVIDED**, That any person who is convicted for the offense of operating a motor vehicle while under the influence of intoxicating liquor or drugs as defined in RCW 46.61.506, or the offense of failure to stop and give information or render aid as required in

RCW 46.52.020, and is also convicted of operating a motor vehicle while the order of revocation is in effect, shall be confined in the county jail for not less than thirty days nor more than one year, and such sentence shall not be suspended or deferred.

~~((For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been adjudged an habitual offender and by reason of such judgment is barred from operating a motor vehicle on the highways of this state. If the court determines the accused has been so adjudged, the court shall have jurisdiction for trial of the charge.))~~

Sec. 7. Section 46.04.480, chapter 12, Laws of 1961 and RCW 46.04-.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of chapter 46.65 RCW the invalidation may last for a period to exceed one calendar year.

NEW SECTION. Sec. 8. If any provision of this 1979 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. The following acts or parts of acts are each hereby repealed:

- (1) Section 6, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.040;
 - (2) Section 7, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.050;
- and
- (3) Section 13, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.110.

Passed the Senate February 13, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 63

[Senate Bill No. 2094]

MOTOR VEHICLE OPERATORS—INSTRUCTION PERMITS

AN ACT Relating to motor vehicles; amending section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055; amending section 8, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.091; and amending section 4, chapter 25, Laws of 1965 as last amended by section 1, chapter 27, Laws of 1977 and RCW 46.68.041.

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

Section 1. Section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055 are each amended to read as follows:

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person who is at least sixteen years of age may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of ~~((six months))~~ one year when accompanied by a licensed driver who has had at least five years of driving experience and is ~~((licensed in the state of Washington and who is))~~ occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Only one additional instruction permit may be issued ~~((within a period of twenty-four months after the issuance of the first such permit))~~. The department after investigation may in its discretion issue a third instruction permit ~~((within a twenty-four month period))~~ where it finds that the permittee is diligently seeking to improve his driving proficiency.

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

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

Sec. 2. Section 8, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.091 are each amended to read as follows:

(1) Every application for an instruction permit or for an original driver's license shall be made upon a form prescribed and furnished by the department which shall be sworn to and signed by the applicant before a person authorized to administer oaths. Every application for an instruction permit

shall be accompanied by a fee of ~~((one))~~ two dollars and fifty cents. The department shall forthwith transmit the fees collected for instruction permits and temporary drivers' permits to the state treasurer.

(2) Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and shall state such additional information as the department shall require.

(3) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state.

(4) Whenever the department receives request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge: PROVIDED, HOWEVER, That the other licensing jurisdiction extends the same privilege to the state of Washington~~((+))~~, otherwise there shall be a reasonable charge for transmittal of the record, the amount ~~((whereof))~~ to be fixed by the director of the department.

Sec. 3. Section 4, chapter 25, Laws of 1965 as last amended by section 1, chapter 27, Laws of 1977 and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) One dollar and forty cents of each fee collected for a temporary instruction permit shall be deposited in the traffic safety education account in the general fund.

(3) Out of each fee of six dollars collected for a driver's license, the sum of four dollars and ten cents shall be deposited in the highway safety fund, and one dollar and ninety cents shall be deposited in the general fund.

Passed the Senate January 23, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 64

[Senate Bill No. 2101]

ESTATES OF DECEASED VETERANS—ADMINISTRATION BY DIRECTOR OF
VETERANS' AFFAIRS

AN ACT Relating to estates of deceased veterans; and amending section 1, chapter 4, Laws of 1972 ex. sess. as last amended by section 3, chapter 31, Laws of 1977 and RCW 73.04.130.

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

Section 1. Section 1, chapter 4, Laws of 1972 ex. sess. as last amended by section 3, chapter 31, Laws of 1977 and RCW 73.04.130 are each amended to read as follows:

The director of the department of veterans affairs or his designee is authorized to act as executor under the last will, or as administrator of the estate of any deceased veteran, or as the guardian or duly appointed federal fiduciary of the estate of any insane or incompetent veteran, or as guardian or duly appointed federal fiduciary of the estate of any person who is a bona fide resident of the state of Washington and who is certified by the veterans' administration as having money due from the veterans' administration, the payment of which is dependent upon the appointment of a guardian or other type fiduciary. No fee shall be allowed or paid to the director or his designee for acting as executor, administrator, guardian or fiduciary, or to any attorney for the director or his designee.

The director or his designee, or any other interested person may petition the appropriate court for the appointment of the director or his designee. Any such petition by the director or his designee shall be without cost and without fee. If appointed, the director or his designee may serve without bond. This section shall not affect the prior right to act as administrator of a veterans' estate of such persons as are denominated in RCW 11.28.120 (1) and (2), nor shall this section affect the appointment of executor made in the last will of any veteran, nor shall this section apply to estates larger than (~~seventy-five hundred~~) fifteen thousand dollars.

Passed the Senate February 13, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 65

[Engrossed Senate Bill No. 2102]

PORTING SOLDIERS' HOME AND COLONY—VALUE OF SERVICES AND SUPPLIES, DETERMINATION

AN ACT Relating to the Colony of the State Soldiers' Home; and amending section 72.36-.050, chapter 28, Laws of 1959 as last amended by section 103, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.36.050.

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

Section 1. Section 72.36.050, chapter 28, Laws of 1959 as last amended by section 103, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.36.050 are each amended to read as follows:

The members of the colony established in RCW 72.36.040 as now or hereafter amended shall, to all intents and purposes, be members of the state soldiers' home and subject to all the rules and regulations thereof, except the requirements of fatigue duty, and each member shall, in accordance with rules and regulations adopted by the director, be supplied with medical attendance and supplies from the home dispensary (~~and~~), rations (~~(not exceeding thirty dollars per month in value)~~), and clothing (~~(not exceeding sixty dollars per year in value)~~) for a member and spouse, (~~and thirty-five dollars per year in value~~) or for a spouse admitted under RCW 72.36.040 as now or hereafter amended. The value of the supplies, rations, and clothing furnished such persons shall be determined by the director of veterans affairs and be included in the biennial budget.

Passed the Senate February 13, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 66

[Engrossed Senate Bill No. 2124]

WHOLESALE FISH DEALER'S LICENSE

AN ACT Relating to food fish and shellfish licenses; amending section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 28, Laws of 1965 ex. sess. and RCW 75.28.300; amending section 75.28.370, chapter 12, Laws of 1955 and RCW 75.28.370; amending section 75.98.040, chapter 12, Laws of 1955 and RCW 75.98.040; repealing section 75.28.320, chapter 12, Laws of 1955 and RCW 75.28.320; repealing section 75.28.325, chapter 12, Laws of 1955 and RCW 75.28.325; repealing section 75.28.330, chapter 12, Laws of 1955 and RCW 75.28.330; repealing section 75.28.360, chapter 12, Laws of 1955 and RCW 75.28.360; and prescribing penalties.

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

Section 1. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 28, Laws of 1965 ex. sess. and RCW 75.28.300 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) Any business in the state engaged in the freezing, salting, smoking, kippering, preserving in ice or any processing or curing of any food fish or shellfish, or the shucking or cleaning of shellfish for commercial purposes(;;).

(2) Any business in the state engaged in the wholesale selling (~~(or buying)~~), buying or brokering of food fish or shellfish except those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail(~~(; and)~~).

(3) Any fisherman or clam or oyster farmer who lands his catch or his shellfish harvest in the state of Washington and sells (~~(it directly to retail fish or shellfish dealers located either)~~) his catch or his shellfish harvest to anyone other than a licensed wholesale dealer within or outside the state of Washington (~~(as well as to wholesale dealers, canners, freezers, or processors located outside the state of Washington)~~).

(4) Any business in the state engaged in the canning of food fish or shellfish, for commercial purposes, in hermetically sealed containers which are processed by exposure to heat for pasteurization or sterilization.

(5) Any person or business engaged in custom canning shellfish or food fish taken by others for their personal use. The words "personal use only—not for sale" shall be embossed in a permanent and legible manner on the lid or cover of each can or container used in canning or preserving fish or shellfish caught for personal use. It is unlawful to commingle fish or shellfish caught for personal use with commercially caught fish or shellfish at any time prior to or during the canning or processing.

(6) Any business in the state engaged in the manufacture or preparation for commercial purposes of fertilizer, oil, meal, caviar, fish bait, or other byproducts from fish or shellfish.

The fee for (~~(said permit)~~) the license is thirty-seven dollars and fifty cents per annum. This section shall not apply to persons buying or selling oyster seed for transplant.

Sec. 2. Section 75.28.370, chapter 12, Laws of 1955 and RCW 75.28-.370 are each amended to read as follows:

A branch license is required for each branch plant in the state of any wholesale, canning, or byproducts manufacturing (~~(or boat house)~~) business enterprise having more than one place of business. One such place shall be designated as headquarters and said license shall be obtained for each and every other place of business or branch plant. The fee for said license is seven dollars and fifty cents per annum.

Sec. 3. Section 75.98.040, chapter 12, Laws of 1955 and RCW 75.98-.040 are each amended to read as follows:

Nothing in RCW (~~43.25.010, 43.25.045, 43.25.047~~) 75.08.014, 75.08-.025, 75.08.203, 75.08.206, 75.28.020, 75.28.030, 75.28.080, 75.28.195, (~~75.28.310, 75.28.325~~) 75.28.300(4), 75.28.370, 75.32.030, and 75.32.080 shall be construed to restrict or impair the authority of the director of fisheries consistent with and pursuant to the provisions thereof from issuing and publishing such regulations as, after investigation, he may deem necessary to administer said sections and to effectuate their purposes, or to administer and effectuate all other acts governing or affecting the department of fisheries, nor shall anything herein be construed to restrict or impair the authority of the director to issue and publish regulations he may find necessary under the provisions of the Pacific marine fisheries compact.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

- (1) Section 75.28.320, chapter 12, Laws of 1955 and RCW 75.28.320;
 - (2) Section 75.28.325, chapter 12, Laws of 1955 and RCW 75.28.325;
 - (3) Section 75.28.330, chapter 12, Laws of 1955 and RCW 75.28.330;
- and
- (4) Section 75.28.360, chapter 12, Laws of 1955 and RCW 75.28.360.

Passed the Senate January 23, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 67

[Engrossed Senate Bill No. 2138]

CONTROLLED SUBSTANCES, SALES, DISTRIBUTION—UNLAWFUL SUBSTITUTION

AN ACT Relating to controlled substances; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.401; providing penalties; and declaring an emergency.

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

Section 1. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69-.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection ~~((d))~~ (e) of this section.

~~((d))~~ (e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 12, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 68

[Substitute Senate Bill No. 2184]

WASTE DISPOSAL FACILITIES—RECYCLING ACTIVITY OR SERVICE

AN ACT Relating to waste disposal facilities; amending section 5, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.050; and amending section 4, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.040.

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

Section 1. Section 5, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.050 are each amended to read as follows:

As used in this chapter, the term "waste disposal facilities" shall mean any facilities owned or operated by a public body for the collection, storage, treatment, ~~((and))~~ disposal, recycling, or recovery of liquid wastes or solid wastes, including, but not limited to, sanitary sewage, storm water, residential, industrial, and commercial wastes, material segregated into recyclables and nonrecyclables, and any combination ~~((thereof))~~ of such wastes; and all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

Sec. 2. Section 4, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.040 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures

and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local or other funds are made available on a matching basis for improvements within the purposes of this chapter.

The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the legislature may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems.

Passed the Senate March 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 69

[Engrossed Senate Bill No. 2277]

SCHOOL BUS STOP SHELTERS—PUBLIC SERVICE SIGNS

AN ACT Relating to school bus stop shelters; and amending section 4, chapter 96, Laws of 1961 as last amended by section 1, chapter 271, Laws of 1975 1st ex. sess. and RCW 47.42.040.

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

Section 1. Section 4, chapter 96, Laws of 1961 as last amended by section 1, chapter 271, Laws of 1975 1st ex. sess. and RCW 47.42.040 are each amended to read as follows:

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

- (1) Directional or other official signs or notices that are required or authorized by law;
- (2) Signs advertising the sale or lease of the property upon which they are located;
- (3) Signs advertising activities conducted on the property on which they are located;
- (4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by

the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW; and

(7) Public service signs, located on school bus stop shelters, which:

(a) Identify the donor, sponsor, or contributor of said shelters;

(b) Contain safety slogans or messages which occupy not less than sixty percent of the area of the sign;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and

(e) Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in any one direction.

Subsection (7) of this section notwithstanding, the department of transportation shall adopt regulations relating to the appearance of school bus shelters, the placement, size, and public service content of public service signs located thereon, and the prominence of the identification of the donors, sponsors, or contributors of the shelters.

Only signs of type 1, 2 and 3 shall be erected or maintained within view of the scenic system. Signs of type 7 may be erected or maintained within view of the scenic system and the federal aid primary system.

Passed the Senate February 19, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 70

[Engrossed Senate Bill No. 2305]

ESCROW AGENTS—BONDING AND SURETY COVERAGE

AN ACT Relating to escrow; and amending section 5, chapter 153, Laws of 1965 as last amended by section 5, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.050.

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

Section 1. Section 5, chapter 153, Laws of 1965 as last amended by section 5, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.050 are each amended to read as follows:

At the time of filing an application as an escrow agent, or any renewal or reinstatement thereof, the applicant shall satisfy the director that it has obtained the following as evidence of financial responsibility:

(1) A fidelity bond providing coverage in the aggregate amount of two hundred thousand dollars ~~((on))~~ covering each corporate officer, partner, escrow officer, and employee of the applicant engaged in escrow transactions; and

(2) An errors and omissions policy issued to the escrow agent providing coverage in the minimum aggregate amount of fifty thousand dollars ~~((per loss))~~ or, alternatively, cash or securities in the principal amount of \$50,000 deposited in an approved depository on condition that they be available for payment of any claim payable under an equivalent errors and omissions policy in that amount and pursuant to rules and regulations adopted by the department for that purpose.

For the purposes of this section, a "fidelity bond" shall mean a primary commercial blanket bond or its equivalent satisfactory to the director and written by an insurer authorized to transact surety business in the state of Washington. Such bond shall provide fidelity coverage for any fraudulent or dishonest acts committed by any one or more of the employees or officers as defined in the bond, acting alone or in collusion with others. Said bond shall be for the sole benefit of the escrow agent and under no circumstances whatsoever shall the bonding company be liable under the bond to any other party. The bond shall name the escrow agent as obligee and shall protect the obligee against the loss of money or other real or personal property belonging to the obligee, or in which the obligee has a pecuniary interest, or for which the obligee is legally liable or held by the obligee in any capacity, whether the obligee is legally liable therefor or not. The bond may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent.

For the purposes of this section, an "errors and omissions policy" shall mean a group or individual insurance policy satisfactory to the director and issued by an insurer authorized to transact insurance business in the state of Washington. Such policy shall provide coverage for unintentional errors and

omissions of the escrow agent and its employees, and may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent.

Except as provided in RCW 18.44.360, the fidelity bond and the errors and omissions policy required by this section shall be kept in full force and effect as a condition precedent to the escrow agent's authority to transact escrow business in this state, and the escrow agent shall supply the director with satisfactory evidence thereof upon request.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 19, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 71

[Senate Bill No. 2403]

TAXING DISTRICTS—AUDITS—FREQUENCY—PAYMENT OF

AN ACT Relating to the auditing of public accounts; amending section 43.09.260, chapter 8, Laws of 1965 and RCW 43.09.260; and amending section 43.09.280, chapter 8, Laws of 1965 and RCW 43.09.280.

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

Section 1. Section 43.09.260, chapter 8, Laws of 1965 and RCW 43.09.260 are each amended to read as follows:

The state auditor, the chief examiner, and every state examiner shall have power by himself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of ~~((townships, cities and towns, and school))~~ all taxing districts shall be made at ~~((least once in every two years; all other examinations shall be made at least once a year))~~ such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all taxing districts shall be made at least once in every three years. The term "taxing districts" for purposes of RCW 43.09.190 through 43.09.285 includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

The state auditor shall establish a schedule to govern the auditing of taxing districts which shall include: A designation of the various classifications of taxing districts; a designation of the frequency for auditing each

type of taxing district; and a description of events which cause a more frequent audit to be conducted.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

A report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

Sec. 2. Section 43.09.280, chapter 8, Laws of 1965 and RCW 43.09.280 are each amended to read as follows:

The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all accounts under its jurisdiction

and the state auditor shall certify the expense of such audit to the fiscal or warrant-issuing officer of such entity, who shall immediately make payment to the division of municipal corporations(~~(: PROVIDED, That no expense of classification "Auditor I" may be so certified)~~). If the expense as certified is not paid by any taxing district within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county in which the taxing district is situated, who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor out of the money due said taxing district at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund.

Passed the Senate March 5, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 72

[Engrossed Substitute Senate Bill No. 2226]

PORT DISTRICT PROPERTY—INTERDISTRICT TRANSFER—LEASE DEPOSITS

AN ACT Relating to port districts; amending section 1, chapter 91, Laws of 1977 ex. sess. and RCW 53.04.120; amending section 3, chapter 93, Laws of 1917 and RCW 53.32.050; creating new sections; and declaring an emergency.

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

Section 1. Section 1, chapter 91, Laws of 1977 ex. sess. and RCW 53.04.120 are each amended to read as follows:

Property may be acquired and owned by ~~((one))~~ any port district, at least one boundary of which property is ~~((both located))~~ contiguous to or within one-quarter air mile of such port district and is also located in an adjacent port district, and such property may be transferred to the owning port district upon unanimous resolution of the boards of commissioners of both port districts authorizing the same. The resolution of the port district within which such property is located shall be a resolution to permit the acquisition and to make the transfer, while the resolution of the port district which owns the property shall be a resolution to acquire and own the property and to accept the transferred property. Upon the filing of both official resolutions with the legislative authority and the auditor of the county or counties within which such port districts lie, together with maps showing in reasonable detail the boundary changes made, such acquisition and ownership shall be lawful and such transfer shall be effective and the commissioners of the port district acquiring, owning and receiving such property

shall have jurisdiction over the whole of said enlarged port district to the same extent, and with like power and authority, as though the additional territory had been owned by and originally embraced within the boundaries of the port district.

NEW SECTION. Sec. 2. Any purchase or other acquisition of such property by any port district which occurred prior to the enactment of this 1979 amendatory act is hereby confirmed and ratified and shall not be deemed to have been ultra vires.

Sec. 3. Section 3, chapter 93, Laws of 1917 and RCW 53.32.050 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the port commission shall require of every lessee under this chapter a bond with sufficient surety, to be approved by the port commission, in such penalty, and not exceeding twice the amount of the annual rental, but in no case less than five hundred dollars, as may be prescribed by the port commission, conditioned for the payment by the lessee of the rental reserved in his lease at or prior to the time of payment therein specified, during the term of such lease or during such part thereof as the port commission in its discretion shall require to be covered by such bond; and in case only a part of the term of such lease shall be covered thereby, said port commission shall require of such lessee another like bond, to be executed and delivered within three months and not less than one month prior to the expiration of the period covered by the previous bond, covering the remainder of the term of the lease, or such part thereof as the port commission in its discretion shall require to be covered thereby. The port commission shall have power at any time to summon sureties upon any bond and to examine into the sufficiency thereof, and if it shall find the same to be insufficient it shall require the lessee to file a new and sufficient bond within thirty days after receiving notice so to do, under penalty of cancellation of the lease; and the port commission shall have power upon sixty days' notice to cancel any lease for a substantial breach by the lessee of any of the conditions thereof, or for lack of a bond therewith as herein required. Notwithstanding any such lease now or hereafter existing the state shall ever retain and does hereby reserve the right to regulate the rates of wharfage, dockage or other tolls to be imposed by the lessee or his assigns upon commerce for any of the purposes for which the leased area may be used, and the right to prevent extortion and discrimination in such use thereof.

(2) The port commission shall permit a lessee to pay a cash deposit in the amount of the required bond instead of any bond required under subsection (1) of this section.

NEW SECTION. Sec. 4. If any provision of this 1979 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.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 73

[Engrossed Senate Bill No. 2406]

DISPLACED HOMEMAKER ACT

AN ACT Relating to displaced homemakers; and adding a new chapter to Title 28B RCW.

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

NEW SECTION. Section 1. This chapter may be known and cited as the "displaced homemaker act."

NEW SECTION. Sec. 2. The legislature finds that homemakers are an unrecognized part of the work force who make an invaluable contribution to the strength, durability, and purpose of our state.

The legislature further finds that there is an increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves "displaced" in their middle years through divorce, death of spouse, disability of spouse, or other loss of family income. As a consequence, displaced homemakers are very often left with little or no income; they are ineligible for categorical welfare assistance; they are subject to the highest rate of unemployment of any sector of the work force; they face continuing discrimination in employment because of their age and lack of recent paid work experience; they are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home; they are ineligible for social security benefits because they are too young, and many never qualify because they have been divorced from the family wage earner; they may have lost beneficiaries' rights under employer's pension and health plans through divorce or death of spouse; and they are often unacceptable to private health insurance plans because of their age.

It is the purpose of this chapter to establish a two-year pilot project under which the council for postsecondary education shall contract to establish multipurpose service centers and programs to provide necessary training opportunities, counseling, and services for displaced homemakers so

that they may enjoy the independence and economic security vital to a productive life.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Council" means the council for postsecondary education.
- (2) "Center" means a multipurpose service center for displaced homemakers as described in section 4 of this act.
- (3) "Program" means those programs described in section 5 of this act which provide direct, outreach, and information and training services which serve the needs of displaced homemakers.
- (4) "Displaced homemaker" means an individual who:
 - (a) Has worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis; and
 - (b) Is not gainfully employed;
 - (c) Needs assistance in securing employment; and
 - (d) Has been dependent on the income of another family member but is no longer supported by that income, or has been dependent on federal assistance but is no longer eligible for that assistance, or is supported as the parent of minor children by public assistance or spousal support but whose children are within two years of reaching their majority.

NEW SECTION. Sec. 4. (1) The council, in consultation with state and local governmental agencies, community groups, and local and national organizations concerned with displaced homemakers, shall receive applications and may contract with public or private nonprofit organizations to establish multipurpose service centers for displaced homemakers. In determining sites and administering agencies or organizations for the centers, the council shall consider the experience and capabilities of the public or private nonprofit organizations making application to provide services to a center.

(2) Not later than ninety days after the effective date of this act, the council shall issue rules prescribing the standards to be met by each center in accordance with the policies set forth in this chapter. Continuing funds for the maintenance of each center shall be contingent upon the determination by the council that the center is in compliance with the contractual conditions and with the rules prescribed by the council.

NEW SECTION. Sec. 5. (1) Each center contracted for under this chapter shall include or provide information and referral to the following services:

- (a) Job counseling services which shall:
 - (i) Be specifically designed for displaced homemakers;
 - (ii) Counsel displaced homemakers with respect to appropriate job opportunities; and
 - (iii) Take into account and build upon the skills and experience of a homemaker and emphasize job readiness as well as skill development;

- (b) Job training and job placement services which shall:
 - (i) Emphasize short-term training programs and programs which expand upon homemaking skills and volunteer experience and which lead to gainful employment;
 - (ii) Develop, through cooperation with state and local government agencies and private employers, model training and placement programs for jobs in the public and private sectors;
 - (iii) Assist displaced homemakers in gaining admission to existing public and private job training programs and opportunities, including vocational education and apprenticeship training programs; and
 - (iv) Assist in identifying community needs and creating new jobs in the public and private sectors;
 - (c) Health counseling services, including referral to existing health programs, with respect to:
 - (i) General principles of preventative health care;
 - (ii) Health care consumer education, particularly in the selection of physicians and health care services, including, but not limited to, health maintenance organizations and health insurance;
 - (iii) Family health care and nutrition;
 - (iv) Alcohol and drug abuse; and
 - (v) Other related health care matters;
 - (d) Financial management services which provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans, and other related financial matters;
 - (e) Educational services, including:
 - (i) Outreach and information about courses offering credit through secondary or postsecondary education programs, and other re-entry programs, including bilingual programming where appropriate; and
 - (ii) Information about such other programs as are determined to be of interest and benefit to displaced homemakers by the council;
 - (f) Legal counseling and referral services; and
 - (g) Outreach and information services with respect to federal and state employment, education, health, public assistance, and unemployment assistance programs which the council determines would be of interest and benefit to displaced homemakers.
- (2) The staff positions of each multipurpose center contracted for in accordance with section 3 of this act, including supervisory, technical, and administrative positions, shall, to the maximum extent possible, be filled by displaced homemakers.

NEW SECTION. Sec. 6. The council may contract, where appropriate, with public or private nonprofit groups or organizations serving the needs of displaced homemakers for programs designed to:

(1) Provide direct services to displaced homemakers, including job counseling, job training and placement, health counseling, financial management, educational counseling, legal counseling, and referral services as described in section 4 of this act;

(2) Provide outreach and information services for displaced homemakers; and

(3) Provide training opportunities for persons serving the needs of displaced homemakers.

NEW SECTION. Sec. 7. The council shall submit to the legislature a final evaluation at the end of the two-year project. The evaluation may include recommendation for future programs as submitted by the centers established under this chapter.

NEW SECTION. Sec. 8. (1) The council shall consult and cooperate with the department of social and health services; the state board for community college education; the superintendent of public instruction; the commission for vocational education; the employment security department; the department of labor and industries; sponsoring agencies under the federal comprehensive employment and training act (87 Stat. 839; 29 U.S.C. Sec. 801 et seq.), and any other persons or agencies as the council deems appropriate to facilitate the coordination of centers established under this chapter with existing programs of a similar nature.

(2) The council shall serve as a clearinghouse for displaced homemaker information and resources and shall compile and disseminate the information to the centers, related agencies, and interested persons.

NEW SECTION. Sec. 9. In the awarding of contracts under this chapter, consideration shall be given to need, geographic location, population ratios, and the extent of existing services.

NEW SECTION. Sec. 10. Thirty percent of the funding for the centers and programs under this chapter shall be provided by the organization administering the center or program. Contributions in-kind, whether materials and supplies, physical facilities, or personal services, may be considered as all or part of the funding provided by the organization.

NEW SECTION. Sec. 11. The council may, in carrying out this chapter, accept, use, and dispose of contributions of money, services, and property: PROVIDED, That funds generated within individual centers may be retained and utilized by those centers. All moneys received by the council or any employee thereof pursuant to this section shall be deposited in a depository approved by the state treasurer. Disbursements of such funds shall be on authorization of the council or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

NEW SECTION. Sec. 12. No person in this state, on the ground of sex, age, race, color, religion, national origin, or the presence of any sensory, mental, or physical handicap, shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this chapter.

NEW SECTION. Sec. 13. The program established by this chapter is a pilot project to last for the period of two years following the effective date of this act.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 28B RCW.

Passed the Senate March 5, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 74

[Substitute Senate Bill No. 3100]

PASSENGER WATERCRAFT FOR HIRE—INSPECTION PROGRAM

AN ACT Relating to the regulation of vessels; adding new sections to chapter 88.04 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. As used in this chapter, the following terms have the meanings indicated:

- (1) Department means the department of labor and industries;
- (2) Director means the director of labor and industries; and
- (3) Vessel means any watercraft capable of carrying seven or more passengers for hire which does not carry a valid and current certificate of inspection from the United States coast guard and which operates upon any state waters over which the United States coast guard does not have jurisdiction for navigational safety.

NEW SECTION. Sec. 2. All vessels shall be inspected by the department in accordance with rules adopted under section 4 of this act. The owner or operator of every vessel shall pay the department a fee for each inspection as may be determined by the director under section 4 of this act. The fee shall cover the full cost of the inspection program including travel, per diem, and administrative and legal support costs for the program.

NEW SECTION. Sec. 3. (1) It is unlawful for any person to operate a vessel unless that person holds a valid license issued by the United States coast guard to operate a vessel of that class.

(2) It is unlawful for any person to operate a vessel unless the vessel is operated in compliance with the rules of the department of labor and industries and has a current certificate of inspection posted.

NEW SECTION. Sec. 4. (1) The department shall adopt by rule, under chapter 34.04 RCW:

- (a) Standards and fees for the inspection of vessels;
- (b) The federal laws and rules relating to navigation as they are now or hereafter amended; and
- (c) Any other rules needed for the efficient administration of the purposes of this chapter.

(2) Rules adopted by the department shall use United States coast guard standards and precedents and be consistent with United States coast guard practices whenever possible.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 88.04 RCW.

Passed the Senate February 21, 1979.
 Passed the House March 2, 1979.
 Approved by the Governor March 21, 1979.
 Filed in Office of Secretary of State March 21, 1979.

CHAPTER 75

[House Bill No. 6]

LOCOMOTIVE OPERATORS—DRIVER'S LICENSE EXEMPTION

AN ACT Relating to drivers' licenses; and amending section 3, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.025.

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

Section 1. Section 3, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.025 are each amended to read as follows:

The following persons are exempt from license hereunder:

- (1) Any person in the service of the army, navy, air force, marine corps, or coast guard of the United States, or in the service of the national guard of this state or any other state, when furnished with a driver's license by such service when operating an official motor vehicle in such service;
- (2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home state;
- (3) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home country may operate a motor vehicle in this state for a period not to exceed one year;
- (4) Any person operating special highway construction equipment as defined in RCW 46.16.010;

(5) Any person while driving or operating any farm tractor or implement of husbandry which is only incidentally operated or moved over a highway;

(6) Any person while operating a locomotive upon rails, including operation on a railroad crossing over a public highway; and such person is not required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this state.

Passed the House February 16, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 76

[House Bill No. 140]

PORT DISTRICTS—LEVY FOR INDUSTRIAL DEVELOPMENT—TIME LIMIT

AN ACT Relating to port districts; and amending section 1, chapter 265, Laws of 1957 as amended by section 58, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.100.

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

Section 1. Section 1, chapter 265, Laws of 1957 as amended by section 58, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.100 are each amended to read as follows:

A port district having adopted a comprehensive scheme of harbor improvements and industrial developments may thereafter raise revenue, for six ((~~successive~~)) years only, in addition to all other revenues now authorized by law, by an annual levy not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district. Said levy shall be used exclusively for the exercise of the powers granted to port districts under chapter 53.25 RCW except as provided in RCW 53.36.110. The levy of such taxes is herein authorized notwithstanding the provisions of RCW 84.52.050 and 84.52.043. The revenues derived from levies made under RCW 53.36.100 and 53.36.110 not expended in the year in which the levies are made may be paid into a fund for future use in carrying out the powers granted under chapter 53.25 RCW, which fund may be accumulated and carried over from year to year, with the right to continue to levy the taxes provided for in RCW 53.36.100 and 53.36.110 for the purposes herein authorized.

Passed the House February 21, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 77

[House Bill No. 65]

COLUMBUS DAY—OBSERVANCE

AN ACT Relating to the observance of Columbus Day; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 111, Laws of 1977 ex. sess. and RCW 1.16.050.

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

Section 1. Section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 111, Laws of 1977 ex. sess. and RCW 1.16.050 are each amended to read as follows:

The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the twelfth day of February, being the anniversary of the birth of Abraham Lincoln; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the last Monday of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the day immediately following Thanksgiving Day; and the twenty-fifth day of December, commonly called Christmas Day.

Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, shall be entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for herein after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

If any of the above specified state legal holidays are also federal legal holidays but observed on different dates, only the state legal holidays shall be recognized as a paid legal holiday for employees of the state and its political subdivisions except that for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday, but in no case both, may be recognized as a paid legal holiday for employees.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be the legal holiday.

Whenever any legal holiday falls upon a Saturday, the preceding Friday shall be the legal holiday.

Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

The legislature declares that the twelfth day of October shall be recognized as Columbus Day but shall not be considered a legal holiday for any purposes.

Passed the House February 16, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 78

[House Bill No. 155]

MOTOR VEHICLE OPERATORS—FINANCIAL RESPONSIBILITY—
SUSPENSION NOTICE—DISCHARGE IN BANKRUPTCY

AN ACT Relating to financial responsibility; amending section 7, chapter 169, Laws of 1963 and RCW 46.29.070; and repealing section 38, chapter 169, Laws of 1963 and RCW 46.29.380.

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

Section 1. Section 7, chapter 169, Laws of 1963 and RCW 46.29.070 are each amended to read as follows:

(1) The department, not less than twenty days after receipt of a report of an accident as described in the preceding section, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this chapter from the requirements as to security and suspension.

(2) The department shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within fifty days after the accident and the department does not have sufficient information on which to base an evaluation of such injuries or damage, then the department after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.

(3) The department (~~((within fifty days))~~) after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him and that an order of suspension will be made as hereinafter provided (~~((upon the expiration of ten days))~~) not less than twenty days and not more than sixty days after the sending of such notice unless within said time security be deposited as required by said notice.

NEW SECTION. Sec. 2. Section 38, chapter 169, Laws of 1963 and RCW 46.29.380 are each repealed.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 79

[Second Substitute House Bill No. 204]

STATE CRIMINAL JUSTICE PLANNING AGENCY

AN ACT Relating to criminal justice; adding new sections to chapter 43.06 RCW; providing a termination date; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby created in the executive office of the governor a state criminal justice planning agency to be known as the governor's council on criminal justice appointed by and subject to the jurisdiction of the governor.

The council shall be composed of no more than thirty members. No less than one-half of the council shall consist of individuals serving as members of county legislative authorities, mayors/councilmen, judges, prosecuting attorneys, sheriffs, and police chiefs and at least one representative from each of these six groups shall be appointed plus the president of the Washington association of sheriffs and police chiefs: **PROVIDED**, That the total number of such individuals on the council may be reduced by the governor to the extent required to achieve compliance with federal laws or regulations which condition federal grants upon a particular composition of the council.

Members of the council shall be reimbursed for travel expenses incurred while attending official meetings of the council in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

As used in sections 2 through 4 of this act, "council" means the governor's council on criminal justice, "crime" means crimes committed by both

adult and juvenile offenders, and "division" means the division of criminal justice.

NEW SECTION. Sec. 2. The purposes of the council shall be:

(1) To assist the legislature and the governor in developing, planning, and carrying out a long-range, state-wide crime control and prevention program for Washington.

(2) To assist the legislature and the governor in coordinating the crime control and prevention activities.

(3) To assist the legislature and the governor in the development of state policies for criminal justice administration.

(4) To advise and assist local communities in developing, planning, and carrying out local crime control and prevention councils and programs.

(5) To act as the supervisory board of the state planning agency under the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197), as amended; the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1109), as amended; and other federal and state acts as determined by the governor or legislature. It shall annually review and approve or review, revise, and approve for final submission to the governor, the comprehensive state plan for criminal justice throughout the state, shall establish priorities for the use of such funds as are available under federal acts, and shall approve the expenditure of all funds under the plans or federal acts.

(6) To carry out other juvenile and criminal justice coordinating functions as designated by the governor.

NEW SECTION. Sec. 3. There is hereby created a division of criminal justice in the executive office of the governor. The division shall be administered by an executive director who shall be appointed by the governor or the governor's designee and which shall be a position exempt from chapter 41.06 RCW. The executive director may appoint such officers, employees, and consultants as he considers necessary and prescribe their powers and duties. The staff shall be subject to chapter 41.06 RCW. The staff of the law and justice program division in the office of financial management shall be the staff for the division of criminal justice.

NEW SECTION. Sec. 4. The division shall act as the state planning agency pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197), as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1109), as amended, and shall have the following powers and duties:

(1) To develop for the approval of the governor, the council, and the legislature the comprehensive state-wide plan for the improvement of criminal justice throughout the state.

(2) To receive and disburse federal funds, and other funds deemed appropriate by the governor or the legislature, perform all necessary and appropriate staff services required by the council on criminal justice, and

otherwise assist the council in the performance of its duties as required by federal acts.

(3) To perform such duties as set forth by the legislature and the governor in matters relating to juvenile and criminal justice.

(4) To develop comprehensive, unified, and orderly procedures to ensure that all local plans and all state and local criminal justice projects are in accord with the comprehensive state plan for juvenile and criminal justice.

(5) To cooperate with and render technical assistance to the governor, the legislature, state agencies, units of local government, combinations of these units, or other public or private agencies, organizations, or institutions in matters relating to juvenile and criminal justice.

(6) To conduct evaluation studies of the programs and activities supported or assisted by the funds administered by the division, or as directed by the governor, the council, the legislature, or the office of financial management.

(7) To review and comment upon local and regional government plans for criminal justice capital improvements and program operations, and to identify inconsistencies and conflicts among state and local government agency plans and budgets.

(8) To analyze specific criminal justice issues, conduct special studies, and evaluate criminal justice programs implemented within the state.

(9) To submit during July and January of each year, a status report to the presiding officers of the Washington state senate and house of representatives. The report shall include:

(a) A description of all major modifications in law enforcement assistance grant previously awarded;

(b) A listing of the announcements of criminal justice research and demonstration projects; and

(c) Other information requested, in writing, by either presiding officer three months prior to the reporting month.

NEW SECTION. Sec. 5. The state criminal justice planning agency, the governor's council or [on] criminal justice, and the division of criminal justice and their powers and duties, as prescribed in this 1979 act, shall terminate on June 30, 1983, and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

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

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 43.06 RCW.

Passed the House March 8, 1979.

Passed the Senate March 6, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 80

[House Bill No. 226]

COLLEGE TUITION FEES—OREGON RECIPROCITY

AN ACT Relating to higher education; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The state board for community college education and the boards of trustees for community college districts thirteen, fourteen, sixteen, nineteen, and twenty, for Lower Columbia, Clark, Yakima Valley, Columbia Basin, and Walla Walla community colleges, respectively, and the board of trustees for The Evergreen State College, for any program it offers in Vancouver, shall waive the payment of nonresident tuition and fees by residents of Oregon, upon completion of an agreement between the council for postsecondary education and appropriate officials and agencies in Oregon granting similar waivers for residents of Cowlitz, Clark, Wahkiakum, Skamania, and Klickitat counties, Washington, who qualify for junior or senior standing to attend Portland State University at the undergraduate level.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Prior to January 1, of each odd-numbered year the council for postsecondary education, in cooperation with the state board for community college education, and in consultation with appropriate agencies and officials in the state of Oregon, shall determine for the purposes of section 1 of this act the number of students for whom nonresident tuition and fees have been waived for the first academic year of the biennium and the fall term of the second academic year, and make an estimate of the number of such students for the remainder of the second academic year, and the difference between the aggregate amount of tuition and fees that would have been paid to the respective states by residents of the other state had such waivers not been made, and the aggregate amount of tuition and fees paid by residents of the other state. Should the council determine that the state of Oregon has experienced a greater net tuition and fee revenue loss than institutions

in Washington, it shall pay from funds appropriated for this purpose to the appropriate agency or institutions in Oregon an amount determined by subtracting the net tuition and fee revenue loss of Washington from the net tuition and fee revenue loss of Oregon, minus twenty-five thousand dollars for each year of the biennium: PROVIDED, That appropriate officials in the state of Oregon agree to make similar restitution to the state of Washington should the net tuition and fee revenue loss in Washington be greater than that in Oregon.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The council for postsecondary education may enter into an agreement with appropriate officials or agencies in Oregon to implement the provisions of sections 1 through 3 of this act.

NEW SECTION. Sec. 4. The council for postsecondary education shall review the costs and benefits of this pilot program and make recommendations to the legislature at the session commencing in January, 1983, on the continuation of the program. Following such review, the legislature shall make a determination to extend or terminate the program.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 16, 1979.
Passed the Senate March 2, 1979.
Approved by the Governor March 21, 1979.
Filed in Office of Secretary of State March 21, 1979.

CHAPTER 81

[House Bill No. 230]

CATTLE FEED LOTS—INSPECTION, LICENSING—FEES—LIVESTOCK IDENTIFICATION

AN ACT Relating to cattle; amending section 1, chapter 181, Laws of 1971 ex. sess. and RCW 16.58.010; amending section 5, chapter 181, Laws of 1971 ex. sess. and RCW 16.58.050; amending section 10, chapter 181, Laws of 1971 ex. sess. and RCW 16.58.100; amending section 13, chapter 181, Laws of 1971 ex. sess. and RCW 16.58.130; amending section 14, chapter 181, Laws of 1971 ex. sess. and RCW 16.58.140; adding a new section to chapter 16.58 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 181, Laws of 1971 ex. sess. and RCW 16.58.010 are each amended to read as follows:

The purpose of this chapter is to expedite the movement of cattle from producers to the point of slaughter without losing the ownership identity of

such cattle, and further to provide for fair and economical methods of identification of cattle in such commercial feed lots (~~((based on the necessary actual costs to the department of agriculture)).~~).

Sec. 2. Section 5, chapter 181, Laws of 1971 ex. sess. and RCW 16.58-.050 are each amended to read as follows:

The application for an annual license to engage in the business of operating one or more certified feed lots shall be accompanied by a license fee of ~~((one))~~ five hundred dollars. ~~((The annual license application shall also be accompanied by a prepaid audit fee of one hundred and fifty dollars applicable to the first two thousand head of cattle audited by the director for an applicant during the license period.))~~ Upon approval of the application by the director and compliance with the provisions of this chapter and rules and regulations adopted hereunder, the applicant shall be issued a license or a renewal thereof.

Sec. 3. Section 10, chapter 181, Laws of 1971 ex. sess. and RCW 16-.58.100 are each amended to read as follows:

The director shall each year conduct ~~((an))~~ audits of the cattle received, fed, handled, and shipped by the licensee at each certified feed lot. Such audits shall be for the purpose of determining if such cattle correlate with the brand inspection certificates issued in their behalf and that the certificate of assurance furnished the director by the licensee correlates with his assurance that brand inspected cattle were not commingled with uninspected cattle.

Sec. 4. Section 13, chapter 181, Laws of 1971 ex. sess. and RCW 16-.58.130 are each amended to read as follows:

Each licensee shall pay to the director ~~((the actual necessary costs he incurs in performing audits at certified feed lots in excess of the first two thousand head of cattle as prepaid under RCW 16.58.050))~~ a fee of ten cents for each head of cattle handled through his feed lot. ~~((The cost charged by the director shall be actual and necessary and shall be established by regulation subsequent to a public hearing.))~~ Payment ~~((for))~~ of such ((audit)) fee shall be made by the licensee following the completion of an official audit and within fifteen days of billing by the director. Failure to pay as required shall be grounds for suspension or revocation of a certified feed lot license. Further, the director shall not renew a certified feed lot license if an applicant is in arrears as to his audit payments.

Sec. 5. Section 14, chapter 181, Laws of 1971 ex. sess. and RCW 16-.58.140 are each amended to read as follows:

All fees provided for in this chapter shall be retained by the director for the purpose of enforcing and carrying out the purpose and provisions of this chapter or chapter 16.57 RCW.

NEW SECTION. Sec. 6. There is added to chapter 16.58 RCW a new section to read as follows:

All cattle entering or re-entering a certified feed lot must be inspected for brands upon entry, unless they are accompanied by a brand inspection certificate issued by the director, or any other agency authorized in any state or Canadian province by law to issue such a certificate.

NEW SECTION. Sec. 7. This 1979 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 February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 82

[Substitute House Bill No. 319]

COLLEGES AND UNIVERSITIES—EMPLOYEE TUITION WAIVER

AN ACT Relating to institutions of higher education; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 10, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.380; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

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

Section 1. Section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 10, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.380 are each amended to read as follows:

In addition to any other exemptions as may be provided by law, the board of regents at the state universities may exempt the following classes of persons from the payment of general tuition fees, operating fees, or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration said board may exempt them up to one-half of the tuition payable by other nonresident students: AND, PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in universities on or before October 1, 1977. (2) ~~((Members of the staffs of the University of Washington and Washington State University: PROVIDED, That for the purposes of this subsection "staffs" shall not apply to faculty and administrative exempt employees. (3)))~~ Children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

(1) The boards of regents of the state universities and the boards of trustees of regional universities, The Evergreen State College, and community colleges may waive the tuition, operating, and services and activities fees for full-time employees of their respective institutions of higher education enrolled in said institutions' courses on a space available basis pursuant to the following conditions:

(a) Employees shall register for and be enrolled in courses on a space available basis, and no new course sections shall be created as a direct result of such registration;

(b) Enrollment information on employees registered on a space available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations;

(c) Employees registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) The governing boards of the respective colleges and universities may waive tuition, operating and services and activities fees for full-time cooperative extension service and agricultural research employees of Washington State University for such employees stationed off campus: **PROVIDED**, That such waiver complies with the conditions spelled out in subsection (1)(a), (b), and (c) above.

(3) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community college education with respect to community colleges, shall adopt guidelines for the implementation of employee waivers granted pursuant to this section.

NEW SECTION. Sec. 3. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 83

[Substitute House Bill No. 402]

IRRIGATION DISTRICTS—DISBURSEMENT OF FUNDS—DIRECTORS'
EXPENSES

AN ACT Relating to irrigation districts; amending section 2, chapter 276, Laws of 1961 as last amended by section 1, chapter 367, Laws of 1977 ex. sess. and RCW 87.03.440; amending section 3, chapter 276, Laws of 1961 and RCW 87.03.441; and amending section 39, page 692, Laws of 1889-90 as last amended by section 2, chapter 163, Laws of 1975 1st ex. sess. and RCW 87.03.460.

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

Section 1. Section 2, chapter 276, Laws of 1961 as last amended by section 1, chapter 367, Laws of 1977 ex. sess. and RCW 87.03.440 are each amended to read as follows:

The treasurer of the county in which is located the office of the district shall be ex officio treasurer of the district, and any county treasurer handling district funds shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty as county or district treasurer. The treasurer of each county in which lands of the district are located shall collect and receipt for all assessments levied on lands within his county. There shall be deposited with the district treasurer all funds of the district. He shall pay out such funds upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund upon coupons or bonds presented to the treasurer: PROVIDED, That in those districts which designate their own treasurer, the treasurer may issue the warrants or any checks when the district is authorized to issue checks. All warrants shall be paid in the order of their issuance. The district treasurer shall report, in writing, on the first Monday in each month to the directors, the amount in each fund, the receipts for the month preceding in each fund, and file the report with the secretary of the board. The secretary shall report to the board, in writing, at the regular meeting in each month, the amount of receipts and expenditures during the preceding month, and file the report in the office of the board.

The preceding paragraph of this section notwithstanding, the board of directors or board of control of an irrigation district which lies in more than one county and which had assessments in each of two of the preceding three years equal to at least five hundred thousand dollars may designate some other person having experience in financial or fiscal matters as treasurer of the district. In addition, the board of directors of an irrigation district which lies entirely within one county may designate some other person having experience in financial or fiscal matters as treasurer of the district if the board has the approval of the county treasurer to designate some other person. If the board designates a treasurer, it shall require a bond with a surety company authorized to do business in the state of Washington in an amount and

under the terms and conditions which it finds from time to time will protect the district against loss. The premium on the bond shall be paid by the district. The designated treasurer shall collect and receipt for all irrigation district assessments on lands within the district and shall act with the same powers and duties and be under the same restrictions as provided by law for county treasurers acting in matters pertaining to irrigation districts, except the powers, duties, and restrictions in RCW 87.56.110(;) and 87.56.210 ((, 87.80.180, 87.80.190 and 87.80.200;)) which shall continue to be those of county treasurers.

In those districts which have designated their own treasurers, the provisions of law pertaining to irrigation districts which require certain acts to be done and which refer to and involve a county treasurer or the office of a county treasurer or the county officers charged with the collection of irrigation district assessments, except RCW 87.56.110 (;) and 87.56.210 ((, 87.80.180, 87.80.190 and 87.80.200;)) shall be construed to refer to and involve the designated district treasurer or the office of the designated district treasurer.

Any claim against the district for which it is liable under existing laws shall be presented to the board as provided in RCW 4.96.020 and upon allowance it shall be attached to a voucher ((~~verified by the claimant~~)) and approved by the chairman and signed by the secretary and directed to the ((~~auditor~~)) proper official for payment: PROVIDED, That in the event claimant's claim is for crop damage the claimant in addition to filing his claim within the one hundred twenty day limit and in the manner specified in RCW 4.96.020 must file with the secretary of the district, or in his absence one of the directors, not less than three days prior to the severance of the crop alleged to be damaged, a written preliminary notice pertaining to the crop alleged to be damaged. Such preliminary notice, so far as claimant is able, shall advise the district; that the claimant has filed a claim or intends to file a claim against the district for alleged crop damage; shall give the name and present residence of the claimant; shall state the cause of the damage to the crop alleged to be damaged and the estimated amount of damage; and shall accurately locate and describe where the crop alleged to be damaged is located. Such preliminary notice may be given by claimant or by anyone acting in his behalf and need not be verified. No action may be commenced against an irrigation district for crop damages unless claimant has complied with the provisions of RCW 4.96.020 and also with the preliminary notice requirements of this section.

Sec. 2. Section 3, chapter 276, Laws of 1961 and RCW 87.03.441 are each amended to read as follows:

The directors may provide by resolution that the secretary may deposit the following temporary funds in a local bank in the name of the district: (1) A fund to be known as "general fund" in which shall be deposited all moneys received from the sale of land, except such portion thereof as may

be obligated for bond redemption, and all rentals, tolls, and all miscellaneous collections. This fund shall be transmitted to the district treasurer or disbursed in such manner as the directors may designate. (2) A fund to be known as "fiscal fund" in which shall be deposited all collections made by the district as fiscal agent of the United States. (3) A "revolving fund" in such amount as the directors shall by resolution determine, acquired by the issue of coupon warrants or by transfer of funds by warrant drawn upon the expense fund. This fund may be disbursed by check signed by the secretary or such other person as the board may designate, in the payment of such ~~((current expenses))~~ expenditures as the board may deem necessary. This fund shall be reimbursed by ~~((sending the canceled checks))~~ submitting copies of approved vouchers and/or copy of payrolls to the county auditor with a claim voucher specifying the fund upon which warrants for such reimbursements shall be drawn. The warrants for such reimbursements shall be made out by the auditor to the "secretary's revolving fund."

Sec. 3. Section 39, page 692, Laws of 1889-90 as last amended by section 2, chapter 163, Laws of 1975 1st ex. sess. and RCW 87.03.460 are each amended to read as follows:

The directors shall each receive not to exceed twenty-five dollars per day in attending meetings and while performing other services for the district, to be fixed by resolution and entered in the minutes of their proceedings, and in addition thereto their ~~((travel))~~ reasonable expenses in accordance with chapter 42.24 RCW ~~((43.03.050 and 43.03.060))~~ as now existing or hereafter amended. The board shall fix the compensation of the secretary and all other employees. The board shall, upon the petition of at least fifty or a majority of the electors, submit to the electors at any general district election, a schedule of salaries and fees to be paid hereunder. The petition shall be presented to the board twenty days before a general election, and the result thereof shall be determined and declared as other elections.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 84

[Substitute House Bill No. 617]

FARM AND AGRICULTURAL LANDS—SPECIAL BENEFIT ASSESSMENTS

AN ACT Relating to farm and agriculture land; and adding new sections to chapter 84.34 RCW.

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

NEW SECTION. Section 1. The legislature finds that farming and the related agricultural industry have historically been and currently are central factors in the economic and social lifeblood of the state; that it is a fundamental policy of the state to protect agricultural lands as a major natural resource in order to maintain a source to supply a wide range of agricultural products; and that the public interest in the protection and stimulation of farming and the agricultural industry is a basic element of enhancing the economic viability of this state. The legislature further finds that farmland in urbanizing areas is often subjected to high levels of property taxation and benefit assessment, and that such levels of taxation and assessment encourage and even force the premature removal of such lands from agricultural uses. The legislature further finds that because of this level of taxation and assessment, such farmland in urbanizing areas is either converted to nonagricultural uses when significant amounts of nearby nonagricultural area could be suitably used for such nonagricultural uses, or, much of this farmland is left in an unused state. The legislature further finds that with the approval by the voters of the Fifty-third Amendment to the state Constitution and with the enactment of chapter 84.34 RCW, the owners of farmlands were provided with an opportunity to have such land valued on the basis of its current use and not its "highest and best use" and that such current use valuation is one mechanism to protect agricultural lands. The legislature further finds that despite this potential property tax reduction, farmlands in urbanized areas are still subject to high levels of benefit assessments and continue to be removed from farm uses.

It is therefore the purpose of the legislature to establish, with the enactment of sections 1 through 9 of this act, another mechanism to protect agricultural land which creates an analogous system of relief from certain benefit assessments for farm and agricultural land. It is the intent of the legislature that special benefit assessments not be imposed for the availability of sanitary and/or storm sewerage service, or domestic water service, or for road construction and/or improvement purposes on farm and agricultural lands which have been designated for current use classification as farm and agricultural lands until such lands are withdrawn or removed from such classification.

The legislature finds, and it is the intent of this act, that special benefit assessments for the improvement or construction of sanitary and/or storm sewerage service, or domestic water service, or certain road construction do not generally benefit land which has been classified as open space farm and agricultural land under the open space act, chapter 84.34 RCW, until such land is withdrawn from such classification or such land is used for a more intense and nonagricultural use. The purpose of this act is to provide an exemption from certain special benefit assessments which do not benefit open space farm and agricultural land, and to provide the means for local governmental entities to recover such assessments in current dollar value in the

event such land is no longer devoted to farming under chapter 84.34 RCW. Where the owner of such land chooses to make limited use of improvements related to special benefit assessments, this act provides the means for the partial assessment on open space farmland to the extent the land is directly benefited by the improvement.

NEW SECTION. Sec. 2. As used in sections 1 through 9 of this act, unless a different meaning is required, the words defined in this section shall have the meanings indicated.

(1) "Farm and agricultural land" shall mean the same as defined in RCW 84.34.020(2).

(2) "Local government" shall mean any city, town, county, sewer district, water district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi municipal corporation, or other political subdivision authorized to levy special benefit assessments for sanitary and/or storm sewerage systems, domestic water supply and/or distribution systems, or road construction or improvement purposes.

(3) "Local improvement district" shall mean any local improvement district, utility local improvement district, local utility district, road improvement district, or any similar unit created by a local government for the purpose of levying special benefit assessments against property specially benefited by improvements relating to such districts.

(4) "Owner" shall mean the same as defined in RCW 84.34.020(5) or the applicable statutes relating to special benefit assessments.

(5) The term "average rate of inflation" shall mean the annual rate of inflation as determined by the department of revenue averaged over the period of time as provided in section 4 (1) and (2) of this act. Such determination shall be published not later than January 1 of each year for use in that assessment year.

(6) "Special benefit assessments" shall mean special assessments levied or capable of being levied in any local improvement district or otherwise levied or capable of being levied by a local government to pay for all or part of the costs of a local improvement and which may be levied only for the special benefits to be realized by property by reason of that local improvement.

NEW SECTION. Sec. 3. Any farm and agricultural land which is designated for current use classification pursuant to chapter 84.34 RCW at the earlier of the times the legislative authority of a local government adopts a resolution, ordinance, or legislative act (1) to create a local improvement district, in which such land is included or would have been included but for such classification designation, or (2) to approve or confirm a final special benefit assessment roll relating to a sanitary and/or storm sewerage system, domestic water supply and/or distribution system, or road construction and/or improvement, which roll would have included such land but for such

classification designation, shall be exempt from special benefit assessments or charges in lieu of assessment for such purposes as long as that land remains in such classification, except as otherwise provided in section 7 of this act.

Whenever a local government creates a local improvement district, the levying, collection and enforcement of assessments shall be in the manner and subject to the same procedures and limitations as are provided pursuant to the law concerning the initiation and formation of local improvement districts for the particular local government. Notice of the creation of a local improvement district that includes farm and agricultural land shall be filed with the county assessor and the legislative authority of the county in which such land is located. The county assessor, upon receiving notice of the creation of such a local improvement district, shall send a notice to the owner of the farm and agricultural lands listed on the tax rolls of the applicable county treasurer of: (1) the creation of the local improvement district; (2) the exemption of that land from special benefit assessments; (3) the fact that the farm and agricultural land may become subject to the special benefit assessments if the owner waives the exemption by filing a notarized document with the governing body of the local government creating the local improvement district before the confirmation of the final special benefit assessment roll; and (4) the potential liability, pursuant to section 4 of this act, if the exemption is not waived and the land is subsequently removed from the farm and agricultural land status. When a local government approves and confirms a special benefit assessment roll, from which farm and agricultural land has been exempted pursuant to this section, it shall file a notice of such action with the county assessor and the legislative authority of the county in which such land is located and with the treasurer of that local government, which notice shall describe the action taken, the type of improvement involved, the land exempted, and the amount of the special benefit assessment which would have been levied against the land if it had not been exempted. The filing of such notice with the county assessor and the treasurer of that local government shall constitute constructive notice to a purchaser or encumbrancer of the affected land, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded, that such exempt land is subject to the charges provided in sections 4 and 5 of this act if such land is withdrawn or removed from its current use classification as farm and agricultural land.

The owner of the land exempted from special benefit assessments pursuant to this section may waive that exemption by filing a notarized document to that effect with the legislative authority of the local government upon receiving notice from said local government concerning the assessment

roll hearing and before the local government confirms the final special benefit assessment roll. A copy of that waiver shall be filed by the local government with the county assessor, but the failure of such filing shall not affect the waiver.

Except to the extent provided in section 7 of this act, the local government shall have no duty to furnish service from the improvement financed by the special benefit assessment to such exempted land.

NEW SECTION. Sec. 4. Whenever farm and agricultural land has once been exempted from special benefit assessments pursuant to section 3 of this act, any withdrawal from classification or change in use from farm and agricultural land under chapter 84.34 RCW shall result in the following:

(1) If the bonds used to fund the improvement in the local improvement district have not been completely retired, such land shall immediately become liable for: (a) The amount of the special benefit assessment listed in the notice provided for in section 3 of this act; plus (b) interest on the amount determined in (1)(a) of this section, compounded annually at a rate equal to the average rate of inflation from the time the initial notice is filed by the governmental entity which created the local improvement district as provided in section 3 of this act to the time the owner withdraws such land from the exemption category provided by this chapter; or

(2) If the bonds used to fund the improvement in the local improvement district have been completely retired, such land shall immediately become liable for: (a) The amount of the special benefit assessment listed in the notice provided for in section 3 of this act; plus (b) interest on the amount determined in (2)(a) of this section compounded annually at a rate equal to the average rate of inflation from the time the initial notice is filed by the governmental entity which created the local improvement district as provided in section 3 of this act, to the time the bonds used to fund the improvement have been retired; plus (c) interest on the total amount determined in (2) (a) and (b) of this section at a simple per annum rate equal to the average rate of inflation from the time the bonds used to fund the improvement have been retired to the time the owner withdraws such lands from the exemption category provided by this chapter.

(3) The amount payable pursuant to this section shall become due on the date such land is withdrawn or removed from its current use classification and shall be a lien on the land prior and superior to any other lien whatsoever except for the lien for general taxes, and shall be enforceable in the same manner as the collection of special benefit assessments are enforced by that local government.

NEW SECTION. Sec. 5. Whenever farm and agricultural land is withdrawn or removed from its current use classification as farm and agricultural land, the county assessor of the county in which such land is located

shall forthwith give written notice of such withdrawal or removal to the local government or its successor which had filed with the assessor the notice required by section 3 of this act. Upon receipt of the notice from the assessor, the local government shall mail a written statement to the owner of such land for the amounts payable as provided in section 4 of this act. Such amounts due shall be delinquent if not paid within one hundred and eighty days after the date of mailing of the statement, and shall be subject to the same interest, penalties, lien priority, and enforcement procedures that are applicable to delinquent assessments on the assessment roll from which that land had been exempted, except that the rate of interest charged shall not exceed the rate provided in section 4 of this act.

NEW SECTION. Sec. 6. Payments collected pursuant to sections 4 and 5 of this act, or by enforcement procedures referred to therein, after the payment of the expenses of their collection, shall first be applied to the payment of general or special debt incurred to finance the improvements related to the special benefit assessments, and, if such debt is retired, then into the maintenance fund or general fund of the governmental entity which created the local improvement district, or its successor, for any of the following purposes: (1) Redemption or servicing of outstanding obligations of the district; (2) maintenance expenses of the district; or (3) construction or acquisition of any facilities necessary to carry out the purpose of the district.

NEW SECTION. Sec. 7. Within ninety days after the effective date of this act, the department of revenue shall adopt rules it shall deem necessary to implement sections 1 through 9 of this act which shall include, but not be limited to, procedures to determine the extent to which a portion of the land otherwise exempt may be subject to a special benefit assessment for the actual connection to the domestic water system or sewerage facilities, and further to determine the extent to which all or a portion of such land may be subject to a special benefit assessment for access to the road improvement in relation to its value as farm and agricultural land as distinguished from its value under more intensive uses. The provision for limited special benefit assessments shall not relieve such land from liability for the amounts provided in sections 4 and 5 of this act when such land is withdrawn or removed from its current use classification as farm and agricultural land.

NEW SECTION. Sec. 8. Whenever a portion of a parcel of land which was classified as farm and agricultural land pursuant to this chapter is withdrawn from classification or there is a change in use, and such land has been exempted from any benefit assessments pursuant to section 3 of this act, the previously exempt benefit assessments shall become due on only that portion of the land which is withdrawn or changed.

NEW SECTION. Sec. 9. Farm and agricultural land on which the right to future development has been acquired by any local government, the state

of Washington, or the United States government shall be exempt from special benefit assessments in lieu of assessment for such purposes in the same manner, and under the same liabilities for payment and interest, as land classified under this chapter as farm and agricultural land, for as long as such classification applies.

Any interest, development right, easement, covenant, or other contractual right which effectively protects, preserves, maintains, improves, restores, prevents the future nonagricultural use of, or otherwise conserves farm and agricultural land shall be exempt from special benefit assessments as long as such development right or other such interest effectively serves to prevent nonagricultural development of such land.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall be added to chapter 84.34 RCW. The code reviser shall insert references to this act in chapters 35.44, 36.88, 36.94, 53.08, 54.16, 56.20, 57.16, 86.09, and 87.03 RCW and other relevant chapters.

NEW SECTION. Sec. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 85

[House Bill No. 636]

PORT DISTRICTS—AIRCRAFT NOISE ABATEMENT

AN ACT Relating to aircraft noise abatement; and amending section 2, chapter 121, Laws of 1974 ex. sess. and RCW 53.54.020.

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

Section 1. Section 2, chapter 121, Laws of 1974 ex. sess. and RCW 53.54.020 are each amended to read as follows:

Prior to initiating programs as authorized in this chapter, the port commission shall undertake the investigation and monitoring of aircraft noise impact to determine the nature and extent of the impact. The port commission shall adopt a program of noise impact abatement based upon the investigations and as amended periodically to conform to needs demonstrated by the monitoring programs: **PROVIDED**, That in no case may the port district undertake any of the programs of this chapter in an area which is more than ~~((three))~~ six miles beyond the paved end of any runway or more than ~~((fifteen))~~ thirty-three hundred feet from the centerline of any runway or from an imaginary runway centerline extending ~~((three))~~ six miles from

the paved end of such runway(~~(: PROVIDED FURTHER, That the area within twenty-five hundred feet of the center of the end point of any runway may be included)~~). Such areas as determined above, shall be known as "impacted areas".

A port district may not undertake any of the programs of this chapter with respect to the owner of any property, or any successor thereto, who has previously been relocated under this chapter.

Passed the House February 21, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 86

[House Bill No. 778]

AGRICULTURAL COOPERATIVE ASSOCIATIONS—DISSOLUTION—VOTE

AN ACT Relating to agricultural cooperative associations; and amending section 22, chapter 115, Laws of 1921 and RCW 24.32.300.

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

Section 1. Section 22, chapter 115, Laws of 1921 and RCW 24.32.300 are each amended to read as follows:

The members of any association may by two-thirds vote of all such members, at any regular meeting or at a meeting regularly called for that purpose, vote to dissolve said association, and thereupon such proceedings shall be had for the dissolution of said association as is provided by law for the dissolution (~~(and disincorporation)~~) of corporations organized under (~~(the general law)~~) chapter 24.06 RCW.

If the association has more than ten thousand members, the decision to dissolve the association may be made by the vote of two-thirds of the members voting thereon after notice of the proposed dissolution has been given to all members entitled to vote thereon, in the manner provided by the bylaws: PROVIDED, That if the total vote upon the proposed dissolution shall be less than twenty-five percent of the total membership of the association, the dissolution shall not be approved.

Passed the House February 21, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 87

[Senate Bill No. 2005]

CLASS H LIQUOR LICENSES—TOTAL NUMBER PERMITTED—CLUB EXCLUSION—POPULATION RATIO

AN ACT Relating to alcoholic beverages; and amending section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 4, chapter 219, Laws of 1977 ex. sess. and RCW 66.24.420.

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

Section 1. Section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 4, chapter 219, Laws of 1977 ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the

premises: PROVIDED, FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property at the discretion of the board and a duplicate license may be issued for each additional place: PROVIDED, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license: PROVIDED FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board, not including those class H licenses issued to clubs, shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the ((last available federal census)) yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community.

Passed the Senate February 6, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 88

[Senate Bill No. 2033]

STATE SUPPLIES AND EQUIPMENT—INVENTORY RECORDS— ACCOUNTABILITY

AN ACT Relating to the duties of the state purchasing and material control director's powers and duties; amending section 3, chapter 32, Laws of 1969 as last amended by section 4, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.190; amending section 43.19.1904, chapter 8, Laws of 1965 as last amended by section 4, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1904; amending section 43.19.1917, chapter 8, Laws of 1965 as last amended by section 9, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1917; and repealing section 6, chapter 104, Laws of 1967 ex. sess., section 10, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1918.

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

Section 1. Section 3, chapter 32, Laws of 1969 as last amended by section 4, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.190 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, 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, services 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 court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of *this act shall not apply in any manner to the operation of the state legislature except as requested by said legislature: PROVIDED, 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 public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services authorized for direct acquisition from vendors by state organizations and filed under the provisions of RCW 39.29.010 through 39.29.030, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 as now or hereafter amended;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services and supplies: PROVIDED, That acceptance of the 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, as now or hereafter amended, or from policies established by the director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(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;

(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 recommendation of the supply management advisory board;

(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;

(12) Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

Sec. 2. Section 43.19.1904, chapter 8, Laws of 1965 as last amended by section 4, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1904 are each amended to read as follows:

The state supply management advisory board shall advise and give assistance to the director of general administration in planning and carrying out an efficient and economical purchasing and material control program.

The state supply management advisory board 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;

(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(;) and supplies(~~(-and equipment)~~);

(5) All other matters referred to it by the director of general administration or by a member of the advisory board.

The state supply management advisory board 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 board 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 board unless prior written approval is obtained from the state purchasing and material control director.

Sec. 3. Section 43.19.1917, chapter 8, Laws of 1965 as last amended by section 9, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1917 are each amended to read as follows:

All state agencies, including educational institutions, shall maintain a perpetual record of ownership of state owned equipment, which shall be available for the inspection and check of those officers who are charged by

law with the responsibility for auditing the records and accounts of the state organizations owning the equipment, or to such other special investigators and others as the governor may direct. In addition, these records shall be made available to members of the legislature, the legislative committees, and legislative staff on request.

All state agencies, including educational institutions, shall account to the ~~((division of purchasing))~~ office of financial management upon request for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the ~~((division of purchasing))~~ office of financial management deems necessary ~~((to))~~ for proper accountability therefor. The ~~((division of purchasing))~~ office of financial management shall publish a procedural directive for compliance by all state agencies, including educational institutions, which establishes a standard method of maintaining records for state owned equipment, including the use of standard state forms ~~((approved by the forms management center under the provisions of RCW 43.19.510))~~. This published directive also shall include instructions for reporting to the division of purchasing all state equipment which is excess to the needs of state organizations owning such equipment. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the ~~((division of purchasing))~~ office of financial management.

NEW SECTION. Sec. 4. Section 6, chapter 104, Laws of 1967 ex. sess., section 10, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1918 are each repealed.

Passed the Senate February 8, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 89

[Substitute Senate Bill No. 2132]

SCHOOL FACILITIES COST STABILIZATION PROGRAM—EXTENSION

AN ACT Relating to school facilities cost stabilization; and amending section 6, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03.407.

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

Section 1. Section 6, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03.407 are each amended to read as follows:

Of the funds appropriated by the legislature to the state board of education for school building purposes from the common school construction fund for the period ending June 30, 1981, and for the period ending June 30, ~~((1979))~~ 1983, not more than two-tenths of one percent of such funds

for each period may be used by such board to carry out the purposes of RCW 28A.03.400 through 28A.03.409.

Passed the Senate February 19, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 90

[Substitute Senate Bill No. 2141].

PRACTICE OF PHARMACY—REQUIREMENTS

AN ACT Relating to the practice of pharmacy; amending section 2, chapter 98, Laws of 1935 as last amended by section 40, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.64.003; amending section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 18, Laws of 1973 1st ex. sess. and RCW 18.64.005; amending section 19, chapter 38, Laws of 1963 and RCW 18.64.007; amending section 1, chapter 82, Laws of 1969 ex. sess. and RCW 18.64.009; amending section 1, chapter 38, Laws of 1963 and RCW 18.64.011; amending section 1, chapter 121, Laws of 1899 and RCW 18.64.020; amending section 10, chapter 121, Laws of 1899 as last amended by section 1, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.040; amending section 12, chapter 213, Laws of 1909 as last amended by section 2, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.043; amending section 5, chapter 153, Laws of 1949 as last amended by section 3, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.045; amending section 16, chapter 121, Laws of 1899 as last amended by section 4, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.047; amending section 1, chapter 9, Laws of 1972 ex. sess. and RCW 18.64.080; amending section 11, chapter 121, Laws of 1899 as last amended by section 6, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.140; amending section 10, chapter 213, Laws of 1909 as amended by section 10, chapter 38, Laws of 1963 and RCW 18.64.160; amending section 15, chapter 38, Laws of 1963 and RCW 18.64.165; amending section 1, chapter 28, Laws of 1939 and RCW 18.64.245; amending section 13, chapter 121, Laws of 1899 as last amended by section 12, chapter 38, Laws of 1963 and RCW 18.64.250; adding new sections to chapter 18.64 RCW; repealing section 9, chapter 180, Laws of 1923, section 8, chapter 38, Laws of 1963 and RCW 18.64.110; and prescribing penalties.

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

Section 1. Section 2, chapter 98, Laws of 1935 as last amended by section 40, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.64.003 are each amended to read as follows:

Members of the board shall meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. The board shall elect a ~~((chairman))~~ chairperson and a vice chairperson from among its members. Each member shall receive ~~((twenty-five))~~ forty dollars a day for each day actually spent in the performance of his or her official duties and in going to and returning from the place of such performance, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 2. Section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 18, Laws of 1973 1st ex. sess. and RCW 18.64.005 are each amended to read as follows:

The board shall:

(1) Regulate the practice of pharmacy(;) and administer and enforce all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature of, and supervise the grading and administration of, examinations for applicants for pharmacists' licenses(~~(: PROVIDED, That this power and duty shall be limited to the four pharmacist members of the board);~~);

(3) Examine, inspect, and investigate all applicants for ~~((registration))~~ license as pharmacists or pharmacy interns and ~~((to))~~ grant ~~((certificates of registration))~~ licenses to all applicants whom it shall judge to be properly qualified(~~(: PROVIDED, That this power and duty shall be limited to the four pharmacist members of the board);~~);

(4) Determine the fees for licenses and examinations;

(5) Employ an executive officer, inspectors, investigators, chemists, and other agents as necessary to assist it for any purpose which it may deem necessary;

~~((5))~~ (6) Investigate violations of the provisions of law or regulations under its jurisdiction, and ~~((to))~~ cause prosecutions to be instituted in the courts ~~((upon advice from the attorney general));~~

~~((6))~~ (7) Make inspections and investigations of ~~((all))~~ pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed ~~((or))~~, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded ~~((or))~~, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law;

~~((7))~~ (8) ~~((Have the power to))~~ Conduct hearings for the revocation or suspension of licenses, permits ((or)), registrations, certificates, or any other authority to practice granted by the board, and/or ((to)) appoint a hearing officer to conduct such hearings;

(9) Issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the board;

~~((8))~~ (10) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, ~~((narcotics))~~ controlled substances, and the practice of pharmacy, and/or any other laws or rules under its jurisdiction;

~~((9))~~ (11) ~~((Regulate the))~~ Promulgate rules for the dispensing, distribution, wholesaling, and manufacturing of drugs(~~(, nostrums,))~~ and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare ~~((by promulgating rules and regulations)).~~ Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice ((pharmacy)) issued by the board;

(12) Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter; and

(13) Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board. Such immunity shall apply to employees of the board when acting at the direction of the board in the course of disciplinary proceedings.

Sec. 3. Section 19, chapter 38, Laws of 1963 and RCW 18.64.007 are each amended to read as follows:

The board shall employ an executive officer who shall not be a member of the board but who shall be a pharmacist duly licensed in Washington. Said officer shall receive compensation as set by the ~~((governor))~~ appropriate authority, and shall be responsible for:

(1) ~~((Be responsible for))~~ The ((administration)) administering of all professional and public affairs as directed by the board;

(2) ~~((Report to and proceed with the instructions of the board;~~

~~(3) Carry out all policies and instructions emanating from said board;~~

~~(4) Make, keep and be in charge of all records and record books required to be kept by the board, including a register of all who are required to be licensed))~~ Appointing, as authorized and delegated by the board, such secretarial, clerical, accounting, and other office assistance as necessary under provisions of chapter 41.06 RCW;

(3) Reporting to and carrying out all policies and instructions emanating from the board;

(4) Preparing and maintaining all board records;

(5) Attending to the correspondence of the board ((and perform all other duties as the board may require)); and

(6) ((Receive and receipt)) Receiving and receiving for all fees collected.

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

Employees of the Washington state board of pharmacy, who are ~~((so))~~ designated by the board as enforcement officers, are declared to be peace officers and shall be vested with police powers to enforce chapters 18.64, 18.81, 69.04, ((69.32, 69.33;)) 69.36 ((and)), 69.40, 69.41, and 69.50 RCW and all other laws administered by the board.

Sec. 5. Section 1, chapter 38, Laws of 1963 and RCW 18.64.011 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions ((as)) of terms shall be as indicated when used in this chapter((:)).

(1) "Person" (~~((includes individual, partnership, corporation and association))~~) means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) "Board" means the Washington state board of pharmacy.

(3) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia((-); or the official homeopathic pharmacopoeia of the United States((-; or official national formulary:));

(b) (~~((Articles))~~) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals((-);

(c) (~~((Articles))~~) Substances (other than food) intended to affect the structure or any function of the body of man or other animals((-); or

(d) (~~((Articles))~~) Substances intended for use as a component of any (~~((articles))~~) substances specified in (~~((subclauses))~~) (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(4) (~~("Official compendium" shall mean the current revisions of the pharmacopoeia of the United States, homeopathic pharmacopoeia of the United States and national formulary.~~

(5) ~~The term~~) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.

(6) ~~The term "federal act" means the federal food, drug and cosmetic act (Title 21, USC 301 et seq., 52 Stat. 1040 et seq.)~~

(7) ~~"Narcotic drug," "dangerous drug," "nonproprietary drug" — any drug designated as such under or pursuant to the provisions of Title 69 RCW.)~~

(5) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.

(6) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(7) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(8) "Prescription" means (~~((a written or oral))~~) an order for drugs or devices issued by a (~~((duly licensed medical))~~) practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(9) "~~((Medical))~~ Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized ~~((and licensed))~~ by law or rule in the state of Washington to prescribe drugs.

(10) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(11) "Practice of pharmacy" ~~((means the practice of that profession concerned with the art and science of preparing, compounding and dispensing of drugs and devices, whether dispensed on the prescription of a medical practitioner or legally dispensed or sold directly to the ultimate consumer, and shall include the proper and safe storage and distribution of drugs, the maintenance of proper records therefor, and the responsibility of relating information as required concerning such drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease: PROVIDED, HOWEVER, That "practice of pharmacy" shall not include the operations of a manufacturer or wholesaler if licensed as such))~~ includes the practice of and responsibility for: Interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(12) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(13) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter ~~((15.57))~~ 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.

(14) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter ~~((15.57))~~ 15.58 RCW), as enacted or hereafter amended.

(15) "Dispense" means to deliver a drug or device to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(16) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(17) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(18) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(19) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or re-labeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

(20) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(21) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

(22) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

Sec. 6. Section 1, chapter 121, Laws of 1899 and RCW 18.64.020 are each amended to read as follows:

It shall hereafter be unlawful for any person to (~~compound or dispense drugs, medicines or poisons,~~) practice pharmacy or to institute or operate any pharmacy (~~store or shop for wholesaling or retailing, compounding or dispensing drugs, medicines or poisons,~~) unless such person shall be a (~~registered~~) licensed pharmacist or shall place in charge of said pharmacy (~~store or shop~~) a (~~registered~~) licensed pharmacist (~~except as hereinafter~~): PROVIDED, That persons licensed as manufacturers or as wholesalers, and their employees, acting within the scope of their licenses, shall be exempt from this section.

Sec. 7. Section 10, chapter 121, Laws of 1899 as last amended by section 1, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.040 are each amended to read as follows:

Every applicant for (~~registration by~~) license examination under this chapter shall pay the sum (~~of twenty dollars~~) determined by the board before the examination (~~be~~) is attempted (~~PROVIDED, That in case the applicant fails to pass a satisfactory examination he shall have the privilege of a second examination without any charge any time within one year. Every shopkeeper not a pharmacist, desiring to secure the benefits and privileges of this chapter, is hereby required to secure a shopkeeper's license, and~~

~~he or she shall pay the sum of fifteen dollars for the same, and annually thereafter the sum of fifteen dollars for renewal of the same, and shall at all times keep said license or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional fifteen dollars).~~

Sec. 8. Section 12, chapter 213, Laws of 1909 as last amended by section 2, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.043 are each amended to read as follows:

(1) ~~The owner of each ((and every drug store;)) pharmacy ((or dispensary;)) shall pay an original license fee ((of fifty dollars)) to be determined by the board, and annually thereafter, on or before ((the first day of June)) a date to be determined by the board, a fee ((of ten dollars)) to be determined by the board, for which he or she shall receive a license ((and registration)) of location, which shall entitle the owner to operate such ((drug store;)) pharmacy ((or dispensary)) at the location specified, or such other temporary location as the board may approve, for the year ending on ((the next succeeding May 31st)) a date to be determined by the board, and each such owner shall at the time of filing proof of payment of such fee as ((hereinafter)) provided in RCW 18.64.045 as now or hereafter amended, file with the state board of pharmacy on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy((, drug store, or dispensary)) mentioned therein.~~

(2) ~~It shall be the duty of the owner to immediately notify the board of any change of location and/or ownership and to keep the license ((and registration)) of location or the renewal thereof properly exhibited in said ((drug store;)) pharmacy ((or dispensary)).~~

(3) ~~Failure to ((conform)) comply with this ((provision)) section shall be deemed a misdemeanor, ((and upon conviction thereof the owner shall be fined not less than twenty dollars nor more than one hundred dollars;)) and each day that said failure continues shall be deemed a separate offense.~~

(4) ~~In the event such license fee remains unpaid for ((ninety)) sixty days from date due, no renewal or new license shall be issued except upon payment of ((an additional twenty dollars)) the license renewal fee and a penalty fee equal to the original license fee.~~

Sec. 9. Section 5, chapter 153, Laws of 1949 as last amended by section 3, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.045 are each amended to read as follows:

~~((Within thirty days after this section takes effect)) The owner of each and every place of business which manufactures ((or sells)) drugs ((or drug sundries at wholesale)) shall pay a license fee ((of seventy-five dollars)) to be determined by the board, and annually thereafter, on or before ((the first~~

~~day of June~~) a date to be determined by the board, a ~~((like))~~ fee ~~((of seventy-five dollars))~~ to be determined by the board, for which ~~((he))~~ the owner shall receive a license ~~((and registration))~~ of location from the state board of pharmacy, which shall entitle ~~((such))~~ the owner to manufacture ~~((or to sell))~~ drugs ~~((and drug sundries))~~ at the location specified for the year ending on ~~((the next succeeding May 31st))~~ a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the state board of pharmacy, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the board of any change of location and/or ownership and to keep the license ~~((and registration))~~ of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this ~~((provision))~~ section shall be deemed a misdemeanor, ~~((and upon conviction thereof, the owner shall be fined not less than twenty dollars nor more than one hundred dollars,))~~ and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ~~((ninety))~~ sixty days from date due, no renewal or new license shall be issued except upon payment of ~~((an additional seventy-five dollars))~~ the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 10. Section 16, chapter 121, Laws of 1899 as last amended by section 4, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.047 are each amended to read as follows:

Any itinerant vendor~~((, shopkeeper,))~~ or any peddler of any ~~((medicine,))~~ nonprescription drug~~((, or nostrum,))~~ or preparation for the treatment of disease or injury, shall pay a license fee ~~((of fifteen dollars))~~ determined by the board annually on ~~((or before the first day of June))~~ a date to be determined by the board. The state board of pharmacy ~~((shall))~~ may issue a license to such ~~((itinerant))~~ vendor ~~((or peddler))~~ on an approved application made to the state board of pharmacy~~((, such license to be signed by the president and attested by the secretary with the seal of the board)).~~ Any ~~((such))~~ itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such ~~((medicine,))~~ nonprescription drug~~((, or nostrum,))~~ or preparation without having a license to do so as ~~((herein))~~ provided in this section, shall be guilty of a misdemeanor~~((, and upon conviction thereof shall be fined in any sum not less than twenty dollars and not exceeding one hundred dollars, for such offense,))~~ and each sale or offer to sell shall constitute a separate offense. In event such license fee remains unpaid for ~~((ninety))~~ sixty days from date due, no renewal or new license shall be issued except upon payment of ~~((an additional fifteen dollars))~~ the license renewal fee and a penalty fee equal to the license renewal fee. This license shall not authorize the sale of legend drugs or controlled substances.

Sec. 11. Section 1, chapter 9, Laws of 1972 ex. sess. and RCW 18.64-.080 are each amended to read as follows:

(1) The state board of pharmacy may license as a pharmacist any person who has filed an application therefor, subscribed by the person under oath or affirmation, containing such information as the board may by regulation require, and who—

(a) Is ~~((not less than))~~ at least eighteen years of age and a citizen of the United States or a resident alien;

(b) Has satisfied the board that he or she is of good moral and professional character, that he or she will ~~((probably))~~ carry out the duties and responsibilities required of a pharmacist, and that he or she is not unfit or unable to practice pharmacy by reason of the extent or manner of his or her proven use of alcoholic beverages, ~~((narcotic drugs or dangerous))~~ drugs, or controlled substances, or by reason of a proven physical or mental disability;

(c) Holds a baccalaureate degree in pharmacy or a doctor of pharmacy degree granted by a school or college of pharmacy which is accredited by the board of pharmacy;

(d) Has completed or has otherwise met the internship requirements as ~~((prescribed))~~ set forth in board rules;

(e) Has satisfactorily passed ~~((such))~~ the necessary examinations given by the board.

(2) ~~((The state board of pharmacy shall, at least once in every twelve months, examine in the practice of pharmacy all pharmacy interns, who have completed their educational requirements, who shall make applications for said examination pursuant to regulations promulgated by the board. The said examination shall consist of two parts: The first part being a theoretical examination, and the second part consisting of a practical examination which shall be given to all pharmacy interns who have successfully passed the theoretical examination and have satisfactorily completed their internship requirements.))~~ The state board of pharmacy shall, at least once in every calendar year, offer an examination to all applicants for a pharmacist license who have completed their educational and internship requirements pursuant to rules promulgated by the board. The said examination shall be determined by the board. In case of failure at a first examination, the applicant shall have within three years the privilege of a second and third examination. In case of failure in a third examination, the applicant shall not be eligible for further examination until he or she has satisfactorily completed additional preparation as directed and approved by the board. The applicant must pay the examination fee determined by the board for each examination taken. Upon passing the required examinations and complying with all the rules and regulations of the board and the provisions of this chapter, the board shall grant the applicant a license as a pharmacist and issue to him or her a certificate qualifying him or her to enter into the practice of pharmacy.

(3) ~~((To insure proficiency in the practical aspects of pharmacy, the board shall, by regulation, prescribe internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license. The board shall specify the period of time of not less than six months nor more than one year and when and in what manner the internship shall be served.~~

(4) ~~The board may, by regulation, accept in lieu of the experience as a registered pharmacy intern as herein required other equivalent experience obtained prior to January 1, 1964.~~

(5)) Any person enrolled as a student of pharmacy or prepharmacy in an accredited college may file with the state board of pharmacy an application for registration as a pharmacy intern in which said application he or she shall be required to furnish such information as the board may, by regulation, prescribe and, simultaneously with the filing of said application, shall pay to the board a fee ~~((of one dollar))~~ to be determined by the board. All certificates issued to pharmacy interns shall be valid for a period ~~((not exceeding six years from the date of issue exclusive of time spent in the military service))~~ to be determined by the board, but in no instance shall the certificate be valid if the individual is no longer making timely progress toward graduation.

~~((6))~~ (4) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by ~~((employment))~~ practice in any licensed pharmacy or other program meeting the requirements promulgated by regulation of the board, and shall include such instruction in the practice of pharmacy as the board by regulation shall prescribe.

~~((7))~~ (5) The board may, without examination other than one in the laws relating to the practice of pharmacy, license as a pharmacist any person who, at the time of filing application therefor, is and, for at least one year next preceding, has been licensed as a pharmacist in any other state, territory, or possession of the United States: PROVIDED, That the said person shall produce evidence satisfactory to the board of having had the required secondary and professional education and training and ~~((is possessed of good character and morals,))~~ who ~~((have become registered))~~ was licensed as a pharmacist((s)) by examination in ((other)) another state((s)) prior to ((the time chapter 38, Laws of 1963 takes effect)) June 13, 1963, shall be required to satisfy only the requirements which existed in this state at the time ~~((they))~~ he or she became licensed in such other state((s)): PROVIDED FURTHER, That the state in which said person is licensed shall under similar conditions grant reciprocal ~~((registration))~~ licenses as pharmacist without examination to pharmacists duly licensed by examination in this state. Every application under this subsection shall be accompanied by a fee ~~((of seventy-five dollars))~~ determined by the board.

~~((8))~~ Each pharmacy intern applying for examination shall pay to the state board of pharmacy an examination fee of twenty dollars. Upon passing

~~the required examinations and complying with all the rules and regulations of the board and the provisions of this chapter, the board shall grant the applicant registration as a pharmacist and issue to him a certificate qualifying him to enter into the practice of pharmacy.~~

~~(9))~~ (6) The board shall provide for, regulate, and require all persons ~~((registered))~~ licensed as pharmacists to renew their ~~((registration))~~ license annually, and shall prescribe the form of such ~~((registration))~~ license and information required to be submitted by all applicants.

Sec. 12. Section 11, chapter 121, Laws of 1899 as last amended by section 6, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.140 are each amended to read as follows:

Every ~~((registered))~~ licensed pharmacist who desires to practice ~~((his profession))~~ pharmacy shall secure from the board a ~~((registration))~~ license, the fee for which shall be ~~((twenty dollars and))~~ determined by the board. The annual renewal fee ((shall be fifteen dollars payable on or before June 1st of each year)) shall also be determined by the board. The date of renewal may be established by the board by regulation and the board may by regulation extend the duration of a licensing period for the purpose of staggering renewal periods. Such regulation may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. Payment of this fee shall entitle the licensee to a pharmacy law book, subsequent current mailings of all additions, changes, or deletions in the pharmacy practice act, chapter 18.64 RCW, and all additions, changes, or deletions of pharmacy board regulations. Pharmacists shall pay ((an additional twenty dollars)) the license renewal fee and a penalty equal to the license renewal fee for the late renewal of their license more than sixty days after the renewal is due. ((Every certificate of registration or)) The current ((renewal thereof)) license shall be conspicuously ((exposed)) displayed to the public in the ((drug store,)) pharmacy ((or dispensary)) to which it applies((: PROVIDED, That commencing with the license year starting June 1, 1971, all pharmacists shall pay the the fees provided for in this section irrespective of when the pharmacist licenses previously issued expire, however those which would have expired after June 1, 1971, shall receive a credit in the amount of the fee previously paid times the ratio of the expressed remaining license period to the total license period)).

Sec. 13. Section 10, chapter 213, Laws of 1909 as amended by section 10, chapter 38, Laws of 1963 and RCW 18.64.160 are each amended to read as follows:

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

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

(2) He ~~((has been found guilty, pleaded guilty or entered a plea of nolo contendere to any offense in connection with the practice of pharmacy or~~

involving moral turpitude before any court of record of any jurisdiction)) or she has been convicted of a felony relating to his or her practice as a pharmacist;

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

~~((3))~~ (4) He or she is unfit to practice pharmacy because of habitual intemperance in the use of alcoholic beverages, ~~((narcotics, dangerous))~~ drugs, controlled substances, or any other substance which impairs ~~((the intellect and judgment to such an extent as to impair))~~ the performance of professional duties;

~~((4) He is unfit or unable to practice pharmacy by reason of a physical or mental disease or disability;))~~

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

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

~~((6))~~ (7) He or she has knowingly violated or permitted the violation of any provision of any state or federal law, rule, or regulation governing the possession, use, distribution, or dispensing of drugs, including, but not limited to, the violation of any provision of this chapter, chapter 18.81 RCW, Title 69 RCW, or rule ~~((and))~~ or regulation of the board;

~~((7))~~ (8) He or she has knowingly ~~((engaged in the practice of pharmacy with an unlicensed person or has))~~ allowed any unlicensed person to take charge of a pharmacy or engage in the ~~((compounding, distribution or dispensing of prescriptions, dangerous drugs or narcotics))~~ practice of pharmacy, except a pharmacy intern or pharmacy assistant acting as authorized in this chapter or chapter 18.64A RCW in the presence of and under the immediate supervision of a licensed pharmacist;

~~((8))~~ (9) He or she has compounded, dispensed, ~~((sold))~~ or caused the compounding~~((;))~~ or dispensing ~~((or sale))~~ of any drug or device which contains more or less than the ~~((proportionate))~~ equivalent quantity of ingredient or ingredients specified by the person who prescribed such drug or device ~~((or which is of a brand or trade name other than that specified by the person prescribing such brand or trade name product or which contains an ingredient or ingredients of a brand or trade name other than that specified by the person prescribing such drug or device, unless the expressed~~

~~consent of the prescriber is first obtained~~): PROVIDED, HOWEVER, That nothing herein shall be construed ~~((to prevent the addition of such inert ingredients as may be required in the art of compounding, preparing, mixing or otherwise producing drugs or devices))~~ to prevent the pharmacist from exercising professional judgment in the preparation or providing of such drugs or devices.

In any case of the refusal, suspension, or revocation of a license by said board of pharmacy under the provisions of this chapter, said board shall ~~((file a brief and concise statement of the grounds and reasons for such refusal, suspension or revocation in the office of the secretary of said board, which said statement, together with the decision of said board in writing, shall remain of record in said office. Before a license can be refused, suspended or revoked by said board of pharmacy under the provisions of this chapter, a complaint of some person under oath must be filed in the office of the secretary of said board of pharmacy, charging the acts of misconduct and facts complained of against the pharmacist or intern accused, in ordinary and concise language, and thereupon said board shall cause to be served upon such accused a written notice and copy of such complaint, which said notice shall contain a statement of the time and place of hearing of the matters and things set forth and charged in such complaint, and said notice shall be so served at least ten days prior to the time of such hearing. Such accused may appear at such hearing, and defend against the accusations of such complaint, personally and by counsel, and may have the sworn testimony of witnesses taken and present other evidence in his behalf at such hearing, and said board may receive the arguments of counsel at such hearing))~~ proceed in accordance with chapter 34.04 RCW.

Sec. 14. Section 15, chapter 38, Laws of 1963 and RCW 18.64.165 are each amended to read as follows:

The board shall have the power to refuse, suspend, or revoke the license of any manufacturer, wholesaler, ~~((drug store,))~~ pharmacy, ~~((dispensary,))~~ shopkeeper, itinerant vendor, or peddler upon proof that:

- (1) The license was procured through fraud, misrepresentation, or deceit;
- (2) The licensee has violated or has permitted any employee to violate any of the laws of this state relating to drugs, ~~((poisons))~~ controlled substances, cosmetics, or ((drug sundries)) nonprescription drugs, or has violated any of the rules and regulations of the board of pharmacy.

Sec. 15. Section 1, chapter 28, Laws of 1939 and RCW 18.64.245 are each amended to read as follows:

Every proprietor or manager of a pharmacy ~~((or drug store))~~ shall keep ~~((in his place of business))~~ readily available a suitable ~~((book or file, in))~~ record of prescriptions which shall ~~((be preserved))~~ preserve for a period of

not less than five years the ~~((original))~~ record of every prescription ~~((compounded or))~~ dispensed at such pharmacy ~~((or drug store, numbering, dating and filing them in the order in which they were compounded or dispensed))~~ which shall be numbered, dated, and filed, and shall produce the same in court or before any grand jury whenever lawfully required to do so. The record shall be maintained either separately from all other records of the pharmacy or in such form that the information required is readily retrievable from ordinary business records of the pharmacy. All record-keeping requirements for controlled substances must be complied with. Such ~~((book or file of original))~~ record of prescriptions shall ~~((at all times))~~ be for confidential use in the pharmacy, only: PROVIDED, That the record of prescriptions shall be open for inspection by ~~((the prescriber,))~~ the board of pharmacy~~((:))~~ or any officer of the law.

Sec. 16. Section 13, chapter 121, Laws of 1899 as last amended by section 12, chapter 38, Laws of 1963 and RCW 18.64.250 are each amended to read as follows:

(1) Any person not a ~~((registered))~~ licensed pharmacist and not having continuously and regularly in his employ a duly licensed ~~((and registered))~~ pharmacist within the full meaning of this chapter, who shall ~~((retail, compound or dispense medicines, or who shall take, use or exhibit the title of registered pharmacist, shall be deemed guilty of a gross misdemeanor, and each and every day that such prohibited practice continues shall be deemed a separate offense. Every place in which physicians' prescriptions are compounded or dispensed shall be deemed to be a pharmacy, drug store or dispensary, and the same shall at all times be under the personal supervision of a duly licensed and registered pharmacist. PROVIDED, That in the absence of the pharmacist from the hospital pharmacy, a registered nurse, designated by the hospital, may obtain from the hospital pharmacy such drugs as are needed in an emergency, and proper record must be kept of such emergency, including date, time, name of prescriber, name of nurse obtaining the drugs, and list of what drugs were obtained, and))~~ practice pharmacy; or

(2) Any person who shall permit the compounding and dispensing of prescriptions, or vending of drugs, medicines, or poisons in his or her store or place of business, except ~~((upon))~~ under the supervision of a ~~((registered))~~ licensed pharmacist~~((:)); or~~

(3) Any ~~((registered))~~ licensed pharmacist or shopkeeper ~~((registered))~~ licensed under this chapter, who while continuing in business, ~~((who))~~ shall fail or neglect to procure his or her renewal of ~~((registration,))~~ license; or

(4) Any person who shall wilfully make any false representations to procure ~~((registration))~~ a license for himself or herself or for any other person~~((:)); or~~

(5) Any person who shall violate any of the provisions of this chapter wilfully and knowingly~~((, shall be deemed guilty of a gross misdemeanor,~~

~~and each day that such prohibited practice continues shall be deemed a separate offense: PROVIDED, That nothing in this chapter or chapter 43-69 RCW shall operate in any manner to interfere with the business of any physician and surgeon, duly licensed as such under the laws of this state, in regular practice, or to prevent him from administering to his patients such medicines as he may deem proper, nor with selling proprietary medicine or medicines placed in sealed packages, nor with the exclusive wholesale business of any dealer except as herein provided, nor prevent shopkeepers, itinerant vendors, peddlers or salesmen from dealing in and selling the commonly used medicines, or patent and proprietary medicines, if such medicines are sold in the original packages of the manufacturer, or in packages put up by a registered pharmacist in the manner provided by the state board of pharmacy, if such shopkeeper, itinerant vendor, salesman or peddler shall have obtained a license; but)); or~~

(6) Any person who shall take or use or exhibit in or upon any place of business, or advertise in a newspaper, telephone directory, or other directory, or by ((radio)) electronic media, or in any other manner, the title of pharmacist, pharmacy intern, pharmacy assistant ((pharmacist)), druggist, pharmacy, drug store, medicine store, drug department, drugs, drug sundries, or any title or name of like description or import, or display or permit to be displayed upon said place of business the characteristic pharmacy ((show)) symbols, bottles or globes, either colored or filled with colored liquids, without having continuously and regularly employed in his or her shop, store, or place of business, during business hours of the pharmacy, a pharmacist duly licensed ((and registered)) under this chapter((-)); shall be guilty of a misdemeanor, and each and every day that such prohibited practice continues shall be deemed a separate offense.

NEW SECTION. Sec. 17. There is added to chapter 18.64 RCW a new section to read as follows:

(1) A shopkeeper licensed as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer.

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to secure a shopkeeper's license, and he or she shall pay the fee determined by the board for the same, and annually thereafter the fee determined by the board for renewal of the same; and shall at all times keep said license or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's license fee remains unpaid for sixty days from the date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee: PROVIDED, That every shopkeeper with six or fewer drugs shall pay a fee to be determined by the board. This license fee shall not authorize the sale of legend drugs or controlled substances.

(3) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having a license to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

NEW SECTION. Sec. 18. There is added to chapter 18.64 RCW a new section to read as follows:

The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the board, and annually thereafter, on or before a date to be determined by the board, a like fee to be determined by the board, for which the owner shall receive a license of location from the state board of pharmacy, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the year ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the state board of pharmacy, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the board of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

NEW SECTION. Sec. 19. There is added to chapter 18.64 RCW a new section to read as follows:

Nothing in this chapter shall operate in any manner:

(1) To restrict the scope of authorized practice of any practitioner, duly licensed as such under the laws of this state; or

(2) In the absence of the pharmacist from the hospital pharmacy, to prohibit a registered nurse designated by the hospital and the responsible pharmacist from obtaining from the hospital pharmacy such drugs as are needed in an emergency: PROVIDED, That proper record is kept of such emergency, including the date, time, name of prescriber, the name of the nurse obtaining the drugs, and a list of what drugs and quantities of same were obtained; or

(3) To prevent shopkeepers, itinerant vendors, peddlers, or salesmen from dealing in and selling nonprescription drugs, if such drugs are sold in the original packages of the manufacturer, or in packages put up by a licensed pharmacist in the manner provided by the state board of pharmacy,

if such shopkeeper, itinerant vendor, salesman, or peddler shall have obtained a license.

NEW SECTION. Sec. 20. Section 9, chapter 180, Laws of 1923, section 8, chapter 38, Laws of 1963 and RCW 18.64.110 are each repealed.

Passed the Senate February 16, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 91

[Senate Bill No. 2206]

COMMERCIAL FEED DISTRIBUTORS—INSPECTION FEES

AN ACT Relating to commercial feed; amending section 6, chapter 31, Laws of 1965 ex. sess. as last amended by section 5, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.53.9018; and providing an effective date.

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

Section 1. Section 6, chapter 31, Laws of 1965 ex. sess. as last amended by section 5, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.53.9018 are each amended to read as follows:

(1) On or after (~~(July 1, 1975)~~) January 1, 1980, each initial distributor of a commercial feed in this state shall pay to the department an inspection fee of (~~(six)~~) eight cents per ton on all commercial feed sold by such person during the year.

(2) In computing the tonnage on which the inspection fee must be paid, sales of commercial feed to other feed registrants, sales of commercial feed in packages weighing less than ten pounds, and sales of commercial feed for shipment to points outside this state may be excluded.

(3) When more than one distributor is involved in the distribution of a commercial feed, the last registrant or initial distributor who distributes to a nonregistrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee, unless the reporting and paying of fees have been made by a prior distributor of the feed.

(4) Each person made responsible by this chapter for the payment of inspection fees for commercial feed sold in this state shall file a report with the department on (~~(October 1st,)~~) January 1st(~~(, April 1st,)~~) and July 1st of each year showing the number of tons of such commercial feed sold during the (~~(three)~~) six calendar months immediately preceding the date the report is due. The proper inspection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty-day period of grace immediately following the day the report and payment are due to file the report, and pay the fee: PROVIDED, That upon permission of the department, an annual statement under oath may be filed by any

person distributing within the state less than (~~ifty~~) one hundred tons (~~per quarter~~) for each six-month period during any year, and upon filing such statement such person shall pay the inspection fee at the rate stated in subsection (1) of this section.

(5) Each distributor shall keep such reasonable and practical records as may be necessary or required by the department to indicate accurately the tonnage of commercial feed distributed in this state, and the department shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute a violation of this chapter.

(6) Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a collection fee of (~~twenty-five~~) ten percent, but not less than five dollars, added to the amount due when payment is finally made. The assessment of this collection fee shall not prevent the department from taking other actions as provided for in this chapter.

(7) The report required by subsection (4) of this section shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report: PROVIDED, That nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person if any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the director of the department.

(8) Any commercial feed purchased by a consumer or contract feeder outside the jurisdiction of this state and brought into this state for use shall be subject to all the provisions of this chapter, including inspection fees.

NEW SECTION. Sec. 2. This act shall take effect on January 1, 1980.

Passed the Senate March 6, 1979.

Passed the House March 1, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 92

[Substitute Senate Bill No. 2265]

PESTICIDE APPLICATORS—LICENSURE

AN ACT Relating to pesticide application; amending section 2, chapter 249, Laws of 1961 as last amended by section 1, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.020; amending section 3, chapter 249, Laws of 1961 and RCW 17.21.030; amending section 20, chapter 249, Laws of 1961 as last amended by section 5, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.200; amending section 9, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.203; amending section 18, chapter 177, Laws of 1967 as amended by

section 6, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.205; and adding new sections to chapter 17.21 RCW.

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

Section 1. Section 2, chapter 249, Laws of 1961 as last amended by section 1, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.020 are each amended to read as follows:

~~((For the purpose of this chapter:))~~ Unless the context clearly requires otherwise, the definitions in this section apply throughout 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, association, or any organized group of persons whether incorporated or not, and every officer, agent or employee thereof. This term shall import either the singular or plural as the case may be.

(4) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(5) "Pesticide" means, but is not limited to, (a) any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest, and (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.

(6) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests or to destroy, control, repel or mitigate fungi, nematodes or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately therefrom.

(7) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any fungi.

(8) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate rodents or any other vertebrate animal which the director may declare to be a pest.

(9) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any weed.

(10) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(11) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(12) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments.

(13) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(14) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(15) "Weed" means any plant which grows where not wanted.

(16) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(17) "Fungi" means all nonchlorophyll-bearing thallophytes (that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals.

(18) "Snails or slugs" include all harmful mollusks.

(19) "Nematode" means any of the nonsegmented roundworms harmful to plants.

(20) "Apparatus" means any type of ground, water or aerial equipment, device, or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized handsized household device used to apply any pesticide or any equipment, device or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.

(21) "Restricted use pesticide" means any pesticide(~~(, including any highly toxic pesticide, which the director has found and determined, subsequent to a hearing, to be injurious to persons, pollinating insects, bees, animals, crops or lands other than the pests it is intended to prevent, destroy, control, or mitigate))~~ use which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including man, lands, beneficial insects, animals, crops, and wildlife, other than pests.

(22) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

(23) "Agricultural crop" means a food intended for human consumption, or a food for livestock the products of which are intended for human consumption, which food shall require cultural treatment of the land for its production.

(24) "Board" means the pesticide advisory board.

(25) "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(26) "Agricultural commodity" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals.

(27) "Certified applicator" means any individual who is licensed as a pesticide applicator, pesticide operator, public operator, private-commercial applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators, only.

(28) "Direct supervision" by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by him or his employer, by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job supervision.

(29) "EPA" means the United States environmental protection agency.

(30) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(31) "FIFRA" means the federal insecticide, fungicide and rodenticide act, as amended (61 Stat. 163, 7 U.S.C. Sec. 135).

(32) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of (a) any EPA restricted use pesticide; or (b) any restricted use pesticide restricted to use only by certified applicators by the director, for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by him or his employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(33) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide or (b) any restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by him or his employer.

(34) "Unreasonable adverse effects on the environment" means any unreasonable risk to man or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

Sec. 2. Section 3, chapter 249, Laws of 1961 and RCW 17.21.030 are each amended to read as follows:

The director shall administer and enforce the provisions of this chapter and rules adopted hereunder.

(1) The director shall adopt rules:

(a) Governing the application and use, or prohibiting the use, or possession for use, of any pesticide (~~which the director finds and determines to be injurious~~);

(b) Governing the time when, and the conditions under which restricted use pesticides shall or shall not be used in different areas, which areas may be prescribed by him, in the state;

(c) Providing that any or all restricted use pesticides shall be purchased, possessed or used only under permit of the director and under his direct supervision in certain areas and/or under certain conditions or in certain quantities of concentrations; however, any person licensed to sell such pesticides may purchase and possess such pesticides without a permit; and

(d) Providing that all permittees shall keep records as required of licensees under RCW 17.21.100.

(2) The director may adopt any other rules necessary to carry out the purpose and provisions of this chapter.

Sec. 3. Section 20, chapter 249, Laws of 1961 as last amended by section 5, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.200 are each amended to read as follows:

The provisions of this chapter relating to pesticide applicator licenses and requirements for their issuance shall not apply to any forest landowner, or his employees, applying pesticides with ground apparatus or manually, on his own lands or any lands or rights of way under his control or to any farmer owner of ground apparatus applying pesticides for himself or other farmers on an occasional basis not amounting to a principal or regular occupation: PROVIDED, That such owner shall not publicly hold himself out as a pesticide applicator.

Sec. 4. Section 9, chapter 191, Laws of 1971 ex. sess. and RCW 17.21-.203 are each amended to read as follows:

(1) The licensing provisions of this chapter shall not apply to research personnel of federal, state, county, or municipal agencies when performing pesticide research in their official capacities(~~;~~ and): PROVIDED, That when such persons are applying pesticides restricted to use by certified applicators, they shall be licensed as public operators.

(2) The licensing provisions of this chapter shall not apply to any other person(s) when applying pesticides to small experimental plots for research (~~projects conducted in cooperation with governmental research agencies~~) purposes when no charge is made for the pesticide and its application: PROVIDED, That if such persons are not provided for in subsection (1) of this section and are applying pesticides restricted to use by certified applicators, they shall be required to be licensed as pesticide applicators but shall be exempt from the requirements of RCW 17.21.160, 17.21.170, and 17.21.180.

Sec. 5. Section 18, chapter 177, Laws of 1967 as amended by section 6, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.205 are each amended to read as follows:

The licensing provisions of chapter 17.21 RCW shall not apply to any person using hand-powered equipment, devices, or contrivances to apply pesticides which are not restricted to use by certified applicators to lawns, or to ornamental shrubs and trees not in excess of twelve feet high, as an incidental part of his business of taking care of household lawns and yards for remuneration: PROVIDED, That such person shall not publicly hold himself out as being in the business of applying pesticides.

NEW SECTION. Sec. 6. It shall be unlawful for any person to act as a private-commercial applicator without having obtained a private-commercial applicator's license from the director. Any person applying for such private-commercial applicator's license shall file an application on a form prescribed by the director. Such application shall state the classifications the applicant is applying for and the method in which these pesticides are to be applied. Application for a license to apply pesticides shall be accompanied

by a license fee of twenty dollars before a license may be issued. The private-commercial applicator license issued by the director shall be valid until revoked or until the director determines that recertification is necessary.

NEW SECTION. Sec. 7. The director shall not issue a private-commercial applicator's license before such applicant has passed an examination to demonstrate to the director (1) his ability to apply pesticides in the classifications he has applied for, (2) his knowledge of the nature and effect of pesticides applied under such classifications, and (3) any other matter the director, by regulation, determines to be a necessary subject for examination.

NEW SECTION. Sec. 8. It shall be unlawful for any person to act as a private applicator without first complying with the certification requirements determined by the director as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use. Certification standards to determine the individual's competency with respect to the use and handling of the pesticide or class of pesticides the private applicator is to be certified to use shall be relative to hazards according to RCW 17.21.030 as now or hereafter amended. In determining these standards the director shall take into consideration standards of the EPA and is authorized to adopt by regulation these standards. A private applicator certification issued by the director shall be valid until revoked or the director determines that a recertification is necessary. If the director does not qualify the private applicator under this section, he shall inform the applicant in writing.

NEW SECTION. Sec. 9. The director may renew any private applicator's certification or private-commercial applicator's license under the classification for which such applicant is licensed or certificated subject to demonstration of competency regarding new knowledge that may be required to apply pesticides manually or with apparatuses the applicant has been licensed to operate.

NEW SECTION. Sec. 10. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 6 through 10 of this 1979 act shall be added to chapter 17.21 RCW.

Passed the Senate February 20, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 93

[Substitute Senate Bill No. 2310]

STATE EMPLOYEES' WAGES, BENEFITS PAYMENTS—ELECTRONIC BANK DEPOSIT

AN ACT Relating to the state treasurer; and adding a new section to chapter 43.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.08 RCW a new section to read as follows:

The state treasurer is authorized upon the written request of any recipient, as in this section defined, to pay by means of wire or other electronic communication the full amount of any such recipient's salary and wages or state funded benefit payments (after mandatory or authorized deductions) to any financial institution, as in this section defined, for either (1) credit to the recipient's account in such financial institution, or (2) immediate transfer by such institution to the recipient's account in any other financial institution: PROVIDED, That nothing in this section shall be construed as authorizing any employer or agency to require the recipient to have an account in any particular institution or type of financial institution.

A single credit shall be entered in favor of such initial depository financial institution for the total amount due the recipients involved. Directions shall be provided to such financial institution as to the amount to be credited to the account of each recipient or to be transferred to an account in another financial institution for such recipient. Payment made hereunder, accompanied by the issuance and delivery by the state treasurer of deposit instructions in accordance with the procedures set forth herein, and proper receipt thereof by the initial depository financial institution, shall have the same legal effect as payment directly to the recipient.

For purposes of this section:

(1) The term "recipient" means any state employee or any person to whom state funded public employees' retirement benefits, industrial insurance benefits, or state public assistance benefits are being paid.

(2) The term "financial institution" means any state or federally chartered commercial bank, trust company, mutual savings bank, savings and loan association, or credit union, within or without the state of Washington.

(3) The term "initial depository financial institution" means any state or federally chartered commercial bank, trust company, mutual savings bank, savings and loan association, or credit union, within the state of Washington.

The office of financial management is hereby authorized to adopt and promulgate such procedural administrative regulations as are necessary or

appropriate for the efficient and orderly implementation of this section, including regulations fixing the respective responsibilities and functions of the various payor agencies affected by this section.

Passed the Senate February 20, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 94

[Engrossed Senate Bill No. 2511]

RECYCLING AND LITTER CONTROL PROGRAM—STATE MATCHING AID TO SMALL COMMUNITIES—YOUTH PATROL—FUNDS ALLOCATION AND DISTRIBUTION

AN ACT Relating to litter control and recycling; amending section 1, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.010; amending section 2, chapter 307, Laws of 1971 ex. sess. as amended by section 7, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.93.020; amending section 3, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.030; amending section 5, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.050; amending section 9, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.090; amending section 10, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.100; amending section 20, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.200; amending section 21, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.210; adding a new section to chapter 70.93 RCW; repealing section 19, chapter 307, Laws of 1971 ex. sess., section 8, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.93.190; and declaring an emergency.

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

Section 1. Section 1, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.010 are each amended to read as follows:

Recognizing the rapid population growth of the state of Washington and the ever increasing mobility of its people, as well as the fundamental need for a healthful, clean and beautiful environment; and further recognizing that the proliferation and accumulation of litter discarded throughout this state impairs this need and constitutes a public health hazard; and further recognizing the need to conserve energy and natural resources; and further recognizing that there is an imperative need to anticipate, plan for, and accomplish effective litter control and recover and recycle waste materials related to litter with the subsequent conservation of resources and energy, there is hereby enacted this "Model Litter Control and Recycling Act".

Sec. 2. Section 2, chapter 307, Laws of 1971 ex. sess. as amended by section 7, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.93.020 are each amended to read as follows:

The purpose of this chapter is to accomplish litter control and stimulate private recycling programs throughout this state by delegating to the department of ecology the authority to: (1) Conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible; (2) recover and recycle waste materials related to

litter and littering; (3) foster private recycling; and (4) increase public awareness of the need for recycling and litter control. It is further the intent and purpose of this chapter to create jobs for employment of youth in litter cleanup and related activities and to stimulate and encourage small, private recycling centers. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this chapter. The intent of this chapter is to add to and to coordinate existing recycling and litter control and removal efforts and not terminate or supplant such efforts.

Sec. 3. Section 3, chapter 307, Laws of 1971 ex. sess. and RCW 70.93-.030 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

- (1) "Department" means the department of ecology;
- (2) "Director" means the director of the department of ecology;
- (3) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;
- (4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;
- (5) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;
- (6) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;
- (7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;
- (8) "Recycling" means the process of separating, cleansing, treating, and reconstituting used or discarded litter-related materials for the purpose of recovering and reusing the resources contained therein;
- (9) "Recycling center" means a central collection point for recyclable materials;
- (10) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks;

~~((9))~~ (11) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

~~((10))~~ (12) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

Sec. 4. Section 5, chapter 307, Laws of 1971 ex. sess. and RCW 70.93-.050 are each amended to read as follows:

The director ~~((may))~~ shall designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this chapter and all rules and regulations adopted thereunder. The director shall also have authority to contract with other state and local governmental agencies having law enforcement capabilities for services and personnel reasonably necessary to carry out the enforcement provisions of this chapter. In addition, state patrol officers, game protectors and deputy game protectors, fire wardens, deputy fire wardens and forest rangers, sheriffs and marshals and their deputies, and police officers, and those employees of the department of ecology and the parks and recreation commission vested with police powers all shall enforce the provisions of this chapter and all rules and regulations adopted thereunder and are hereby empowered to issue citations to and/or arrest without warrant, persons violating any provision of this chapter or any of the rules and regulations adopted hereunder. All of the foregoing enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this chapter and rules and regulations adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process to his last known place of residence shall be deemed as personal service upon the person charged.

Sec. 5. Section 9, chapter 307, Laws of 1971 ex. sess. and RCW 70.93-.090 are each amended to read as follows:

The department shall design and the director shall adopt by rule or regulation one or more types of litter receptacles which are reasonably uniform as to size, shape, capacity and color, for wide and extensive distribution throughout the public places of this state. Each such litter receptacle shall bear an anti-litter symbol as designed and adopted by the department. In addition, all litter receptacles shall be designed to attract attention and to encourage the depositing of litter.

Litter receptacles of the uniform design shall be placed along the public highways of this state and at all parks, campgrounds, trailer parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches and bathing areas, and such other public places within this state as specified by rule or regulation of the director adopted pursuant to chapter 34.04 RCW. The number of such receptacles required to be placed

as specified herein shall be determined by a formula related to the need for such receptacles.

It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles of the uniform design are required by this section to procure and place such receptacles at their own expense on the premises in accord with rules and regulations adopted by the department.

The department shall establish a system of grants to aid cities, towns, and counties with populations under twenty-five thousand in procuring and placing such litter receptacles. Such grants shall be on a matching basis under which the local government involved electing to participate in this program shall be required to pay at least fifty percent of the total costs of procurement of receptacles sufficient in number to meet departmental guidelines established by rule pursuant to this section. The amount of the grant shall be determined on a case-by-case basis by the director after consideration of need, available departmental and local government funds, degree of prior compliance by the local government involved in placement of receptacles, and other relevant criteria. The responsibility for maintaining and emptying such receptacles shall remain with the unit of local government.

Any person, other than a political subdivision, government agency, or municipality, who fails to place such litter receptacles on the premises in the numbers required by rule or regulation of the department, violating the provisions of this section or rules or regulations adopted thereunder shall be subject to a fine of ten dollars for each day of violation.

Sec. 6. Section 10, chapter 307, Laws of 1971 ex. sess. and RCW 70-93.100 are each amended to read as follows:

The department ((may)) shall design and produce a litter bag bearing the state-wide anti-litter symbol and a statement of the penalties prescribed herein for littering in this state. As soon as possible after ((May 21, 1971)) the effective date of this 1979 act, such litter bags ((may)) shall be distributed by the department of motor vehicles at no charge to the owner of every licensed vehicle in this state at the time and place of license renewal. The department of ecology ((may)) shall make such litter bags available to the owners of water craft in this state and ((may)) shall also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming vehicles and watercraft. The owner of any vehicle or watercraft who fails to keep and use a litter bag in his vehicle or watercraft shall be guilty of a violation of this section and shall be subject to a fine as provided in this chapter.

Sec. 7. Section 20, chapter 307, Laws of 1971 ex. sess. and RCW 70-93.200 are each amended to read as follows:

In addition to the foregoing, the department of ecology shall:

- (1) Serve as the coordinating agency between the various industry organizations seeking to aid in the anti-litter and recycling efforts;
- (2) Recommend to the governing bodies of all local governments that they adopt ordinances similar to the provisions of this chapter;
- (3) Cooperate with all local governments to accomplish coordination of local anti-litter and recycling efforts;
- (4) Encourage, organize, and coordinate all voluntary local anti-litter and recycling campaigns seeking to focus the attention of the public on the programs of this state to control and remove litter and to foster recycling;
- (5) Investigate the availability of, and apply for funds available from any private or public source to be used in the program outlined in this chapter;
- (6) Develop state-wide programs to increase public awareness of and participation in recycling and to stimulate and encourage local private recycling centers, public participation in recycling and research and development in the field of litter control, and recycling, removal, and disposal of litter-related recycling materials.

Sec. 8. Section 21, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.210 are each amended to read as follows:

To aid in the state-wide anti-litter and recycling campaign, the state legislature requests that the various industry organizations which are active in anti-litter and recycling efforts provide active cooperation with the department of ecology so that additional effect may be given to the anti-litter and recycling campaign of the state of Washington.

NEW SECTION. Sec. 9. There is added to chapter 70.93 RCW a new section to read as follows:

The department shall allocate and distribute funds annually from the litter control account as follows:

- (1) Not less than forty percent nor more than fifty percent for a litter patrol program to employ youth from the state to remove litter from places and areas that are most visible to the public;
- (2) Not less than twenty percent nor more than thirty percent to accomplish the litter control purposes of this chapter other than as specified in subsection (1) of this section. A substantial part of this portion shall be used for public education and awareness programs to control litter and to promote awareness of the Model Litter Control and Recycling Act; and
- (3) Not less than twenty percent nor more than thirty percent to accomplish the recycling purposes of this chapter. A substantial part of this portion shall be used for public education and awareness programs to foster private local recycling efforts and to promote awareness of the Model Litter Control and Recycling Act.

NEW SECTION. Sec. 10. Section 19, chapter 307, Laws of 1971 ex. sess., section 8, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70-.93.190 are each repealed.

NEW SECTION. Sec. 11. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This 1979 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 February 16, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 95

[Engrossed Substitute Senate Bill No. 2149]

THE TRANSITIONAL BILINGUAL INSTRUCTION ACT OF 1979

AN ACT Relating to education; providing for bilingual instruction in the common schools; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and making effective dates.

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

NEW SECTION. Section 1. This act shall be known and cited as "The Transitional Bilingual Instruction Act of 1979". The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. Experience has shown that classes which are taught in English are inadequate to meet the needs of these children. The legislature finds that a bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of this act to provide for the implementation of bilingual education programs in the public schools, and to provide supplemental financial assistance to help local school districts to meet the extra costs of these programs.

NEW SECTION. Sec. 2. As used in this act, unless the context thereof indicates to the contrary:

(1) "Transitional bilingual instruction" means a system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: **PROVIDED**, That the program shall include testing in the subject matter in English.

(2) "Primary language" means the language most often used by the student for communication in his/her home.

(3) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning when taught only in English, but shall not include pupils who are equally or almost equally competent in English and other languages.

NEW SECTION. Sec. 3. Every school district board of directors shall:

(1) Make available to each eligible pupil bilingual instruction in accord with rules of the superintendent of public instruction: **PROVIDED**, That such rules shall provide that any school district with a limited number of pupils of the same non-English dominant language shall not be required to activate a new bilingual program but may carry on an alternative instructional program utilizing resources available to the district.

(2) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program.

(3) Annually determine by administration of a test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district.

(4) Provide in-service training for all teachers, counselors, and other staff, who are involved in bilingual education within the district. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and bilingual program models.

NEW SECTION. Sec. 4. Every school district board of directors may appoint, maintain, and receive recommendations from an advisory committee of persons including parents whose children are in the bilingual instruction program and bilingual teachers and other staff members.

NEW SECTION. Sec. 5. The superintendent of public instruction shall prepare and issue prior to September, 1979, program development guidelines to assist school districts in preparing their programs. Rules for implementation of this bilingual instruction act shall be promulgated by the superintendent of public instruction in accordance with chapter 34.04 RCW no later than May 15, 1980.

NEW SECTION. Sec. 6. The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs. Moneys appropriated by the legislature for the purposes of this act shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for

each eligible pupil within a district: PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills. School districts are hereby empowered to accept grants, gifts, donations, devices and other gratuities from private and public sources to aid in accomplishing the purposes of sections 1 through 6 of this act.

NEW SECTION. Sec. 7. Section 3 of this act shall take effect September 1, 1980.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

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

Passed the Senate March 5, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 96

[Senate Bill No. 2562]

VOTERS, TRANSFER OF REGISTRATION

AN ACT Relating to voter registration; and adding a new section to chapter 9, Laws of 1965 and to chapter 29.10 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 29.10 RCW a new section to read as follows:

A registered voter may file a transfer of registration on the day of an election or primary under the procedures set forth in this section.

At each polling place, the precinct election officials shall have at their table a supply of forms for transfer of registration, designed by the secretary of state and supplied by the county auditors. Accompanying such forms there shall be a sign stating "If you do not still reside at the address at which you are presently registered, please complete this form."

A voter completing the transfer form shall vote in the precinct in which he was previously registered. Upon transmittal of the ballots, ballot cards, or voting machine count to the county auditor the precinct election officers shall also deliver the transfer forms to the auditor, who shall, within ninety

days mail to each voter requesting a transfer of registration, notice of his current precinct and polling place.

Passed the Senate February 20, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 97

[House Bill No. 66]

FOREIGN JUDGMENTS—NOTICE OF FILING

AN ACT Relating to civil procedure; and amending section 2, chapter 45, Laws of 1977 ex. sess. and RCW 6.36.035.

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

Section 1. Section 2, chapter 45, Laws of 1977 ex. sess. and RCW 6.36.035 are each amended to read as follows:

(1) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor's lawyer shall make and file with the clerk of court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.

(2) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer if any in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(3) No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until ten days after the date the judgment is filed or until ten days after mailing the notice of filing, whether mailed by the clerk or judgment (~~debtor~~) creditor, whichever is later.

Passed the House February 20, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 98

[House Bill No. 18]

UNIFORM CHILD CUSTODY JURISDICTION ACT

AN ACT Relating to child custody jurisdiction; enacting the uniform child custody jurisdiction act; and adding a new chapter to Title 26 RCW.

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

NEW SECTION. Section 1. **PURPOSES OF ACT—CONSTRUCTION OF PROVISIONS.** (1) The general purposes of this chapter are to:

(a) Avoid jurisdiction competition and conflict with courts of other states in matters of child custody which have in the past resulted in the shifting of children from state to state with harmful effects on their well-being;

(b) Promote cooperation with the courts of other states to the end that a custody decree is rendered in that state which can best decide the case in the interest of the child;

(c) Assure that litigation concerning the custody of a child take place ordinarily in the state with which the child and his family have the closest connection and where significant evidence concerning his care, protection, training, and personal relationships is most readily available, and that courts of this state decline the exercise of jurisdiction when the child and his family have a closer connection with another state;

(d) Discourage continuing controversies over child custody in the interest of greater stability of home environment and of secure family relationships for the child;

(e) Deter abductions and other unilateral removals of children undertaken to obtain custody awards;

(f) Avoid relitigation of custody decisions of other states in this state insofar as feasible;

(g) Facilitate the enforcement of custody decrees of other states;

(h) Promote and expand the exchange of information and other forms of mutual assistance between the courts of this state and those of other states concerned with the same child; and

(i) Make uniform the law of those states which enact it.

(2) This chapter shall be construed to promote the general purposes stated in this section.

NEW SECTION. Sec. 2. **DEFINITIONS.** As used in this chapter:

(1) "Contestant" means a person, including a parent, who claims a right to custody or visitation rights with respect to a child;

(2) "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights; it does not include a decision relating to child support or any other monetary obligation of any person;

(3) "Custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for dissolution of marriage, or legal separation, and includes child neglect and dependency proceedings;

(4) "Decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(5) "Home state" means the state in which the child immediately preceding the time involved lived with his parents, a parent, or a person acting as parent, for at least six consecutive months, and in the case of a child less than six months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period;

(6) "Initial decree" means the first custody decree concerning a particular child;

(7) "Modification decree" means a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court;

(8) "Physical custody" means actual possession and control of a child;

(9) "Person acting as parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by the court or claims a right to custody; and

(10) "State" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

NEW SECTION. Sec. 3. JURISDICTION. (1) A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if the conditions as set forth in any of the following paragraphs are met:

(a) This state (i) is the home state of the child at the time of commencement of the proceeding, or (ii) had been the child's home state within six months before commencement of the proceeding and the child is absent from this state because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as parent continues to live in this state; or

(b) It is in the best interest of the child that a court of this state assume jurisdiction because (i) the child and his parents, or the child and at least one contestant, have a significant connection with this state, and (ii) there is available in this state substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or

(c) The child is physically present in this state and (i) the child has been abandoned or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent; or

(d) (i) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs (a), (b), or (c) of this subsection, or another state has declined to exercise jurisdiction on the

ground that this state is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that this court assume jurisdiction.

(2) Except under subsection (1) (c) and (d) of this section, physical presence in this state of the child, or of the child and one of the contestants, is not alone sufficient to confer jurisdiction on a court of this state to make a child custody determination.

(3) Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine his custody.

NEW SECTION. Sec. 4. NOTICE AND OPPORTUNITY TO BE HEARD. Before making a decree under this chapter, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child. If any of these persons is outside this state, notice and opportunity to be heard shall be given under section 5 of this act.

NEW SECTION. Sec. 5. NOTICE TO PERSONS OUTSIDE THIS STATE—SUBMISSION TO JURISDICTION. (1) Notice required for the exercise of jurisdiction over a person outside this state shall be given in a manner reasonably calculated to give actual notice, and may be made in any of the following ways:

(a) By personal delivery outside this state in the manner prescribed for service of process within this state;

(b) In the manner prescribed by the law of the place in which the service is made for service of process in that place in an action in any of its courts of general jurisdiction;

(c) By any form of mail addressed to the person to be served and requesting a receipt; or

(d) As directed by the court (including publication, if other means of notification are ineffective).

(2) Notice under this section shall be served, mailed, delivered, or last published at least ten days before any hearing in this state.

(3) Proof of service outside this state may be made by affidavit of the individual who made the service, or in the manner prescribed by the law of this state, the order pursuant to which the service is made, or the law of the place in which the service is made. If service is made by mail, proof may be a receipt signed by the addressee or other evidence of delivery to the addressee.

(4) Notice is not required if a person submits to the jurisdiction of the court.

NEW SECTION. Sec. 6. SIMULTANEOUS PROCEEDINGS IN OTHER STATES. (1) A court of this state shall not exercise its jurisdiction under this chapter if at the time of filing the petition a proceeding concerning the custody of the child was pending in a court of another state exercising jurisdiction substantially in conformity with this chapter, unless the proceeding is stayed by the court of the other state because this state is a more appropriate forum or for other reasons.

(2) Before hearing the petition in a custody proceeding the court shall examine the pleadings and other information supplied by the parties under section 9 of this act and shall consult the child custody registry established under section 16 of this act concerning the pendency of proceedings with respect to the child in other states. If the court has reason to believe that proceedings may be pending in another state it shall direct an inquiry to the state court administrator or other appropriate official of the other state.

(3) If the court is informed during the course of the proceeding that a proceeding concerning the custody of the child was pending in another state before the court assumed jurisdiction it shall stay the proceeding and communicate with the court in which the other proceeding is pending to the end that the issue may be litigated in the more appropriate forum and that information be exchanged in accordance with sections 19 through 22 of this act. If a court of this state has made a custody decree before being informed of a pending proceeding in a court of another state it shall immediately inform that court of the fact. If the court is informed that a proceeding was commenced in another state after it assumed jurisdiction it shall likewise inform the other court to the end that the issues may be litigated in the more appropriate forum.

NEW SECTION. Sec. 7. INCONVENIENT FORUM. (1) A court which has jurisdiction under this chapter to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case and that a court of another state is a more appropriate forum.

(2) A finding of inconvenient forum may be made upon the court's own motion or upon motion of a party or a guardian ad litem or other representative of the child.

(3) In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction. For this purpose it may take into account the following factors, among others:

- (a) If another state is or recently was the child's home state;
- (b) If another state has a closer connection with the child and his family or with the child and one or more of the contestants;

(c) If substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in another state;

(d) If the parties have agreed on another forum which is no less appropriate; and

(e) If the exercise of jurisdiction by a court of this state would contravene any of the purposes stated in section 1 of this act.

(4) Before determining whether to decline or retain jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court with a view to assuring that jurisdiction will be exercised by the more appropriate court and that a forum will be available to the parties.

(5) If the court finds that it is an inconvenient forum and that a court of another state is a more appropriate forum, it may dismiss the proceedings, or it may stay the proceedings upon condition that a custody proceeding be promptly commenced in another named state or upon any other conditions which may be just and proper, including the condition that a moving party stipulate his consent and submission to the jurisdiction of the other forum.

(6) The court may decline to exercise its jurisdiction under this chapter if a custody determination is incidental to an action for dissolution of marriage or another proceeding while retaining jurisdiction over the dissolution of marriage or other proceeding.

(7) If it appears to the court that it is clearly an inappropriate forum it may require the party who commenced the proceedings to pay, in addition to the costs of the proceedings in this state, necessary travel and other expenses, including attorney's fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

(8) Upon dismissal or stay of proceedings under this section the court shall inform the court found to be the more appropriate forum of this fact, or if the court which would have jurisdiction in the other state is not certainly known, shall transmit the information to the court administrator or other appropriate official for forwarding to the appropriate court.

(9) Any communication received from another state informing this state of a finding of inconvenient forum because a court of this state is the more appropriate forum shall be filed in the custody registry of the appropriate court. Upon assuming jurisdiction the court of this state shall inform the original court of this fact.

NEW SECTION. Sec. 8. JURISDICTION DECLINED BY REASON OF CONDUCT. (1) If the petitioner for an initial decree has wrongfully taken the child from another state or has engaged in similar reprehensible conduct the court may decline to exercise jurisdiction for purposes of adjudication of custody if this is just and proper under the circumstances.

(2) Unless required in the interest of the child, the court shall not exercise its jurisdiction to modify a custody decree of another state if the petitioner, without consent of the person entitled to custody has improperly removed the child from the physical custody of the person entitled to custody or has improperly retained the child after a visit or other temporary relinquishment of physical custody. If the petitioner has violated any other provision of a custody decree of another state the court may decline to exercise its jurisdiction if this is just and proper under the circumstances.

(3) Where the court declines to exercise jurisdiction upon petition for an initial custody decree under subsection (1) of this section, the court shall notify the parent or other appropriate person and the prosecuting attorney of the appropriate jurisdiction in the other state. If a request to that effect is received from the other state, the court shall order the petitioner to appear with the child in a custody proceeding instituted in the other state in accordance with section 20 of this act. If no such request is made within a reasonable time after the notification, the court may entertain a petition to determine custody by the petitioner if it has jurisdiction under section 3 of this act.

(4) Where the court refuses to assume jurisdiction to modify the custody decree of another state under subsection (2) of this section or under section 14 of this act, the court shall notify the person who has legal custody under the decree of the other state and the prosecuting attorney of the appropriate jurisdiction in the other state and may order the petitioner to return the child to the person who has legal custody. If it appears that the order will be ineffective and the legal custodian is ready to receive the child within a period of a few days, the court may place the child in a foster care home for the period, pending return of the child to the legal custodian. At the same time, the court shall advise the petitioner that any petition for modification of custody must be directed to the appropriate court of the other state which has continuing jurisdiction, or, in the event that that court declines jurisdiction, to a court in a state which has jurisdiction under section 3 of this act.

(5) In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and other expenses, including attorney's fees and the cost of returning the child to another state.

NEW SECTION. Sec. 9. INFORMATION UNDER OATH TO BE SUBMITTED TO COURT. (1) Every party in a custody proceeding in his first pleading or in an affidavit attached to that pleading shall give information under oath as to the child's present address, the places where the child has lived within the last five years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit every party shall further declare under oath as to each of the following whether:

(a) He has participated, as a party, witness, or in any other capacity, in any other litigation concerning the custody of the same child in this or any other state;

(b) He has information of any custody proceeding concerning the child pending in a court of this or any other state; and

(c) He knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

(2) If the declaration as to any of the above items is in the affirmative the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.

(3) Each party has a continuing duty to inform the court of any custody proceeding concerning the child in this or any other state of which he obtained information during this proceeding.

NEW SECTION. Sec. 10. ADDITIONAL PARTIES. If the court learns from information furnished by the parties under section 9 of this act or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it shall order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his joinder as a party. If the person joined as a party is outside this state he shall be served with process or otherwise notified in accordance with section 5 of this act.

NEW SECTION. Sec. 11. APPEARANCE OF PARTIES AND CHILD. (1) The court may order any party to the proceeding who is in this state to appear personally before the court. If that party has physical custody of the child the court may order that he appear personally with the child. If the party who is ordered to appear with the child cannot be served or fails to obey the order, or it appears the order will be ineffective, the court may issue a warrant of arrest against the party to secure his appearance with the child.

(2) If a party to the proceeding whose presence is desired by the court is outside this state with or without the child the court may order that the notice given under section 5 of this act include a statement directing that party to appear personally with or without the child and declaring that failure to appear may result in a decision adverse to that party.

(3) If a party to the proceeding who is outside this state is directed to appear under subsection (2) of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child if this is just and proper under the circumstances.

NEW SECTION. Sec. 12. BINDING FORCE AND RES JUDICATA EFFECT OF CUSTODY DECREE. A custody decree rendered by a court of this state which had jurisdiction under section 3 of this act binds all parties who have been served in this state or notified in accordance with section 5 of this act or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made unless and until that determination is modified pursuant to law, including the provisions of this chapter.

NEW SECTION. Sec. 13. RECOGNITION OF OUT-OF-STATE CUSTODY DECREES. The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with this chapter or which was made under factual circumstances meeting the jurisdictional standards of this chapter, so long as this decree has not been modified in accordance with jurisdictional standards substantially similar to those of this chapter.

NEW SECTION. Sec. 14. MODIFICATION OF CUSTODY DECREE OF ANOTHER STATE. (1) If a court of another state has made a custody decree, a court of this state shall not modify that decree unless (a) it appears to the court of this state that the court which rendered the decree does not now have jurisdiction under jurisdictional prerequisites substantially in accordance with this chapter or has declined to assume jurisdiction to modify the decree and (b) the court of this state has jurisdiction.

(2) If a court of this state is authorized under subsection (1) of this section and section 8 of this act to modify a custody decree of another state it shall give due consideration to the transcript of the record and other documents of all previous proceedings submitted to it in accordance with section 22 of this act.

NEW SECTION. Sec. 15. FILING AND ENFORCEMENT OF CUSTODY DECREE OF ANOTHER STATE. (1) A certified copy of a custody decree of another state may be filed in the office of the clerk of any superior court of this state. The clerk shall treat the decree in the same manner as a custody decree of the superior court of this state. A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this state.

(2) A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or his witnesses.

NEW SECTION. Sec. 16. REGISTRY OF OUT-OF-STATE CUSTODY DECREES AND PROCEEDINGS. The clerk of each superior court shall maintain a registry in which he shall enter the following:

- (1) Certified copies of custody decrees of other states received for filing;
- (2) Communications as to the pendency of custody proceedings in other states;
- (3) Communications concerning a finding of inconvenient forum by a court of another state; and
- (4) Other communications or documents concerning custody proceedings in another state which may affect the jurisdiction of a court of this state or the disposition to be made by it in a custody proceeding.

NEW SECTION. Sec. 17. **CERTIFIED COPIES OF CUSTODY DECREE.** The clerk of a superior court of this state, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, shall certify and forward a copy of the decree to that court or person.

NEW SECTION. Sec. 18. **TAKING TESTIMONY IN ANOTHER STATE.** In addition to other procedural devices available to a party, any party to the proceeding or a guardian ad litem or other representative of the child may adduce testimony of witnesses, including parties and the child, by deposition or otherwise, in another state. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.

NEW SECTION. Sec. 19. **HEARINGS AND STUDIES IN ANOTHER STATE—ORDERS TO APPEAR.** (1) A court of this state may request the appropriate court of another state to hold a hearing to adduce evidence, to order a party to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state; and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise adduced, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties or, if necessary, ordered paid by the state.

(2) A court of this state may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings, and if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against another party or will otherwise be paid.

NEW SECTION. Sec. 20. **ASSISTANCE TO COURTS OF OTHER STATES.** (1) Upon request of the court of another state the courts of this state which are competent to hear custody matters may order a person in this state to appear at a hearing to adduce evidence or to produce or give evidence under other procedures available in this state or may order social

studies under RCW 26.09.220 to be made for use in a custody proceeding in another state. A certified copy of the transcript of the record of the hearing or the evidence otherwise adduced and any social studies made shall be forwarded by the clerk of the court to the requesting court.

(2) A person within this state may voluntarily give his testimony or statement in this state for use in a custody proceeding outside this state.

(3) Upon request of the court of another state a competent court of this state may order a person in this state to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed. If the person who has physical custody of the child cannot be served or fails to obey the order, or it appears the order will be ineffective, the court may issue a warrant of arrest against such person to secure his appearance with the child in the other state.

NEW SECTION. Sec. 21. PRESERVATION OF RECORDS OF CUSTODY PROCEEDINGS—FORWARDING TO ANOTHER STATE. In any custody proceeding in this state the court shall preserve the pleadings, orders and decrees, any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches eighteen years of age. Upon appropriate request of the court of another state the court shall forward to the other court certified copies of any or all of such documents.

NEW SECTION. Sec. 22. REQUEST FOR COURT RECORDS OF ANOTHER STATE. If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state upon taking jurisdiction of the case shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 21 of this act.

NEW SECTION. Sec. 23. INTERNATIONAL APPLICATION. The general policies of this chapter extend to the international area. The provisions of this chapter relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature to custody rendered by appropriate authorities of other nations if reasonable notice and opportunity to be heard were given to all affected persons.

NEW SECTION. Sec. 24. This chapter is in addition to and shall be construed in conjunction with chapter 26.09 RCW. In the event of an irreconcilable conflict between this chapter and chapter 26.09 RCW, chapter 26.09 RCW shall control.

NEW SECTION. Sec. 25. SHORT TITLE. This chapter may be cited as the Uniform Child Custody Jurisdiction Act.

NEW SECTION. Sec. 26. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. Section captions used in this act shall constitute no part of the law.

NEW SECTION. Sec. 28. Sections 1 through 25 of this act shall constitute a new chapter in Title 26 RCW.

Passed the House January 24, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 99

[Substitute House Bill No. 112]

SUNSET ACT—AGENCY TERMINATIONS, REVIEWS

AN ACT Relating to state government; amending section 4, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.040; amending section 11, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.900; creating new sections; repealing sections 1 through 15, chapter 282, Laws of 1955 and RCW 19.18.010 through 19.18.900; repealing section 21, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.210; repealing section 22, chapter 137, Laws of 1974 ex. sess., section 10, chapter 200, Laws of 1975 1st ex. sess., section 174, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 76.09.220; repealing section 23, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.230; repealing section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74.005; repealing section 43.74.010, chapter 8, Laws of 1965, section 22, chapter 77, Laws of 1973 and RCW 43.74.010; repealing section 43.74.015, chapter 8, Laws of 1965, section 6, chapter 188, Laws of 1967, section 123, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.74.015; repealing section 43.74.020, chapter 8, Laws of 1965 and RCW 43.74.020; repealing section 43.74.025, chapter 8, Laws of 1965 and RCW 43.74.025; repealing section 43.74.030, chapter 8, Laws of 1965 and RCW 43.74.030; repealing section 43.74.035, chapter 8, Laws of 1965 and RCW 43.74.035; repealing section 2, chapter 227, Laws of 1971 ex. sess. section 23, chapter 77, Laws of 1973 and RCW 43.74.037; repealing section 43.74.040, chapter 8, Laws of 1965, section 24, chapter 77, Laws of 1973 and RCW 43.74.040; repealing section 43.74.050, chapter 8, Laws of 1965 and RCW 43.74.050; repealing section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74.060; repealing section 43.74.065, chapter 8, Laws of 1965 and RCW 43.74.065; repealing section 43.74.075, chapter 8, Laws of 1965 and RCW 43.74.075; repealing section 43.74.080, chapter 8, Laws of 1965, section 25, chapter 77, Laws of 1973 and RCW 43.74.080; repealing section 1, chapter 227, Laws of 1971 ex. sess., section 26, chapter 77, Laws of 1973 and RCW 43.74.085; repealing section 43.74.090, chapter 8, Laws of 1965 and RCW 43.74.090; repealing section 43.74.900, chapter 8, Laws of 1965 and RCW 43.74.900; repealing section 1, chapter 121, Laws of 1949 and RCW 19.04.010; repealing section 2, chapter 121, Laws of 1949 and RCW 19.04.020; repealing section 3, chapter 121, Laws of 1949 and RCW 19.04.030; repealing section 4, chapter 121, Laws of 1949 and RCW 19.04.040; repealing section 5, chapter 121, Laws of 1949 and RCW 19.04.050; repealing section 6, chapter 121, Laws of 1949 and RCW 19.04.060; repealing section 7, chapter 121, Laws of 1949 and RCW 19.04.070; repealing section 8, chapter 121, Laws of 1949 and RCW 19.04.080; repealing section 9, chapter 121, Laws of 1949 and RCW 19.04.090; repealing section 10, chapter 121, Laws of 1949 and RCW 19.04.100; repealing section 11, chapter 121, Laws of 1949 and RCW 19.04.110; repealing section 1, chapter 94, Laws of 1974 ex. sess., section 1, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.010; repealing section 2, chapter 94, Laws of 1974 ex.

and RCW 18.45.430; repealing section 46, chapter 183, Laws of 1951 and RCW 18.45-440; repealing section 47, chapter 183, Laws of 1951 and RCW 18.45.450; repealing section 48, chapter 183, Laws of 1951 and RCW 18.45.460; repealing section 49, chapter 183, Laws of 1951 and RCW 18.45.470; repealing section 38, chapter 183, Laws of 1951 and RCW 18.45.480; repealing section 45, chapter 183, Laws of 1951 and RCW 18.45-490; repealing section 50, chapter 183, Laws of 1951 and RCW 18.45.500; repealing section 51, chapter 183, Laws of 1951 and RCW 18.45.510; repealing section 55, chapter 183, Laws of 1951 and RCW 18.45.900; repealing section 2, chapter 56, Laws of 1909 and RCW 70.70.010; repealing section 1, chapter 56, Laws of 1909 and RCW 70.70.020; repealing section 3, chapter 56, Laws of 1909 and RCW 70.70.030; repealing section 4, chapter 56, Laws of 1909 and RCW 70.70.035; repealing section 5, chapter 56, Laws of 1909 and RCW 70.70.040; repealing section 1, chapter 184, Laws of 1933 and RCW 67-08.001; repealing section 2, chapter 184, Laws of 1933, section 1, chapter 305, Laws of 1959, section 153, chapter 34, Laws of 1975-'76 2nd ex. sess., section 1, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.003; repealing section 3, chapter 184, Laws of 1933 and RCW 67.08.005; repealing section 4, chapter 184, Laws of 1933, section 2, chapter 305, Laws of 1959 and RCW 67.08.007; repealing section 5, chapter 184, Laws of 1933 and RCW 67.08.009; repealing section 7, chapter 184, Laws of 1933, section 2, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.010; repealing section 2, chapter 9, Laws of 1977 and RCW 67.08.015; repealing section 9, chapter 184, Laws of 1933 and RCW 67.08.030; repealing section 10, chapter 184, Laws of 1933, section 4, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.040; repealing section 11, chapter 184, Laws of 1933 and RCW 67.08.050; repealing section 5, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.055; repealing section 12, chapter 184, Laws of 1933, section 4, chapter 305, Laws of 1959, section 154, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.060; repealing section 14, chapter 184, Laws of 1933, section 5, chapter 305, Laws of 1959, section 1, chapter 45, Laws of 1974 ex. sess. and RCW 67.08.080; repealing section 15, chapter 184, Laws of 1933 and RCW 67.08.090; repealing section 16, chapter 184, Laws of 1933, section 6, chapter 305, Laws of 1959 and RCW 67.08.100; repealing section 17, chapter 184, Laws of 1933 and RCW 67.08.110; repealing section 18, chapter 184, Laws of 1933 and RCW 67.08.120; repealing section 19, chapter 184, Laws of 1933 and RCW 67.08.130; repealing section 22, chapter 184, Laws of 1933, section 1, chapter 48, Laws of 1951, section 7, chapter 305, Laws of 1959 and RCW 67.08.140; repealing section 24, chapter 184, Laws of 1933 and RCW 67.08-150; repealing section 25, chapter 184, Laws of 1933 and RCW 67.08.900; repealing section 1, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.010; repealing section 2, chapter 178, Laws of 1973 1st ex. sess., section 1, chapter 26, Laws of 1975 1st ex. sess. and RCW 43.126.020; repealing section 3, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.030; repealing section 4, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.040; repealing section 5, chapter 178, Laws of 1973 1st ex. sess. and RCW 43-126.050; repealing section 6, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126-060; repealing section 7, chapter 178, Laws of 1973 1st ex. sess., section 133, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.126.070; repealing section 8, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.080; repealing section 1, chapter 108, Laws of 1937, section 1, chapter 107, Laws of 1965 ex. sess., section 1, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.010; repealing section 2, chapter 108, Laws of 1937 and RCW 18.39.020; repealing section 2, chapter 52, Laws of 1955, section 2, chapter 107, Laws of 1965 ex. sess., section 23, chapter 292, Laws of 1971 ex. sess. and RCW 18.39.030; repealing section 4, chapter 108, Laws of 1937, section 1, chapter 150, Laws of 1945, section 2, chapter 105, Laws of 1947, section 3, chapter 107, Laws of 1965 ex. sess., section 24, chapter 292, Laws of 1971 ex. sess., section 1, chapter 120, Laws of 1972 ex. sess. and RCW 18.39.040; repealing section 6, chapter 108, Laws of 1937, section 8, chapter 266, Laws of 1971 ex. sess., section 42, chapter 30, Laws of 1975 1st ex. sess. and RCW 18-39.050; repealing section 5, chapter 108, Laws of 1937, section 4, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.070; repealing section 3, chapter 52, Laws of 1955 and RCW 18.39.080; repealing section 7, chapter 108, Laws of 1937 and RCW 18.39.100; repealing section 10, chapter 108, Laws of 1937, section 43, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.120; repealing section 15, chapter 108, Laws of 1937, section 44, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.130; repealing section 3, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.145; repealing section 4, chapter 93, Laws of

1977 ex. sess. and RCW 18.39.148; repealing section 8, chapter 108, Laws of 1937, section 45, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.150; repealing section 12, chapter 108, Laws of 1937 and RCW 18.39.160; repealing section 16, chapter 108, Laws of 1937 and RCW 18.39.170; repealing section 8, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.173; repealing section 9, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.175; repealing section 12, chapter 93, Laws of 1977 ex. sess. (uncodified); repealing section 10, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.177; repealing section 11, chapter 108, Laws of 1937, section 2, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.180; repealing section 5, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.181; repealing section 9, chapter 108, Laws of 1937 and RCW 18.39.190; repealing section 15, chapter 215, Laws of 1909 and RCW 18.39.210; repealing section 13, chapter 108, Laws of 1937 and RCW 18.39.220; repealing section 6, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.223; repealing section 7, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.225; repealing section 17, chapter 108, Laws of 1937 and RCW 18.39.230; repealing section 18, chapter 108, Laws of 1937 and RCW 18.39.900; repealing section 1, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.010; repealing section 2, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.020; repealing section 3, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.030; repealing section 4, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.040; repealing section 5, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.050; repealing section 6, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.060; repealing section 7, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.070; repealing section 8, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.080; repealing section 9, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.090; repealing section 10, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.100; repealing section 11, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.900; repealing section 1, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19361; repealing section 2, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19362; repealing section 3, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19363; repealing section 9, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19364; repealing section 11, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19365; repealing section 1, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.010; repealing section 2, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.020; repealing section 3, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.030; repealing section 4, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.040; repealing section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050; repealing section 6, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.060; repealing section 7, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.070; repealing section 28B.10.200, chapter 223, Laws of 1969 ex. sess., section 1, chapter 62, Laws of 1973 and RCW 28B.10.200; repealing section 1, chapter 200, Laws of 1959 and RCW 18.90.010; repealing section 2, chapter 200, Laws of 1959, section 5, chapter 188, Laws of 1967, section 52, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.90.020; repealing section 3, chapter 200, Laws of 1959 and RCW 18.90.030; repealing section 4, chapter 200, Laws of 1959, section 19, chapter 266, Laws of 1971 ex. sess., section 80, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.90.040; repealing section 5, chapter 200, Laws of 1959, section 81, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.90.050; repealing section 6, chapter 200, Laws of 1959 and RCW 18.90.060; repealing section 7, chapter 200, Laws of 1959 and RCW 18.90.070; repealing section 8, chapter 200, Laws of 1959 and RCW 18.90.900; repealing section 11, chapter 5, Laws of 1965, section 2, chapter 62, Laws of 1967 ex. sess., section 1, chapter 60, Laws of 1971, section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110; repealing section 12, chapter 5, Laws of 1965 and RCW 43.99.120; repealing section 4, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.122; repealing section 5, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.124; repealing section 6, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.126; repealing section 13, chapter 5, Laws of 1965, section 3, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.130; repealing section 7, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.070; repealing section 1, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.010; repealing section 2, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.020; repealing section 3, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.030; repealing section 4, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.040; repealing section 5, chapter 76, Laws of 1970 ex. sess., section 1, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.050; repealing section 6, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.060; repealing section 7, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.070; repealing section 8, chapter 76, Laws

of 1970 ex. sess., section 2, chapter 47, Laws of 1971 ex. sess., section 1, chapter 153, Laws of 1972 ex. sess., section 21, chapter 220, Laws of 1977 ex. sess. and RCW 67.32-.080; repealing section 9, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.090; repealing section 10, chapter 76, Laws of 1970 ex. sess., section 3, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.100; repealing section 11, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.110; repealing section 12, chapter 76, Laws of 1970 ex. sess. and RCW 67-32.120; repealing section 4, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.130; repealing section 5, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.140; repealing section 26, chapter 290, Laws of 1953 and RCW 68.05.010; repealing section 27, chapter 290, Laws of 1953 and RCW 68.05.020; repealing section 28, chapter 290, Laws of 1953 and RCW 68.05.030; repealing section 31, chapter 290, Laws of 1953, section 1, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.040; repealing section 32, chapter 290, Laws of 1953, section 2, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.050; repealing section 33, chapter 290, Laws of 1953, section 156, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 68.05.060; repealing section 34, chapter 290, Laws of 1953 and RCW 68-05.070; repealing section 35, chapter 290, Laws of 1953 and RCW 68.05.080; repealing section 39, chapter 290, Laws of 1953 and RCW 68.05.090; repealing section 36, chapter 290, Laws of 1953 and RCW 68.05.100; repealing section 37, chapter 290, Laws of 1953 and RCW 68.05.110; repealing section 38, chapter 290, Laws of 1953 and RCW 68.05-120; repealing section 42, chapter 290, Laws of 1953, section 12, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.130; repealing section 43, chapter 290, Laws of 1953, section 13, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.140; repealing section 44, chapter 290, Laws of 1953, section 14, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.150; repealing section 45, chapter 290, Laws of 1953, section 15, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.160; repealing section 46, chapter 290, Laws of 1953, section 1, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.170; repealing section 40, chapter 290, Laws of 1953, section 16, chapter 68, Laws of 1973 1st ex. sess., section 3, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.180; repealing section 41, chapter 290, Laws of 1953 and RCW 68.05.190; repealing section 47, chapter 290, Laws of 1953 and RCW 68.05.200; repealing section 48, chapter 290, Laws of 1953, section 2, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.210; repealing section 50, chapter 290, Laws of 1953, section 3, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.220; repealing section 51, chapter 290, Laws of 1953, section 4, chapter 99, Laws of 1969 ex. sess., section 4, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.230; repealing section 52, chapter 290, Laws of 1953 and RCW 68.05.240; repealing section 49, chapter 290, Laws of 1953 and RCW 68.05.250; repealing section 5, chapter 99, Laws of 1969 ex. sess., section 17, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.255; repealing section 53, chapter 290, Laws of 1953 and RCW 68.05.260; repealing section 29, chapter 290, Laws of 1953 and RCW 68.05.270; repealing section 30, chapter 290, Laws of 1953, section 1, chapter 133, Laws of 1961 and RCW 68.05.280; repealing section 1, chapter 74, Laws of 1967 and RCW 43.63A.010; repealing section 2, chapter 74, Laws of 1967 and RCW 43.63A-.020; repealing section 3, chapter 74, Laws of 1967 and RCW 43.63A.030; repealing section 4, chapter 74, Laws of 1967, section 10, chapter 40, Laws of 1975 and RCW 43.63A.040; repealing section 5, chapter 74, Laws of 1967 and RCW 43.63A.050; repealing section 6, chapter 74, Laws of 1967 and RCW 43.63A.060; repealing section 7, chapter 74, Laws of 1967, section 28, chapter 151, Laws of 1977 ex. sess. and RCW 43.63A.070; repealing section 8, chapter 74, Laws of 1967, section 63, chapter 75, Laws of 1977 and RCW 43.63A.080; repealing section 1, chapter 53, Laws of 1969 ex. sess., section 64, chapter 75, Laws of 1977 and RCW 43.63A.085; repealing section 9, chapter 74, Laws of 1967 and RCW 43.63A.090; repealing section 10, chapter 74, Laws of 1967 and RCW 43.63A.100; repealing section 11, chapter 74, Laws of 1967 and RCW 43.63A.110; repealing section 13, chapter 74, Laws of 1967 and RCW 43.63A.130; repealing section 14, chapter 74, Laws of 1967 and RCW 43.63A.140; repealing section 16, chapter 74, Laws of 1967 and RCW 43.63A.900; repealing section 1, chapter 44, Laws of 1941, section 1, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.010; repealing section 2, chapter 44, Laws of 1941, section 2, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.030; repealing section 4, chapter 44, Laws of 1941 and RCW 27.36.040; repealing section 5, chapter 44, Laws of 1941, section 3, chapter 62, Laws of 1965 ex. sess., section 16, chapter 75, Laws of 1977 and RCW 27.36.050; repealing section 4, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.060; repealing section 5, chapter 62, Laws of 1965 ex. sess. and

RCW 27.36.070; repealing section 2, chapter 30, Laws of 1899 and RCW 27.40.020; repealing section 3, chapter 160, Laws of 1949, section 3, chapter 47, Laws of 1957 and RCW 27.48.030; repealing section 1, chapter 187, Laws of 1925 ex. sess., section 1, chapter 35, Laws of 1973, section 15, chapter 75, Laws of 1977, section 3, chapter 81, Laws of 1977 ex. sess. and RCW 27.32.010; repealing section 2, chapter 187, Laws of 1925 ex. sess., section 2, chapter 35, Laws of 1973 and RCW 27.32.020; repealing section 3, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.030; repealing section 3, chapter 160, Laws of 1949, section 3, chapter 47, Laws of 1957 and RCW 27.48.030; repealing section 1, chapter 177, Laws of 1903, section 14, chapter 75, Laws of 1977, section 2, chapter 81, Laws of 1977 ex. sess. and RCW 27.28.010; repealing section 2, chapter 177, Laws of 1903 and RCW 27.28.020; repealing section 1, chapter 31, Laws of 1965 and RCW 27.28.021; repealing section 2, chapter 31, Laws of 1965 and RCW 27.28.022; repealing section 3, chapter 177, Laws of 1903 and RCW 27.28.030; repealing section 1, chapter 64, Laws of 1915 and RCW 27.28.040; repealing section 1, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.010; repealing section 2, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.020; repealing section 3, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.030; repealing section 17, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.040; repealing section 18, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.050; repealing section 4, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.060; repealing section 5, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.070; repealing section 6, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.080; repealing section 7, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.090; repealing section 8, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.100; repealing section 19, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.140; repealing section 1, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.010; repealing section 2, chapter 117, Laws of 1972 ex. sess., section 111, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31A.020; repealing section 3, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.030; repealing section 4, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.040; repealing section 5, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.050; repealing section 6, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.060; repealing section 7, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.070; repealing section 8, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.080; repealing section 9, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.090; repealing section 10, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.100; repealing section 11, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.110; repealing section 12, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.120; repealing section 13, chapter 117, Laws of 1972 ex. sess., section 1, chapter 296, Laws of 1977 ex. sess. and RCW 43.31A.130; repealing section 14, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.140; repealing section 15, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.150; repealing section 16, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.160; repealing section 17, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.170; repealing section 18, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.180; repealing section 19, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.190; repealing section 20, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.200; repealing section 21, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.210; repealing section 22, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.220; repealing section 23, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.230; repealing section 24, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.240; repealing section 25, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.250; repealing section 26, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.260; repealing section 27, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.270; repealing section 28, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.280; repealing section 29, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.290; repealing section 30, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.300; repealing section 31, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.310; repealing section 32, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.320; repealing section 33, chapter 117, Laws of 1972 ex. sess., section 55, chapter 75, Laws of 1977 and RCW 43.31A.330; repealing section 34, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.900; repealing section 35, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.910; repealing section 37, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.920; repealing section 28A.61.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.010; repealing section 28A.61.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.020; repealing section 28A.61.030, chapter 223, Laws of 1969 ex. sess., section 4, chapter 184, Laws of 1969 ex.

sess., section 1, chapter 101, Laws of 1974 ex. sess. and RCW 28A.61.030; repealing section 28A.61.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.040; repealing section 28A.61.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 125, Laws of 1969 and RCW 28A.61.050; repealing section 28A.61.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.060; repealing section 3, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.030; repealing section 4, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.040; repealing section 5, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.050; repealing section 6, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.060; repealing section 7, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.070; repealing section 8, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.080; repealing section 2, chapter 108, Laws of 1969, section 1, chapter 218, Laws of 1975 1st ex. sess., section 129, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.110.010; repealing section 82.44.160, chapter 15, Laws of 1961, section 1, chapter 115, Laws of 1961, section 1, chapter 108, Laws of 1969, section 7, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.160; repealing section 36.62.020, chapter 4, Laws of 1963 and RCW 36.62.020; repealing section 43.20.030, chapter 8, Laws of 1965, section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030; repealing section 43.20.050, chapter 8, Laws of 1965, section 9, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.050; repealing section 43.20.100, chapter 8, Laws of 1965, section 44, chapter 75, Laws of 1977 and RCW 43.20.100; repealing section 43.20.140, chapter 8, Laws of 1965 and RCW 43.20.140; repealing section 11, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.200; repealing section 1, chapter 197, Laws of 1957 and RCW 69.06.010; repealing section 2, chapter 197, Laws of 1957 and RCW 69.06.020; repealing section 5, chapter 197, Laws of 1957 and RCW 69.06.050; repealing section 16, chapter 190, Laws of 1939, section 1, chapter 30, Laws of 1961 and RCW 69.16.115; repealing section 17, chapter 190, Laws of 1939, section 2, chapter 30, Laws of 1961 and RCW 69.16.120; repealing section 16, chapter 112, Laws of 1939 and RCW 69.20.095; repealing section 17, chapter 112, Laws of 1939 and RCW 69.20.100; repealing section 3, chapter 144, Laws of 1955 and RCW 69.30.030; repealing section 5, chapter 144, Laws of 1955 and RCW 69.30.050; repealing section 6, chapter 144, Laws of 1955 and RCW 69.30.060; repealing section 12, chapter 102, Laws of 1967 ex. sess., section 1, chapter 25, Laws of 1969 ex. sess. and RCW 70.01.010; repealing section 16, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.110; repealing section 4, chapter 114, Laws of 1919 and RCW 70.24.040; repealing section 8, chapter 114, Laws of 1919 and RCW 70.24.070; repealing section 6, chapter 54, Laws of 1967 and RCW 70.28.035; repealing section 3, chapter 267, Laws of 1955, section 9, chapter 189, Laws of 1971 ex. sess. and RCW 70.41.030; repealing section 1, chapter 231, Laws of 1969 ex. sess. and RCW 70.54.110; repealing section 6, chapter 177, Laws of 1959 and RCW 70.58.350; repealing section 5, chapter 82, Laws of 1967 and RCW 70.83.050; repealing section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927 and RCW 85.08.020; repealing section 1, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.010; repealing section 2, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.020; repealing section 3, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.030; repealing section 4, chapter 140, Laws of 1974 ex. sess., section 131, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.117.040; repealing section 5, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.050; repealing section 6, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.060; repealing section 7, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.070; repealing section 8, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.080; repealing section 9, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.090; repealing section 10, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.100; repealing section 11, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.900; repealing section 14, chapter 140, Laws of 1974 ex. sess., section 1, chapter 297, Laws of 1977 ex. sess. and RCW 43.117.910; repealing section 1, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.010; repealing section 2, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.020; repealing section 3, chapter 147, Laws of 1967 ex. sess., section 1, chapter 105, Laws of 1969 ex. sess., section 7, chapter 85, Laws of 1971 ex. sess. and RCW 43.59.030; repealing section 4, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.040; repealing section 6, chapter 147, Laws of 1967 ex. sess., section 120, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.59.050; repealing section 7, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.060; repealing section 8, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.070; repealing section 9, chapter 147, Laws of 1967 ex.

sess. and RCW 43.59.080; repealing section 10, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.090; repealing section 11, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.100; repealing section 12, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.110; repealing section 13, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.120; repealing section 14, chapter 147, Laws of 1967 ex. sess., section 5, chapter 195, Laws of 1971 ex. sess. and RCW 43.59.130; repealing section 1, chapter 25, Laws of 1974 ex. sess. and RCW 18.18.010; repealing section 8, chapter 215, Laws of 1937, section 17, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.020; repealing section 1, chapter 215, Laws of 1937, section 2, chapter 3, Laws of 1965 ex. sess., section 18, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.030; repealing section 18, chapter 215, Laws of 1937, section 19, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.040; repealing section 2, chapter 180, Laws of 1951, section 3, chapter 52, Laws of 1957, section 3, chapter 324, Laws of 1959, section 21, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.050; repealing section 2, chapter 324, Laws of 1959, section 3, chapter 3, Laws of 1965 ex. sess., section 22, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.065; repealing section 4, chapter 180, Laws of 1951, section 5, chapter 52, Laws of 1957, section 4, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.070; repealing section 9, chapter 215, Laws of 1937, section 5, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.080; repealing section 5, chapter 180, Laws of 1951, section 3, chapter 313, Laws of 1955, section 4, chapter 324, Laws of 1959, section 6, chapter 3, Laws of 1965 ex. sess., section 23, chapter 148, Laws of 1973 1st ex. sess., section 13, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.090; repealing section 7, chapter 215, Laws of 1937, section 7, chapter 3, Laws of 1965 ex. sess., section 24, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.100; repealing section 1, chapter 168, Laws of 1953 and RCW 18.18.102; repealing section 2, chapter 168, Laws of 1953, section 8, chapter 3, Laws of 1965 ex. sess., section 30, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.18.104; repealing section 3, chapter 168, Laws of 1953 and RCW 18.18.106; repealing section 4, chapter 168, Laws of 1953 and RCW 18.18.108; repealing section 4, chapter 313, Laws of 1955, section 9, chapter 3, Laws of 1965 ex. sess., section 25, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.110; repealing section 14, chapter 215, Laws of 1937, section 6, chapter 180, Laws of 1951, section 10, chapter 3, Laws of 1965 ex. sess., section 14, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.120; repealing section 5, chapter 313, Laws of 1955 and RCW 18.18.130; repealing section 7, chapter 180, Laws of 1951, section 6, chapter 313, Laws of 1955, section 5, chapter 324, Laws of 1959, section 11, chapter 3, Laws of 1965 ex. sess., section 3, chapter 266, Laws of 1971 ex. sess., section 27, chapter 148, Laws of 1973 1st ex. sess., section 15, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.140; repealing section 6, chapter 52, Laws of 1957 and RCW 18.18.150; repealing section 7, chapter 52, Laws of 1957, section 6, chapter 324, Laws of 1959 and RCW 18.18.160; repealing section 8, chapter 52, Laws of 1957, section 7, chapter 324, Laws of 1959 and RCW 18.18.170; repealing section 6, chapter 215, Laws of 1937 and RCW 18.18.180; repealing section 8, chapter 180, Laws of 1951, section 9, chapter 52, Laws of 1957, section 12, chapter 3, Laws of 1965 ex. sess., section 26, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.190; repealing section 4, chapter 215, Laws of 1937 and RCW 18.18.200; repealing section 9, chapter 180, Laws of 1951, section 10, chapter 52, Laws of 1957, section 13, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.210; repealing section 15, chapter 215, Laws of 1937, section 8, chapter 324, Laws of 1959, section 28, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.220; repealing section 16, chapter 215, Laws of 1937, section 15, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.230; repealing section 14, chapter 3, Laws of 1965 ex. sess., section 31, chapter 34, Laws of 1975-'76 2nd ex. sess., section 9, chapter 75, Laws of 1977 and RCW 18.18.251; repealing section 11, chapter 52, Laws of 1957, section 9, chapter 324, Laws of 1959, section 17, chapter 3, Laws of 1965 ex. sess., section 29, chapter 148, Laws of 1973 1st ex. sess., section 1, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.260; repealing section 12, chapter 52, Laws of 1957, section 30, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.270; repealing section 16, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.290; repealing section 20, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.300; repealing section 19, chapter 215, Laws of 1937 and RCW 18.18.900; repealing section 20, chapter 215, Laws of 1937 and RCW 18.18.910; repealing section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370; repealing section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375; repealing section 15, chapter 189, Laws of 1971 ex. sess., section 99, chapter 34, Laws of 1975-'76 2nd ex. sess.

and RCW 43.20A.380; repealing section 1, chapter 75, Laws of 1923, section 1, chapter 211, Laws of 1927, section 1, chapter 52, Laws of 1957, section 1, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.010; repealing section 2, chapter 75, Laws of 1923, section 1, chapter 209, Laws of 1929, section 1, chapter 199, Laws of 1937, section 1, chapter 51, Laws of 1949, section 1, chapter 16, Laws of 1951, section 2, chapter 223, Laws of 1967 and RCW 18.15.020; repealing section 3, chapter 75, Laws of 1923, section 2, chapter 199, Laws of 1937, section 2, chapter 51, Laws of 1949, section 2, chapter 16, Laws of 1951, section 1, chapter 101, Laws of 1957, section 3, chapter 223, Laws of 1967, section 4, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.040; repealing section 3, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.045; repealing section 6, chapter 75, Laws of 1923, section 5, chapter 211, Laws of 1927, section 3, chapter 209, Laws of 1929, section 4, chapter 51, Laws of 1949, section 3, chapter 16, Laws of 1951, section 4, chapter 84, Laws of 1959, section 4, chapter 223, Laws of 1967, section 2, chapter 148, Laws of 1973 1st ex. sess., section 5, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.050; repealing section 7, chapter 101, Laws of 1957 and RCW 18.15.051; repealing section 8, chapter 101, Laws of 1957, section 5, chapter 223, Laws of 1967 and RCW 18.15.052; repealing section 9, chapter 101, Laws of 1957, section 6, chapter 223, Laws of 1967 and RCW 18.15.053; repealing section 10, chapter 101, Laws of 1957 and RCW 18.15.054; repealing section 11, chapter 101, Laws of 1957, section 1, chapter 188, Laws of 1967, section 28, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.055; repealing section 12, chapter 101, Laws of 1957, section 8, chapter 223, Laws of 1967 and RCW 18.15.056; repealing section 7, chapter 75, Laws of 1923, section 6, chapter 211, Laws of 1927, section 4, chapter 209, Laws of 1929, section 14, chapter 101, Laws of 1957, section 9, chapter 223, laws of 1967, section 2, chapter 266, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1973 1st ex. sess., section 6, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.060; repealing section 3, chapter 84, Laws of 1959, section 10, chapter 223, Laws of 1967, section 5, chapter 148, Laws of 1973 1st ex. sess., section 7, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.065; repealing section 12, chapter 75, Laws of 1923, section 9, chapter 211, Laws of 1927, section 11, chapter 223, Laws of 1967 and RCW 18.15.070; repealing section 13, chapter 75, Laws of 1923, section 10, chapter 211, Laws of 1927, section 4, chapter 199, Laws of 1937, section 5, chapter 51, Laws of 1949, section 4, chapter 16, Laws of 1951 and RCW 18.15.080; repealing section 14, chapter 75, Laws of 1923, section 11, chapter 211, Laws of 1927, section 6, chapter 209, Laws of 1929, section 1, chapter 102, Laws of 1947, section 12, chapter 223, Laws of 1967, section 6, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.090; repealing section 2, chapter 84, Laws of 1959, section 14, chapter 223, Laws of 1967, section 8, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.095; repealing section 13, chapter 223, Laws of 1967, section 7, chapter 148, Laws of 1973 1st ex. sess., section 9, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.097; repealing section 8, chapter 172, Laws of 1901, section 5, chapter 75, Laws of 1923, section 3, chapter 199, Laws of 1937, section 3, chapter 51, Laws of 1949, section 2, chapter 101, Laws of 1957, section 5, chapter 84, Laws of 1959, section 15, chapter 223, Laws of 1967, section 8, chapter 148, Laws of 1973 1st ex. sess., section 10, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.100; repealing section 7, chapter 209, Laws of 1929, section 6, chapter 51, Laws of 1949, section 6, chapter 84, Laws of 1959, section 16, chapter 223, Laws of 1967, section 9, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.110; repealing section 15, chapter 75, Laws of 1923, section 17, chapter 223, Laws of 1967 and RCW 18.15.120; repealing section 13, chapter 101, Laws of 1957, section 7, chapter 84, Laws of 1959, section 18, chapter 223, Laws of 1967, section 11, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.125; repealing section 4, chapter 101, Laws of 1957, section 19, chapter 223, Laws of 1967 and RCW 18.15.130; repealing section 5, chapter 101, Laws of 1957, section 20, chapter 223, Laws of 1967, section 29, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.140; repealing section 6, chapter 101, Laws of 1957, section 21, chapter 223, Laws of 1967 and RCW 18.15.150; repealing section 17, chapter 75, Laws of 1923, section 12, chapter 211, Laws of 1927, section 8, chapter 209, Laws of 1929, section 22, chapter 223, Laws of 1967 and RCW 18.15.160; repealing section 10, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.200; repealing section 11, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.210; repealing section 12, chapter 148, Laws of 1973 1st ex. sess., section 12, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.220; repealing section 13, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.230; repealing section 14, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.240; repealing section 15,

chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.250; repealing section 19, chapter 75, Laws of 1923 and RCW 18.15.900; repealing section 74.16.030, chapter 26, Laws of 1959, section 1, chapter 128, Laws of 1965, section 1, chapter 78, Laws of 1967, section 9, chapter 169, Laws of 1971 ex. sess. and RCW 74.16.030; repealing section 74.16.040, chapter 26, Laws of 1959 and RCW 74.16.040; repealing section 74.16.170, chapter 26, Laws of 1959, section 16, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.170; repealing section 1, chapter 59, Laws of 1967, section 17, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.181; repealing section 2, chapter 59, Laws of 1967, section 18, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.183; repealing section 74.16.190, chapter 26, Laws of 1959, section 19, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.190; repealing section 74.16.300, chapter 26, Laws of 1959, section 20, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.300; repealing section 1, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.400; repealing section 2, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.410; repealing section 3, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.420; repealing section 4, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.430; repealing section 5, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.440; repealing section 6, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.450; repealing section 7, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.460; repealing section 8, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.470; repealing section 9, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.480; repealing section 10, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.490; repealing section 11, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.500; repealing section 12, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.510; repealing section 13, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.520; repealing section 14, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.530; repealing section 24, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.540; repealing section 1, chapter 251, Laws of 1975 1st ex. sess., section 21, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.010; repealing section 2, chapter 251, Laws of 1975 1st ex. sess., section 22, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.020; repealing section 3, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.030; repealing section 4, chapter 251, Laws of 1975 1st ex. sess., section 23, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.040; repealing section 14, chapter 115, Laws of 1975-'76 2nd ex. sess., section 1, chapter 285, Laws of 1977 ex. sess. and RCW 43.60A.080; repealing section 2, chapter 285, Laws of 1977 ex. sess. and RCW 43.60A.081; repealing section 6, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.580; repealing section 1, chapter 77, Laws of 1963, section 5, chapter 126, Laws of 1967, section 1, chapter 118, Laws of 1972 ex. sess., section 1, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.010; repealing section 2, chapter 77, Laws of 1963, section 2, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.020; repealing section 3, chapter 77, Laws of 1963, section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030; repealing section 4, chapter 77, Laws of 1963, section 1, chapter 126, Laws of 1967, section 2, chapter 118, Laws of 1972 ex. sess., section 4, chapter 153, Laws of 1973 1st ex. sess., section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040; repealing section 5, chapter 77, Laws of 1963 and RCW 18.27.050; repealing section 6, chapter 77, Laws of 1963, section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060; repealing section 7, chapter 77, Laws of 1963, section 2, chapter 126, Laws of 1967, section 5, chapter 153, Laws of 1973 1st ex. sess., section 1, chapter 66, Laws of 1977 ex. sess. and RCW 18.27.070; repealing section 8, chapter 77, Laws of 1963, section 3, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.080; repealing section 6, chapter 126, Laws of 1967 and RCW 18.27.085; repealing section 2, chapter 25, Laws of 1974 ex. sess. and RCW 18.27.090; repealing section 10, chapter 77, Laws of 1963 and RCW 18.27.100; repealing section 4, chapter 126, Laws of 1967 and RCW 18.27.110; repealing section 3, chapter 70, Laws of 1967 and RCW 39.06.010; repealing section 5, chapter 118, Laws of 1972 ex. sess., section 7, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.120; repealing section 4, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.130; repealing section 2, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.140; repealing section 11, chapter 77, Laws of 1963 and RCW 18.27.900; repealing section 29.33.030, chapter 9, Laws of 1965 and RCW 29.33.030; repealing section 29.33.040, chapter 9, Laws of 1965, section 13, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.040; repealing section 29.33.050, chapter 9, Laws of 1965, section 14, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.050; repealing section 29.33.060, chapter 9, Laws of 1965, section 15, chapter 109, Laws of 1967

ex. sess. and RCW 29.33.060; repealing section 29.33.070, chapter 9, Laws of 1965, section 16, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.070; repealing section 29.33.080, chapter 9, Laws of 1965, section 17, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.080; repealing section 29.33.090, chapter 9, Laws of 1965 and RCW 29.33.090; repealing section 29.33.100, chapter 9, Laws of 1965, section 20, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.100; repealing section 18, chapter 109, Laws of 1967 ex. sess., section 1, chapter 6, Laws of 1971 ex. sess., section 66, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.080; repealing section 19, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.090; providing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. The state agencies and programs scheduled for termination in sections 2 through 85 of this act shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

NEW SECTION. Sec. 2. Comic book screening under chapter 19.18 RCW shall be terminated on June 30, 1981, as provided in section 44 of this act.

NEW SECTION. Sec. 3. The forest practices appeals board and its powers and duties shall be terminated on June 30, 1981, as provided in section 45 of this act.

NEW SECTION. Sec. 4. The basic science law under chapter 43.74 RCW shall be terminated on June 30, 1981, as provided in section 46 of this act.

NEW SECTION. Sec. 5. Antifreeze vending regulation under chapter 19.04 RCW shall be terminated on June 30, 1981, as provided in section 47 of this act.

NEW SECTION. Sec. 6. The criminal justice training commission and its powers and duties shall be terminated on June 30, 1981, as provided in section 48 of this act.

NEW SECTION. Sec. 7. The state planning advisory council and its powers and duties shall be terminated on June 30, 1981, as provided in section 49 of this act.

NEW SECTION. Sec. 8. Cascara bark peeling regulation under chapter 19.08 RCW shall be terminated on June 30, 1981, as provided in section 50 of this act.

NEW SECTION. Sec. 9. Furniture and bedding industry regulation under chapter 18.45 RCW shall be terminated on June 30, 1981, as provided in section 51 of this act.

NEW SECTION. Sec. 10. Regulation of the sale or use of shoddy under chapter 70.70 RCW shall be terminated on June 30, 1981, as provided in section 52 of this act.

NEW SECTION. Sec. 11. The state athletic commission and its powers and duties shall be terminated on June 30, 1981, as provided in section 53 of this act.

NEW SECTION. Sec. 12. The state board of geographic names and its powers and duties shall be terminated on June 30, 1981, as provided in section 54 of this act.

NEW SECTION. Sec. 13. The state board of funeral directors and embalmers and its powers and duties shall be terminated on June 30, 1981, as provided in section 55 of this act.

NEW SECTION. Sec. 14. The youth services corps act of 1977, chapter 50.48 RCW, shall be terminated on June 30, 1981, as provided in section 56 of this act.

NEW SECTION. Sec. 15. The risk management office within the department of general administration and its powers and duties shall be terminated on June 30, 1981, as provided in section 57 of this act.

NEW SECTION. Sec. 16. The state energy office and its powers and duties shall be terminated on June 30, 1981, as provided in section 58 of this act.

NEW SECTION. Sec. 17. The foreign student scholarship program under RCW 28B.10.200 shall be terminated on June 30, 1981, as provided in section 59 of this act.

NEW SECTION. Sec. 18. The board of registered sanitarians and its powers and duties shall be terminated on June 30, 1981, as provided in section 60 of this act.

NEW SECTION. Sec. 19. The interagency committee for outdoor recreation and its powers and duties shall be terminated on June 30, 1981, as provided in section 61 of this act.

NEW SECTION. Sec. 20. The cemetery board and its powers and duties shall be terminated on June 30, 1981, as provided in section 62 of this act.

NEW SECTION. Sec. 21. The planning and community affairs agency and its powers and duties shall be terminated on June 30, 1983, as provided in section 63 of this act.

NEW SECTION. Sec. 22. The adult services advisory committee to the department of social and health services and its powers and duties shall be terminated on June 30, 1981, as provided in section 64 of this act.

NEW SECTION. Sec. 23. The consumer advisory committee to the department of social and health services and its powers and duties shall be terminated on June 30, 1981, as provided in section 65 of this act.

NEW SECTION. Sec. 24. The state capitol historical association and its powers and duties shall be terminated on June 30, 1983, as provided in section 66 of this act.

NEW SECTION. Sec. 25. The eastern Washington historical society and its powers and duties shall be terminated on June 30, 1983, as provided in section 67 of this act.

NEW SECTION. Sec. 26. The Washington state historical society and its powers and duties shall be terminated on June 30, 1983, as provided in section 68 of this act.

NEW SECTION. Sec. 27. The Washington archaeological research center and its powers and duties shall be terminated on June 30, 1983, as provided in section 69 of this act.

NEW SECTION. Sec. 28. The office of archaeology and historic preservation and its powers and duties shall be terminated on June 30, 1983, as provided in section 70 of this act.

NEW SECTION. Sec. 29. The economic assistance authority under chapter 43.31A RCW shall be terminated on June 30, 1983, as provided in section 71 of this act.

NEW SECTION. Sec. 30. The Washington state school directors association and its powers and duties shall be terminated on June 30, 1983, as provided in section 72 of this act.

NEW SECTION. Sec. 31. The state jail commission and its powers and duties shall be terminated on June 30, 1983, as provided in section 73 of this act.

NEW SECTION. Sec. 32. The municipal research council under chapter 43.110 RCW and its powers and duties shall be terminated on June 30, 1983, as provided in section 74 of this act.

NEW SECTION. Sec. 33. The powers and duties of the state board of health shall be terminated on June 30, 1983, as provided in section 75 of this act.

NEW SECTION. Sec. 34. The Washington state commission on Asian-American affairs and its powers and duties shall be terminated on June 30, 1983, as provided in section 76 of this act.

NEW SECTION. Sec. 35. The traffic safety commission and its powers and duties shall be terminated on June 30, 1983, as provided in section 77 of this act.

NEW SECTION. Sec. 36. The state regulation of cosmetology as prescribed in chapter 18.18 RCW shall be terminated on June 30, 1983, as provided in section 78 of this act.

NEW SECTION. Sec. 37. The state advisory committee to the department of social and health services and its powers and duties shall be terminated on June 30, 1983, as provided in section 79 of this act.

NEW SECTION. Sec. 38. The state regulation of barbering and men's hairstyling as prescribed in chapter 18.15 RCW shall be terminated on June 30, 1983, as provided in section 80 of this act.

NEW SECTION. Sec. 39. The Washington state commission for the blind and its powers and duties shall be terminated on June 30, 1983, as provided in section 81 of this act.

NEW SECTION. Sec. 40. The state veterans affairs advisory committee and its powers and duties shall be terminated on June 30, 1983, as provided in section 82 of this act.

NEW SECTION. Sec. 41. The department of general administration automotive policy board and its powers and duties shall be terminated on June 30, 1983, as provided in section 83 of this act.

NEW SECTION. Sec. 42. The department of labor and industries contractor registration program under chapter 18.27 RCW shall be terminated on June 30, 1983, as provided in section 84 of this act.

NEW SECTION. Sec. 43. The state voting machine committee under RCW 43.17.070(3) shall be terminated on June 30, 1981, as provided in section 85 of this act.

PART A COMIC BOOK SCREENING

NEW SECTION. Sec. 44. Sections 1 through 15, chapter 282, Laws of 1955 and RCW 19.18.010 through 19.18.900, as now existing or hereafter amended, are each repealed, effective June 30, 1982.

PART B FOREST PRACTICES APPEALS BOARD

NEW SECTION. Sec. 45. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 21, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.210;

(2) Section 22, chapter 137, Laws of 1974 ex. sess., section 10, chapter 200, Laws of 1975 1st ex. sess., section 174, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 76.09.220; and

(3) Section 23, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.230.

PART C BASIC SCIENCE LAW

NEW SECTION. Sec. 46. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74.005;

(2) Section 43.74.010, chapter 8, Laws of 1965, section 22, chapter 77, Laws of 1973 and RCW 43.74.010;

(3) Section 43.74.015, chapter 8, Laws of 1965, section 6, chapter 188, Laws of 1967, section 123, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.74.015;

(4) Section 43.74.020, chapter 8, Laws of 1965 and RCW 43.74.020;

(5) Section 43.74.025, chapter 8, Laws of 1965 and RCW 43.74.025;

(6) Section 43.74.030, chapter 8, Laws of 1965 and RCW 43.74.030;

(7) Section 43.74.035, chapter 8, Laws of 1965 and RCW 43.74.035;

(8) Section 2, chapter 227, Laws of 1971 ex. sess., section 23, chapter 77, Laws of 1973 and RCW 43.74.037;

(9) Section 43.74.040, chapter 8, Laws of 1965, section 24, chapter 77, Laws of 1973 and RCW 43.74.040;

(10) Section 43.74.050, chapter 8, Laws of 1965 and RCW 43.74.050;

(11) Section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74.060;

(12) Section 43.74.065, chapter 8, Laws of 1965 and RCW 43.74.065;

(13) Section 43.74.075, chapter 8, Laws of 1965 and RCW 43.74.075;

(14) Section 43.74.080, chapter 8, Laws of 1965, section 25, chapter 77, Laws of 1973 and RCW 43.74.080;

(15) Section 1, chapter 227, Laws of 1971 ex. sess., section 26, chapter 77, Laws of 1973 and RCW 43.74.085;

(16) Section 43.74.090, chapter 8, Laws of 1965 and RCW 43.74.090; and

(17) Section 43.74.900, chapter 8, Laws of 1965 and RCW 43.74.900.

PART D

ANTIFREEZE VENDING

NEW SECTION. Sec. 47. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 121, Laws of 1949 and RCW 19.04.010;

(2) Section 2, chapter 121, Laws of 1949 and RCW 19.04.020;

(3) Section 3, chapter 121, Laws of 1949 and RCW 19.04.030;

(4) Section 4, chapter 121, Laws of 1949 and RCW 19.04.040;

(5) Section 5, chapter 121, Laws of 1949 and RCW 19.04.050;

(6) Section 6, chapter 121, Laws of 1949 and RCW 19.04.060;

(7) Section 7, chapter 121, Laws of 1949 and RCW 19.04.070;

(8) Section 8, chapter 121, Laws of 1949 and RCW 19.04.080;

(9) Section 9, chapter 121, Laws of 1949 and RCW 19.04.090;

(10) Section 10, chapter 121, Laws of 1949 and RCW 19.04.100; and

(11) Section 11, chapter 121, Laws of 1949 and RCW 19.04.110.

PART E

CRIMINAL JUSTICE TRAINING COMMISSION

NEW SECTION. Sec. 48. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 94, Laws of 1974 ex. sess., section 1, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.010;

(2) Section 2, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.020;

- (3) Section 3, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.030;
- (4) Section 4, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.040;
- (5) Section 5, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.050;
- (6) Section 6, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.060;
- (7) Section 7, chapter 94, Laws of 1974 ex. sess., section 126, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.070;
- (8) Section 3, chapter 17, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.080;
- (9) Section 9, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.090;
- (10) Section 10, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.100;
- (11) Section 11, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.110;
- (12) Section 12, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.120;
- (13) Section 13, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.130;
- (14) Section 14, chapter 94, Laws of 1974 ex. sess., section 127, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.140;
- (15) Section 15, chapter 94, Laws of 1974 ex. sess., section 2, chapter 82, Laws of 1975 1st ex. sess. and RCW 43.101.150;
- (16) Section 16, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.160;
- (17) Section 17, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.170;
- (18) Section 18, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.180;
- (19) Section 19, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.190;
- (20) Section 2, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.200;
- (21) Section 3, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.210;
- (22) Section 20, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.900; and
- (23) Section 22, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.910.

PART F

STATE PLANNING ADVISORY COUNCIL

NEW SECTION. Sec. 49. Section 12, chapter 74, Laws of 1967, section 122, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.63A.120, as now existing or hereafter amended, are each repealed, effective June 30, 1982.

PART G
CASCARA BARK PEELING REGULATION

NEW SECTION. Sec. 50. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

- (1) Section 1, chapter 129, Laws of 1943 and RCW 19.08.010;
- (2) Section 2, chapter 129, Laws of 1943 and RCW 19.08.020; and
- (3) Section 3, chapter 129, Laws of 1943 and RCW 19.08.030.

PART H
FURNITURE AND BEDDING INDUSTRY

NEW SECTION. Sec. 51. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

- (1) Section 1, chapter 183, Laws of 1951 and RCW 18.45.010;
- (2) Section 2, chapter 183, Laws of 1951 and RCW 18.45.020;
- (3) Section 3, chapter 183, Laws of 1951 and RCW 18.45.030;
- (4) Section 4, chapter 183, Laws of 1951 and RCW 18.45.040;
- (5) Section 5, chapter 183, Laws of 1951 and RCW 18.45.050;
- (6) Section 6, chapter 183, Laws of 1951 and RCW 18.45.060;
- (7) Section 7, chapter 183, Laws of 1951 and RCW 18.45.070;
- (8) Section 8, chapter 183, Laws of 1951 and RCW 18.45.080;
- (9) Section 9, chapter 183, Laws of 1951 and RCW 18.45.090;
- (10) Section 32, chapter 183, Laws of 1951 and RCW 18.45.100;
- (11) Section 10, chapter 183, Laws of 1951 and RCW 18.45.110;
- (12) Section 11, chapter 183, Laws of 1951 and RCW 18.45.120;
- (13) Section 41, chapter 183, Laws of 1951, section 4, chapter 189, Laws of 1971 ex. sess. and RCW 18.45.130;
- (14) Section 42, chapter 183, Laws of 1951 and RCW 18.45.140;
- (15) Section 43, chapter 183, Laws of 1951 and RCW 18.45.150;
- (16) Section 44, chapter 183, Laws of 1951 and RCW 18.45.160;
- (17) Section 12, chapter 183, Laws of 1951 and RCW 18.45.170;
- (18) Section 13, chapter 183, Laws of 1951 and RCW 18.45.180;
- (19) Section 14, chapter 183, Laws of 1951 and RCW 18.45.190;
- (20) Section 15, chapter 183, Laws of 1951 and RCW 18.45.200;
- (21) Section 16, chapter 183, Laws of 1951 and RCW 18.45.210;
- (22) Section 17, chapter 183, Laws of 1951 and RCW 18.45.220;
- (23) Section 19, chapter 183, Laws of 1951 and RCW 18.45.230;
- (24) Section 20, chapter 183, Laws of 1951 and RCW 18.45.240;
- (25) Section 21, chapter 183, Laws of 1951 and RCW 18.45.250;
- (26) Section 22, chapter 183, Laws of 1951 and RCW 18.45.260;
- (27) Section 23, chapter 183, Laws of 1951 and RCW 18.45.270;
- (28) Section 24, chapter 183, Laws of 1951 and RCW 18.45.280;
- (29) Section 36, chapter 183, Laws of 1951 and RCW 18.45.290;
- (30) Section 25, chapter 183, Laws of 1951 and RCW 18.45.300;
- (31) Section 26, chapter 183, Laws of 1951 and RCW 18.45.310;
- (32) Section 27, chapter 183, Laws of 1951 and RCW 18.45.320;

- (33) Section 28, chapter 183, Laws of 1951 and RCW 18.45.330;
- (34) Section 29, chapter 183, Laws of 1951 and RCW 18.45.340;
- (35) Section 35, chapter 183, Laws of 1951 and RCW 18.45.350;
- (36) Section 30, chapter 183, Laws of 1951 and RCW 18.45.360;
- (37) Section 39, chapter 183, Laws of 1951 and RCW 18.45.370;
- (38) Section 31, chapter 183, Laws of 1951 and RCW 18.45.380;
- (39) Section 37, chapter 183, Laws of 1951 and RCW 18.45.390;
- (40) Section 40, chapter 183, Laws of 1951 and RCW 18.45.400;
- (41) Section 18, chapter 183, Laws of 1951 and RCW 18.45.410;
- (42) Section 33, chapter 183, Laws of 1951 and RCW 18.45.420;
- (43) Section 34, chapter 183, Laws of 1951 and RCW 18.45.430;
- (44) Section 46, chapter 183, Laws of 1951 and RCW 18.45.440;
- (45) Section 47, chapter 183, Laws of 1951 and RCW 18.45.450;
- (46) Section 48, chapter 183, Laws of 1951 and RCW 18.45.460;
- (47) Section 49, chapter 183, Laws of 1951 and RCW 18.45.470;
- (48) Section 38, chapter 183, Laws of 1951 and RCW 18.45.480;
- (49) Section 45, chapter 183, Laws of 1951 and RCW 18.45.490;
- (50) Section 50, chapter 183, Laws of 1951 and RCW 18.45.500;
- (51) Section 51, chapter 183, Laws of 1951 and RCW 18.45.510; and
- (52) Section 55, chapter 183, Laws of 1951 and RCW 18.45.900.

PART I

SALE OR USE OF SHODDY

NEW SECTION. Sec. 52. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

- (1) Section 2, chapter 56, Laws of 1909 and RCW 70.70.010;
- (2) Section 1, chapter 56, Laws of 1909 and RCW 70.70.020;
- (3) Section 3, chapter 56, Laws of 1909 and RCW 70.70.030;
- (4) Section 4, chapter 56, Laws of 1909 and RCW 70.70.035; and
- (5) Section 5, chapter 56, Laws of 1909 and RCW 70.70.040.

PART J

STATE ATHLETIC COMMISSION

NEW SECTION. Sec. 53. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

- (1) Section 1, chapter 184, Laws of 1933 and RCW 67.08.001;
- (2) Section 2, chapter 184, Laws of 1933, section 1, chapter 305, Laws of 1959, section 153, chapter 34, Laws of 1975-'76 2nd ex. sess., section 1, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.003;
- (3) Section 3, chapter 184, Laws of 1933 and RCW 67.08.005;
- (4) Section 4, chapter 184, Laws of 1933, section 2, chapter 305, Laws of 1959 and RCW 67.08.007;
- (5) Section 5, chapter 184, Laws of 1933 and RCW 67.08.009;
- (6) Section 7, chapter 184, Laws of 1933, section 2, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.010;
- (7) Section 2, chapter 9, Laws of 1977 and RCW 67.08.015;

- (8) Section 9, chapter 184, Laws of 1933 and RCW 67.08.030;
- (9) Section 10, chapter 184, Laws of 1933, section 4, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.040;
- (10) Section 11, chapter 184, Laws of 1933 and RCW 67.08.050;
- (11) Section 5, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.055;
- (12) Section 12, chapter 184, Laws of 1933, section 4, chapter 305, Laws of 1959, section 154, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.060;
- (13) Section 14, chapter 184, Laws of 1933, section 5, chapter 305, Laws of 1959, section 1, chapter 45, Laws of 1974 ex. sess. and RCW 67.08.080;
- (14) Section 15, chapter 184, Laws of 1933 and RCW 67.08.090;
- (15) Section 16, chapter 184, Laws of 1933, section 6, chapter 305, Laws of 1959 and RCW 67.08.100;
- (16) Section 17, chapter 184, Laws of 1933 and RCW 67.08.110;
- (17) Section 18, chapter 184, Laws of 1933 and RCW 67.08.120;
- (18) Section 19, chapter 184, Laws of 1933 and RCW 67.08.130;
- (19) Section 22, chapter 184, Laws of 1933, section 1, chapter 48, Laws of 1951, section 7, chapter 305, Laws of 1959 and RCW 67.08.140;
- (20) Section 24, chapter 184, Laws of 1933 and RCW 67.08.150; and
- (21) Section 25, chapter 184, Laws of 1933 and RCW 67.08.900.

PART K

STATE BOARD OF GEOGRAPHIC NAMES

NEW SECTION. Sec. 54. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

- (1) Section 1, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.010;
- (2) Section 2, chapter 178, Laws of 1973 1st ex. sess., section 1, chapter 26, Laws of 1975 1st ex. sess. and RCW 43.126.020;
- (3) Section 3, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.030;
- (4) Section 4, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.040;
- (5) Section 5, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.050;
- (6) Section 6, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.060;
- (7) Section 7, chapter 178, Laws of 1973 1st ex. sess., section 133, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.126.070; and
- (8) Section 8, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.080.

PART L

STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

NEW SECTION. Sec. 55. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

- (1) Section 1, chapter 108, Laws of 1937, section 1, chapter 107, Laws of 1965 ex. sess., section 1, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.010;
- (2) Section 2, chapter 108, Laws of 1937 and RCW 18.39.020;
- (3) Section 2, chapter 52, Laws of 1955, section 2, chapter 107, Laws of 1965 ex. sess., section 23, chapter 292, Laws of 1971 ex. sess. and RCW 18.39.030;
- (4) Section 4, chapter 108, Laws of 1937, section 1, chapter 150, Laws of 1945, section 2, chapter 105, Laws of 1947, section 3, chapter 107, Laws of 1965 ex. sess., section 24, chapter 292, Laws of 1971 ex. sess., section 1, chapter 120, Laws of 1972 ex. sess. and RCW 18.39.040;
- (5) Section 6, chapter 108, Laws of 1937, section 8, chapter 266, Laws of 1971 ex. sess., section 42, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.050;
- (6) Section 5, chapter 108, Laws of 1937, section 4, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.070;
- (7) Section 3, chapter 52, Laws of 1955 and RCW 18.39.080;
- (8) Section 7, chapter 108, Laws of 1937 and RCW 18.39.100;
- (9) Section 10, chapter 108, Laws of 1937, section 43, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.120;
- (10) Section 15, chapter 108, Laws of 1937, section 44, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.130;
- (11) Section 3, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.145;
- (12) Section 4, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.148;
- (13) Section 8, chapter 108, Laws of 1937, section 45, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.150;
- (14) Section 12, chapter 108, Laws of 1937 and RCW 18.39.160;
- (15) Section 16, chapter 108, Laws of 1937 and RCW 18.39.170;
- (16) Section 8, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.173;
- (17) Section 9, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.175;
- (18) Section 12, chapter 93, Laws of 1977 ex. sess. (uncodified);
- (19) Section 10, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.177;
- (20) Section 11, chapter 108, Laws of 1937, section 2, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.180;
- (21) Section 5, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.181;
- (22) Section 9, chapter 108, Laws of 1937 and RCW 18.39.190;
- (23) Section 15, chapter 215, Laws of 1909 and RCW 18.39.210;
- (24) Section 13, chapter 108, Laws of 1937 and RCW 18.39.220;
- (25) Section 6, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.223;

- (26) Section 7, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.225;
- (27) Section 17, chapter 108, Laws of 1937 and RCW 18.39.230; and
- (28) Section 18, chapter 108, Laws of 1937 and RCW 18.39.900.

PART M

YOUTH SERVICE CORPS ACT OF 1977

NEW SECTION. Sec. 56. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

- (1) Section 1, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.010;
- (2) Section 2, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.020;
- (3) Section 3, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.030;
- (4) Section 4, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.040;
- (5) Section 5, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.050;
- (6) Section 6, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.060;
- (7) Section 7, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.070;
- (8) Section 8, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.080;
- (9) Section 9, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.090;
- (10) Section 10, chapter 83, Laws of 1977 ex. sess. and RCW 50.48-.100; and
- (11) Section 11, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.900.

PART N

RISK MANAGEMENT OFFICE

NEW SECTION. Sec. 57. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

- (1) Section 1, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19361;
- (2) Section 2, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19362;
- (3) Section 3, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19363;
- (4) Section 9, chapter 270, Laws of 1977 ex. sess. and RCW 43.19-.19364; and
- (5) Section 11, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19365.

PART O

STATE ENERGY OFFICE

NEW SECTION. Sec. 58. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

- (1) Section 1, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.010;
- (2) Section 2, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.020;

(3) Section 3, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.030;

(4) Section 4, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.040;

(5) Section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050;

(6) Section 6, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.060; and

(7) Section 7, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.070.

PART P FOREIGN STUDENT SCHOLARSHIPS

NEW SECTION. Sec. 59. Section 28B.10.200, chapter 223, Laws of 1969 ex. sess., section 1, chapter 62, Laws of 1973 and RCW 28B.10.200, as now existing or hereafter amended, are each repealed, effective June 30, 1982.

PART Q BOARD OF REGISTERED SANITARIANS

NEW SECTION. Sec. 60. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 200, Laws of 1959 and RCW 18.90.010;

(2) Section 2, chapter 200, Laws of 1959, section 5, chapter 188, Laws of 1967, section 52, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.90.020;

(3) Section 3, chapter 200, Laws of 1959 and RCW 18.90.030;

(4) Section 4, chapter 200, Laws of 1959, section 19, chapter 266, Laws of 1971 ex. sess., section 80, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.90.040;

(5) Section 5, chapter 200, Laws of 1959, section 81, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.90.050;

(6) Section 6, chapter 200, Laws of 1959 and RCW 18.90.060;

(7) Section 7, chapter 200, Laws of 1959 and RCW 18.90.070; and

(8) Section 8, chapter 200, Laws of 1959 and RCW 18.90.900.

PART R INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

NEW SECTION. Sec. 61. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 11, chapter 5, Laws of 1965, section 2, chapter 62, Laws of 1967 ex. sess., section 1, chapter 60, Laws of 1971, section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110;

(2) Section 12, chapter 5, Laws of 1965 and RCW 43.99.120;

(3) Section 4, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.122;

(4) Section 5, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.124;

- (5) Section 6, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.126;
 - (6) Section 13, chapter 5, Laws of 1965, section 3, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.130;
 - (7) Section 7, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.070;
 - (8) Section 1, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.010;
 - (9) Section 2, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.020;
 - (10) Section 3, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.030;
 - (11) Section 4, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.040;
 - (12) Section 5, chapter 76, Laws of 1970 ex. sess., section 1, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.050;
 - (13) Section 6, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.060;
 - (14) Section 7, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.070;
 - (15) Section 8, chapter 76, Laws of 1970 ex. sess., section 2, chapter 47, Laws of 1971 ex. sess., section 1, chapter 153, Laws of 1972 ex. sess., section 21, chapter 220, Laws of 1977 ex. sess. and RCW 67.32.080;
 - (16) Section 9, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.090;
 - (17) Section 10, chapter 76, Laws of 1970 ex. sess., section 3, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.100;
 - (18) Section 11, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.110;
 - (19) Section 12, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.120;
 - (20) Section 4, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.130;
- and
- (21) Section 5, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.140.

PART S

CEMETERY BOARD

NEW SECTION. Sec. 62. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

- (1) Section 26, chapter 290, Laws of 1953 and RCW 68.05.010;
- (2) Section 27, chapter 290, Laws of 1953 and RCW 68.05.020;
- (3) Section 28, chapter 290, Laws of 1953 and RCW 68.05.030;
- (4) Section 31, chapter 290, Laws of 1953, section 1, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.040;
- (5) Section 32, chapter 290, Laws of 1953, section 2, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.050;
- (6) Section 33, chapter 290, Laws of 1953, section 156, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 68.05.060;
- (7) Section 34, chapter 290, Laws of 1953 and RCW 68.05.070;
- (8) Section 35, chapter 290, Laws of 1953 and RCW 68.05.080;
- (9) Section 39, chapter 290, Laws of 1953 and RCW 68.05.090;
- (10) Section 36, chapter 290, Laws of 1953 and RCW 68.05.100;
- (11) Section 37, chapter 290, Laws of 1953 and RCW 68.05.110;

- (12) Section 38, chapter 290, Laws of 1953 and RCW 68.05.120;
- (13) Section 42, chapter 290, Laws of 1953, section 12, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.130;
- (14) Section 43, chapter 290, Laws of 1953, section 13, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.140;
- (15) Section 44, chapter 290, Laws of 1953, section 14, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.150;
- (16) Section 45, chapter 290, Laws of 1953, section 15, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.160;
- (17) Section 46, chapter 290, Laws of 1953, section 1, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.170;
- (18) Section 40, chapter 290, Laws of 1953, section 16, chapter 68, Laws of 1973 1st ex. sess., section 3, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.180;
- (19) Section 41, chapter 290, Laws of 1953 and RCW 68.05.190;
- (20) Section 47, chapter 290, Laws of 1953 and RCW 68.05.200;
- (21) Section 48, chapter 290, Laws of 1953, section 2, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.210;
- (22) Section 50, chapter 290, Laws of 1953, section 3, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.220;
- (23) Section 51, chapter 290, Laws of 1953, section 4, chapter 99, Laws of 1969 ex. sess., section 4, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.230;
- (24) Section 52, chapter 290, Laws of 1953 and RCW 68.05.240;
- (25) Section 49, chapter 290, Laws of 1953 and RCW 68.05.250;
- (26) Section 5, chapter 99, Laws of 1969 ex. sess., section 17, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.255;
- (27) Section 53, chapter 290, Laws of 1953 and RCW 68.05.260;
- (28) Section 29, chapter 290, Laws of 1953 and RCW 68.05.270; and
- (29) Section 30, chapter 290, Laws of 1953, section 1, chapter 133, Laws of 1961 and RCW 68.05.280.

PART T

PLANNING AND COMMUNITY AFFAIRS AGENCY

NEW SECTION. Sec. 63. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

- (1) Section 1, chapter 74, Laws of 1967 and RCW 43.63A.010;
- (2) Section 2, chapter 74, Laws of 1967 and RCW 43.63A.020;
- (3) Section 3, chapter 74, Laws of 1967 and RCW 43.63A.030;
- (4) Section 4, chapter 74, Laws of 1967, section 10, chapter 40, Laws of 1975 and RCW 43.63A.040;
- (5) Section 5, chapter 74, Laws of 1967 and RCW 43.63A.050;
- (6) Section 6, chapter 74, Laws of 1967 and RCW 43.63A.060;
- (7) Section 7, chapter 74, Laws of 1967, section 28, chapter 151, Laws of 1977 ex. sess. and RCW 43.63A.070;

(8) Section 8, chapter 74, Laws of 1967, section 63, chapter 75, Laws of 1977 and RCW 43.63A.080;

(9) Section 1, chapter 53, Laws of 1969 ex. sess., section 64, chapter 75, Laws of 1977 and RCW 43.63A.085;

(10) Section 9, chapter 74, Laws of 1967 and RCW 43.63A.090;

(11) Section 10, chapter 74, Laws of 1967 and RCW 43.63A.100;

(12) Section 11, chapter 74, Laws of 1967 and RCW 43.63A.110;

(13) Section 13, chapter 74, Laws of 1967 and RCW 43.63A.130;

(14) Section 14, chapter 74, Laws of 1967 and RCW 43.63A.140; and

(15) Section 16, chapter 74, Laws of 1967 and RCW 43.63A.900.

PART U

ADULT SERVICES ADVISORY COMMITTEE

NEW SECTION. Sec. 64. The adult services advisory committee to the department of social and health services, as authorized under RCW 43.20A.360, as now existing or hereafter amended, shall cease to exist on June 30, 1982.

PART V

CONSUMER ADVISORY COMMITTEE

NEW SECTION. Sec. 65. The consumer advisory committee to the department of social and health services, as authorized under RCW 43.20A.360, as now existing or hereafter amended, shall cease to exist on June 30, 1982.

PART W

STATE CAPITOL HISTORICAL ASSOCIATION

NEW SECTION. Sec. 66. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 44, Laws of 1941, section 1, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.010;

(2) Section 2, chapter 44, Laws of 1941, section 2, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.030;

(3) Section 4, chapter 44, Laws of 1941 and RCW 27.36.040;

(4) Section 5, chapter 44, Laws of 1941, section 3, chapter 62, Laws of 1965 ex. sess., section 16, chapter 75, Laws of 1977 and RCW 27.36.050;

(5) Section 4, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.060;

(6) Section 5, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.070;

(7) Section 2, chapter 30, Laws of 1899 and RCW 27.40.020; and

(8) Section 3, chapter 160, Laws of 1949, section 3, chapter 47, Laws of 1957 and RCW 27.48.030.

PART X

EASTERN WASHINGTON HISTORICAL SOCIETY

NEW SECTION. Sec. 67. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 187, Laws of 1925 ex. sess., section 1, chapter 35, Laws of 1973, section 15, chapter 75, Laws of 1977, section 3, chapter 81, Laws of 1977 ex. sess. and RCW 27.32.010;

(2) Section 2, chapter 187, Laws of 1925 ex. sess., section 2, chapter 35, Laws of 1973 and RCW 27.32.020;

(3) Section 3, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.030; and

(4) Section 3, chapter 160, Laws of 1949, section 3, chapter 47, Laws of 1957 and RCW 27.48.030.

PART Y

WASHINGTON STATE HISTORICAL SOCIETY

NEW SECTION. Sec. 68. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 177, Laws of 1903, section 14, chapter 75, Laws of 1977, section 2, chapter 81, Laws of 1977 ex. sess. and RCW 27.28.010;

(2) Section 2, chapter 177, Laws of 1903 and RCW 27.28.020;

(3) Section 1, chapter 31, Laws of 1965 and RCW 27.28.021;

(4) Section 2, chapter 31, Laws of 1965 and RCW 27.28.022;

(5) Section 3, chapter 177, Laws of 1903 and RCW 27.28.030; and

(6) Section 1, chapter 64, Laws of 1915 and RCW 27.28.040.

PART Z

WASHINGTON ARCHAEOLOGICAL RESEARCH CENTER

NEW SECTION. Sec. 69. The archaeological research center, authorized under chapter 39.34 RCW, as now existing or hereafter amended, shall cease to exist on June 30, 1984.

PART AA

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

NEW SECTION. Sec. 70. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.010;

(2) Section 2, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.020;

(3) Section 3, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.030;

(4) Section 17, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.040;

(5) Section 18, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.050;

(6) Section 4, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.060;

(7) Section 5, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.070;

(8) Section 6, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.080;

(9) Section 7, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.090;

(10) Section 8, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.100; and

(11) Section 19, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.140.

PART BB

ECONOMIC ASSISTANCE AUTHORITY

NEW SECTION. Sec. 71. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.010;

(2) Section 2, chapter 117, Laws of 1972 ex. sess., section 111, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31A.020;

(3) Section 3, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.030;

(4) Section 4, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.040;

(5) Section 5, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.050;

(6) Section 6, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.060;

(7) Section 7, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.070;

(8) Section 8, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.080;

(9) Section 9, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.090;

(10) Section 10, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.100;

(11) Section 11, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.110;

(12) Section 12, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.120;

(13) Section 13, chapter 117, Laws of 1972 ex. sess., section 1, chapter 296, Laws of 1977 ex. sess. and RCW 43.31A.130;

(14) Section 14, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.140;

(15) Section 15, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.150;

(16) Section 16, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.160;

- (17) Section 17, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.170;
- (18) Section 18, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.180;
- (19) Section 19, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.190;
- (20) Section 20, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.200;
- (21) Section 21, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.210;
- (22) Section 22, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.220;
- (23) Section 23, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.230;
- (24) Section 24, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.240;
- (25) Section 25, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.250;
- (26) Section 26, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.260;
- (27) Section 27, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.270;
- (28) Section 28, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.280;
- (29) Section 29, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.290;
- (30) Section 30, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.300;
- (31) Section 31, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.310;
- (32) Section 32, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.320;
- (33) Section 33, chapter 117, Laws of 1972 ex. sess., section 55, chapter 75, Laws of 1977 and RCW 43.31A.330;
- (34) Section 34, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.900;
- (35) Section 35, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A-.910; and
- (36) Section 37, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.920.

PART CC
STATE SCHOOL DIRECTORS ASSOCIATION

NEW SECTION. Sec. 72. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 28A.61.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.010;

(2) Section 28A.61.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.020;

(3) Section 28A.61.030, chapter 223, Laws of 1969 ex. sess., section 4, chapter 184, Laws of 1969 ex. sess., section 1, chapter 101, Laws of 1974 ex. sess. and RCW 28A.61.030;

(4) Section 28A.61.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.040;

(5) Section 28A.61.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 125, Laws of 1969 and RCW 28A.61.050; and

(6) Section 28A.61.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.060.

PART DD
STATE JAIL COMMISSION

NEW SECTION. Sec. 73. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 3, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.030;

(2) Section 4, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.040;

(3) Section 5, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.050;

(4) Section 6, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.060;

(5) Section 7, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.070;
and

(6) Section 8, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.080.

PART EE
MUNICIPAL RESEARCH COUNCIL

NEW SECTION. Sec. 74. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 2, chapter 108, Laws of 1969, section 1, chapter 218, Laws of 1975 1st ex. sess., section 129, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.110.010; and

(2) Section 82.44.160, chapter 15, Laws of 1961, section 1, chapter 115, Laws of 1961, section 1, chapter 108, Laws of 1969, section 7, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.160.

PART FF
STATE BOARD OF HEALTH

NEW SECTION. Sec. 75. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 36.62.020, chapter 4, Laws of 1963 and RCW 36.62.020;

(2) Section 43.20.030, chapter 8, Laws of 1965, section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030;

(3) Section 43.20.050, chapter 8, Laws of 1965, section 9, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.050;

(4) Section 43.20.100, chapter 8, Laws of 1965, section 44, chapter 75, Laws of 1977 and RCW 43.20.100;

- (5) Section 43.20.140, chapter 8, Laws of 1965 and RCW 43.20.140;
- (6) Section 11, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.200;
- (7) Section 1, chapter 197, Laws of 1957 and RCW 69.06.010;
- (8) Section 2, chapter 197, Laws of 1957 and RCW 69.06.020;
- (9) Section 5, chapter 197, Laws of 1957 and RCW 69.06.050;
- (10) Section 16, chapter 190, Laws of 1939, section 1, chapter 30, Laws of 1961 and RCW 69.16.115;
- (11) Section 17, chapter 190, Laws of 1939, section 2, chapter 30, Laws of 1961 and RCW 69.16.120;
- (12) Section 16, chapter 112, Laws of 1939 and RCW 69.20.095;
- (13) Section 17, chapter 112, Laws of 1939 and RCW 69.20.100;
- (14) Section 3, chapter 144, Laws of 1955 and RCW 69.30.030;
- (15) Section 5, chapter 144, Laws of 1955 and RCW 69.30.050;
- (16) Section 6, chapter 144, Laws of 1955 and RCW 69.30.060;
- (17) Section 12, chapter 102, Laws of 1967 ex. sess., section 1, chapter 25, Laws of 1969 ex. sess. and RCW 70.01.010;
- (18) Section 16, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.110;
- (19) Section 4, chapter 114, Laws of 1919 and RCW 70.24.040;
- (20) Section 8, chapter 114, Laws of 1919 and RCW 70.24.070;
- (21) Section 6, chapter 54, Laws of 1967 and RCW 70.28.035;
- (22) Section 3, chapter 267, Laws of 1955, section 9, chapter 189, Laws of 1971 ex. sess. and RCW 70.41.030;
- (23) Section 1, chapter 231, Laws of 1969 ex. sess. and RCW 70.54.110;
- (24) Section 6, chapter 177, Laws of 1959 and RCW 70.58.350;
- (25) Section 5, chapter 82, Laws of 1967 and RCW 70.83.050; and
- (26) Section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927 and RCW 85.08.020.

PART GG

STATE COMMISSION ON ASIAN-AMERICAN AFFAIRS

NEW SECTION. Sec. 76. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

- (1) Section 1, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.010;
- (2) Section 2, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.020;
- (3) Section 3, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.030;
- (4) Section 4, chapter 140, Laws of 1974 ex. sess., section 131, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.117.040;

(5) Section 5, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.050;

(6) Section 6, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.060;

(7) Section 7, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.070;

(8) Section 8, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.080;

(9) Section 9, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.090;

(10) Section 10, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.100;

(11) Section 11, chapter 140, Laws of 1974 ex. sess. and RCW 43.117-.900; and

(12) Section 14, chapter 140, Laws of 1974 ex. sess., section 1, chapter 297, Laws of 1977 ex. sess. and RCW 43.117.910.

PART HH TRAFFIC SAFETY COMMISSION

NEW SECTION. Sec. 77. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.010;

(2) Section 2, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.020;

(3) Section 3, chapter 147, Laws of 1967 ex. sess., section 1, chapter 105, Laws of 1969 ex. sess., section 7, chapter 85, Laws of 1971 ex. sess. and RCW 43.59.030;

(4) Section 4, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.040;

(5) Section 6, chapter 147, Laws of 1967 ex. sess., section 120, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.59.050;

(6) Section 7, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.060;

(7) Section 8, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.070;

(8) Section 9, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.080;

(9) Section 10, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.090;

(10) Section 11, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.100;

(11) Section 12, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.110;

(12) Section 13, chapter 147, Laws of 1967 ex. sess. and RCW 43.59-.120; and

(13) Section 14, chapter 147, Laws of 1967 ex. sess., section 5, chapter 195, Laws of 1971 ex. sess. and RCW 43.59.130.

PART II
COSMETOLOGY

NEW SECTION. Sec. 78. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

- (1) Section 1, chapter 25, Laws of 1974 ex. sess. and RCW 18.18.010;
- (2) Section 8, chapter 215, Laws of 1937, section 17, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.020;
- (3) Section 1, chapter 215, Laws of 1937, section 2, chapter 3, Laws of 1965 ex. sess., section 18, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.030;
- (4) Section 18, chapter 215, Laws of 1937, section 19, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.040;
- (5) Section 2, chapter 180, Laws of 1951, section 3, chapter 52, Laws of 1957, section 3, chapter 324, Laws of 1959, section 21, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.050;
- (6) Section 2, chapter 324, Laws of 1959, section 3, chapter 3, Laws of 1965 ex. sess., section 22, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.065;
- (7) Section 4, chapter 180, Laws of 1951, section 5, chapter 52, Laws of 1957, section 4, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.070;
- (8) Section 9, chapter 215, Laws of 1937, section 5, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.080;
- (9) Section 5, chapter 180, Laws of 1951, section 3, chapter 313, Laws of 1955, section 4, chapter 324, Laws of 1959, section 6, chapter 3, Laws of 1965 ex. sess., section 23, chapter 148, Laws of 1973 1st ex. sess., section 13, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.090;
- (10) Section 7, chapter 215, Laws of 1937, section 7, chapter 3, Laws of 1965 ex. sess., section 24, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.100;
- (11) Section 1, chapter 168, Laws of 1953 and RCW 18.18.102;
- (12) Section 2, chapter 168, Laws of 1953, section 8, chapter 3, Laws of 1965 ex. sess., section 30, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.18.104;
- (13) Section 3, chapter 168, Laws of 1953 and RCW 18.18.106;
- (14) Section 4, chapter 168, Laws of 1953 and RCW 18.18.108;
- (15) Section 4, chapter 313, Laws of 1955, section 9, chapter 3, Laws of 1965 ex. sess., section 25, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.110;
- (16) Section 14, chapter 215, Laws of 1937, section 6, chapter 180, Laws of 1951, section 10, chapter 3, Laws of 1965 ex. sess., section 14, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.120;
- (17) Section 5, chapter 313, Laws of 1955 and RCW 18.18.130;
- (18) Section 7, chapter 180, Laws of 1951, section 6, chapter 313, Laws of 1955, section 5, chapter 324, Laws of 1959, section 11, chapter 3, Laws

of 1965 ex. sess., section 3, chapter 266, Laws of 1971 ex. sess., section 27, chapter 148, Laws of 1973 1st ex. sess., section 15, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.140;

(19) Section 6, chapter 52, Laws of 1957 and RCW 18.18.150;

(20) Section 7, chapter 52, Laws of 1957, section 6, chapter 324, Laws of 1959 and RCW 18.18.160;

(21) Section 8, chapter 52, Laws of 1957, section 7, chapter 324, Laws of 1959 and RCW 18.18.170;

(22) Section 6, chapter 215, Laws of 1937 and RCW 18.18.180;

(23) Section 8, chapter 180, Laws of 1951, section 9, chapter 52, Laws of 1957, section 12, chapter 3, Laws of 1965 ex. sess., section 26, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.190;

(24) Section 4, chapter 215, Laws of 1937 and RCW 18.18.200;

(25) Section 9, chapter 180, Laws of 1951, section 10, chapter 52, Laws of 1957, section 13, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.210;

(26) Section 15, chapter 215, Laws of 1937, section 8, chapter 324, Laws of 1959, section 28, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.220;

(27) Section 16, chapter 215, Laws of 1937, section 15, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.230;

(28) Section 14, chapter 3, Laws of 1965 ex. sess., section 31, chapter 34, Laws of 1975-'76 2nd ex. sess., section 9, chapter 75, Laws of 1977 and RCW 18.18.251;

(29) Section 11, chapter 52, Laws of 1957, section 9, chapter 324, Laws of 1959, section 17, chapter 3, Laws of 1965 ex. sess., section 29, chapter 148, Laws of 1973 1st ex. sess., section 1, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.260;

(30) Section 12, chapter 52, Laws of 1957, section 30, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.270;

(31) Section 16, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.290;

(32) Section 20, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.300;

(33) Section 19, chapter 215, Laws of 1937 and RCW 18.18.900; and

(34) Section 20, chapter 215, Laws of 1937 and RCW 18.18.910.

PART JJ

STATE ADVISORY COMMITTEE TO DSHS

NEW SECTION. Sec. 79. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370;

(2) Section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A-.375; and

(3) Section 15, chapter 189, Laws of 1971 ex. sess., section 99, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.20A.380.

PART KK

BARBERING AND MEN'S HAIRSTYLING

NEW SECTION. Sec. 80. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 75, Laws of 1923, section 1, chapter 211, Laws of 1927, section 1, chapter 52, Laws of 1957, section 1, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.010;

(2) Section 2, chapter 75, Laws of 1923, section 1, chapter 209, Laws of 1929, section 1, chapter 199, Laws of 1937, section 1, chapter 51, Laws of 1949, section 1, chapter 16, Laws of 1951, section 2, chapter 223, Laws of 1967 and RCW 18.15.020;

(3) Section 3, chapter 75, Laws of 1923, section 2, chapter 199, Laws of 1937, section 2, chapter 51, Laws of 1949, section 2, chapter 16, Laws of 1951, section 1, chapter 101, Laws of 1957, section 3, chapter 223, Laws of 1967, section 4, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.040;

(4) Section 3, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.045;

(5) Section 6, chapter 75, Laws of 1923, section 5, chapter 211, Laws of 1927, section 3, chapter 209, Laws of 1929, section 4, chapter 51, Laws of 1949, section 3, chapter 16, Laws of 1951, section 4, chapter 84, Laws of 1959, section 4, chapter 223, Laws of 1967, section 2, chapter 148, Laws of 1973 1st ex. sess., section 5, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.050;

(6) Section 7, chapter 101, Laws of 1957 and RCW 18.15.051;

(7) Section 8, chapter 101, Laws of 1957, section 5, chapter 223, Laws of 1967 and RCW 18.15.052;

(8) Section 9, chapter 101, Laws of 1957, section 6, chapter 223, Laws of 1967 and RCW 18.15.053;

(9) Section 10, chapter 101, Laws of 1957 and RCW 18.15.054;

(10) Section 11, chapter 101, Laws of 1957, section 1, chapter 188, Laws of 1967, section 28, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.055;

(11) Section 12, chapter 101, Laws of 1957, section 8, chapter 223, Laws of 1967 and RCW 18.15.056;

(12) Section 7, chapter 75, Laws of 1923, section 6, chapter 211, Laws of 1927, section 4, chapter 209, Laws of 1929, section 14, chapter 101, Laws of 1957, section 9, chapter 223, laws of 1967, section 2, chapter 266, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1973 1st ex. sess., section 6, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.060;

(13) Section 3, chapter 84, Laws of 1959, section 10, chapter 223, Laws of 1967, section 5, chapter 148, Laws of 1973 1st ex. sess., section 7, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.065;

(14) Section 12, chapter 75, Laws of 1923, section 9, chapter 211, Laws of 1927, section 11, chapter 223, Laws of 1967 and RCW 18.15.070;

(15) Section 13, chapter 75, Laws of 1923, section 10, chapter 211, Laws of 1927, section 4, chapter 199, Laws of 1937, section 5, chapter 51, Laws of 1949, section 4, chapter 16, Laws of 1951 and RCW 18.15.080;

(16) Section 14, chapter 75, Laws of 1923, section 11, chapter 211, Laws of 1927, section 6, chapter 209, Laws of 1929, section 1, chapter 102, Laws of 1947, section 12, chapter 223, Laws of 1967, section 6, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.090;

(17) Section 2, chapter 84, Laws of 1959, section 14, chapter 223, Laws of 1967, section 8, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.095;

(18) Section 13, chapter 223, Laws of 1967, section 7, chapter 148, Laws of 1973 1st ex. sess., section 9, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.097;

(19) Section 8, chapter 172, Laws of 1901, section 5, chapter 75, Laws of 1923, section 3, chapter 199, Laws of 1937, section 3, chapter 51, Laws of 1949, section 2, chapter 101, Laws of 1957, section 5, chapter 84, Laws of 1959, section 15, chapter 223, Laws of 1967, section 8, chapter 148, Laws of 1973 1st ex. sess., section 10, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.100;

(20) Section 7, chapter 209, Laws of 1929, section 6, chapter 51, Laws of 1949, section 6, chapter 84, Laws of 1959, section 16, chapter 223, Laws of 1967, section 9, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.110;

(21) Section 15, chapter 75, Laws of 1923, section 17, chapter 223, Laws of 1967 and RCW 18.15.120;

(22) Section 13, chapter 101, Laws of 1957, section 7, chapter 84, Laws of 1959, section 18, chapter 223, Laws of 1967, section 11, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.125;

(23) Section 4, chapter 101, Laws of 1957, section 19, chapter 223, Laws of 1967 and RCW 18.15.130;

(24) Section 5, chapter 101, Laws of 1957, section 20, chapter 223, Laws of 1967, section 29, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.140;

(25) Section 6, chapter 101, Laws of 1957, section 21, chapter 223, Laws of 1967 and RCW 18.15.150;

(26) Section 17, chapter 75, Laws of 1923, section 12, chapter 211, Laws of 1927, section 8, chapter 209, Laws of 1929, section 22, chapter 223, Laws of 1967 and RCW 18.15.160;

(27) Section 10, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.200;

(28) Section 11, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.210;

(29) Section 12, chapter 148, Laws of 1973 1st ex. sess., section 12, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.220;

(30) Section 13, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.230;

(31) Section 14, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.240;

(32) Section 15, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.250; and

(33) Section 19, chapter 75, Laws of 1923 and RCW 18.15.900.

PART LL

WASHINGTON STATE COMMISSION FOR THE BLIND

NEW SECTION. Sec. 81. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 74.16.030, chapter 26, Laws of 1959, section 1, chapter 128, Laws of 1965, section 1, chapter 78, Laws of 1967, section 9, chapter 169, Laws of 1971 ex. sess. and RCW 74.16.030;

(2) Section 74.16.040, chapter 26, Laws of 1959 and RCW 74.16.040;

(3) Section 74.16.170, chapter 26, Laws of 1959, section 16, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.170;

(4) Section 1, chapter 59, Laws of 1967, section 17, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.181;

(5) Section 2, chapter 59, Laws of 1967, section 18, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.183;

(6) Section 74.16.190, chapter 26, Laws of 1959, section 19, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.190;

(7) Section 74.16.300, chapter 26, Laws of 1959, section 20, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.300;

(8) Section 1, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.400;

(9) Section 2, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.410;

(10) Section 3, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.420;

(11) Section 4, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.430;

(12) Section 5, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.440;

(13) Section 6, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.450;

(14) Section 7, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.460;

(15) Section 8, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.470;

(16) Section 9, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.480;

(17) Section 10, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.490;

(18) Section 11, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.500;

(19) Section 12, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.510;

(20) Section 13, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.520;

(21) Section 14, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.530;

(22) Section 24, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.540;

(23) Section 1, chapter 251, Laws of 1975 1st ex. sess., section 21, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.010;

(24) Section 2, chapter 251, Laws of 1975 1st ex. sess., section 22, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.020;

(25) Section 3, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.030; and

(26) Section 4, chapter 251, Laws of 1975 1st ex. sess., section 23, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.040.

PART MM

STATE VETERANS AFFAIRS ADVISORY COMMITTEE

NEW SECTION. Sec. 82. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 14, chapter 115, Laws of 1975-'76 2nd ex. sess., section 1, chapter 285, Laws of 1977 ex. sess. and RCW 43.60A.080; and

(2) Section 2, chapter 285, Laws of 1977 ex. sess. and RCW 43.60A.081.

PART NN

AUTOMOTIVE POLICY BOARD

NEW SECTION. Sec. 83. Section 6, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.580, as now existing or hereafter amended, are each repealed, effective June 30, 1984.

PART OO

REGISTRATION OF CONTRACTORS

NEW SECTION. Sec. 84. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 77, Laws of 1963, section 5, chapter 126, Laws of 1967, section 1, chapter 118, Laws of 1972 ex. sess., section 1, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.010;

(2) Section 2, chapter 77, Laws of 1963, section 2, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.020;

(3) Section 3, chapter 77, Laws of 1963, section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030;

(4) Section 4, chapter 77, Laws of 1963, section 1, chapter 126, Laws of 1967, section 2, chapter 118, Laws of 1972 ex. sess., section 4, chapter 153, Laws of 1973 1st ex. sess., section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040;

(5) Section 5, chapter 77, Laws of 1963 and RCW 18.27.050;

(6) Section 6, chapter 77, Laws of 1963, section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060;

(7) Section 7, chapter 77, Laws of 1963, section 2, chapter 126, Laws of 1967, section 5, chapter 153, Laws of 1973 1st ex. sess., section 1, chapter 66, Laws of 1977 ex. sess. and RCW 18.27.070;

(8) Section 8, chapter 77, Laws of 1963, section 3, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.080;

(9) Section 6, chapter 126, Laws of 1967 and RCW 18.27.085;

(10) Section 2, chapter 25, Laws of 1974 ex. sess. and RCW 18.27.090;

(11) Section 10, chapter 77, Laws of 1963 and RCW 18.27.100;

(12) Section 4, chapter 126, Laws of 1967 and RCW 18.27.110;

(13) Section 3, chapter 70, Laws of 1967 and RCW 39.06.010;

(14) Section 5, chapter 118, Laws of 1972 ex. sess., section 7, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.120;

(15) Section 4, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.130;

(16) Section 2, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.140; and

(17) Section 11, chapter 77, Laws of 1963 and RCW 18.27.900.

PART PP

VOTING MACHINE COMMITTEE

NEW SECTION. Sec. 85. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 29.33.030, chapter 9, Laws of 1965 and RCW 29.33.030;

(2) Section 29.33.040, chapter 9, Laws of 1965, section 13, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.040;

(3) Section 29.33.050, chapter 9, Laws of 1965, section 14, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.050;

(4) Section 29.33.060, chapter 9, Laws of 1965, section 15, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.060;

(5) Section 29.33.070, chapter 9, Laws of 1965, section 16, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.070;

(6) Section 29.33.080, chapter 9, Laws of 1965, section 17, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.080;

(7) Section 29.33.090, chapter 9, Laws of 1965 and RCW 29.33.090;

(8) Section 29.33.100, chapter 9, Laws of 1965, section 20, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.100;

(9) Section 18, chapter 109, Laws of 1967 ex. sess., section 1, chapter 6, Laws of 1971 ex. sess., section 66, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.080; and

(10) Section 19, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.090.

NEW SECTION. Sec. 86. (1) The legislative budget committee shall cause to be conducted a program and fiscal review of the following programs in accordance with criteria, where applicable, contained in RCW 43.131.060:

(a) The department of ecology air quality programs under RCW 43.21A.060(3) and chapter 70.94 RCW, the Washington clean air act; and

(b) The department of general administration banking and small loan program under Titles 30 and 32 RCW and chapters 31.04 and 31.08 RCW.

(2) Final reports on the program and fiscal reviews required by this section shall be completed on or before September 30, 1980, and transmitted to appropriate standing committees of the house of representatives and the senate.

Sec. 87. Section 4, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.040 are each amended to read as follows:

The "state energy office" is hereby created as an agency of state government, responsible to the governor and the legislature for carrying out the purposes of this chapter. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The salary of the director shall be determined pursuant to the provisions of RCW 43.03.040. The director shall employ such personnel as are necessary to carry out the provisions of this chapter. The employment of such personnel shall be in accordance with the provisions of chapter 41.06 RCW, except as provided in RCW 41.06.078(~~(: PROVIDED, That the state energy office and its powers, duties and functions shall be dissolved and this act as it relates thereto shall have no further force and effect after April 1, 1981. PROVIDED FURTHER, That the legislature may extend this time period through legislative enactment)~~)).

Sec. 88. Section 11, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.900 are each amended to read as follows:

The provisions of this chapter shall expire on (~~December 31~~) June 30, 1981.

NEW SECTION. Sec. 89. Division headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 90. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 91. 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 February 2, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 100

[House Bill No. 178]

COOPERATIVE FOREST MANAGEMENT SERVICES ACT

AN ACT Relating to forests and forest products; and adding a new chapter to Title 76 RCW.

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

NEW SECTION. Section 1. This chapter shall be known and cited as the "cooperative forest management services act."

NEW SECTION. Sec. 2. The department of natural resources may, by agreement, make available to forest landowners, equipment, materials, and personnel for the purpose of more intensively managing or protecting the land when the department determines that such services are not otherwise available at a cost which would encourage the landowner to so avail himself, and that the use of department equipment, materials, or personnel will not jeopardize the management of state lands or other programs of the department. The department shall enter into a contractual agreement with the landowner for services rendered and shall recover the costs thereof.

NEW SECTION. Sec. 3. The department may, by agreement, extend forest management services to private lands as a condition of carrying out such services on state lands when the private lands are adjacent to or in close proximity to the state lands being treated. The agreement shall include provisions requiring the parties to pay all costs attributable to the conducting of the services on their respective lands.

NEW SECTION. Sec. 4. Costs recovered by the department as a result of extending forest management practices to private lands shall be credited to the program or programs providing the services. The department will report by December 31 of each odd numbered year up to and including 1985 to the house and senate natural resources committees the private acres treated as a result of this act.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 76 RCW.

Passed the House January 29, 1979.

Passed the Senate March 1, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 101

[Substitute House Bill No. 333]

SALMON CHARTER BOATS—ANGLERS' PERMITS—LICENSE RENEWAL PERIOD

AN ACT Relating to salmon fishing; amending section 2, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.020; adding new sections to chapter 106, Laws of 1977 ex. sess. and to chapter 75.30 RCW; creating a new section; repealing section 11, chapter 106, Laws of 1977 ex. sess. (uncodified); prescribing penalties; providing an effective date; and providing an expiration date.

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

NEW SECTION. Section 1. The legislature finds that wise management of the state's salmon fishery is essential to the well-being of the state. The legislature recognizes that further restrictions on salmon fishing in the charter salmon industry are necessary and that a limitation on the number of persons fishing is preferable to reductions in the fishing season or daily bag limits, or increases in size limits.

NEW SECTION. Sec. 2. In addition to the salmon charter boat license required under chapter 75.28 RCW, every owner of a salmon charter boat operating in salt water and eligible for licensing under RCW 75.30.020 or 75.30.030 shall obtain from the department, without charge, a yearly angler permit specifying the maximum number of persons, or "anglers," that may fish from the charter boat at any one time.

Failure to comply with this section constitutes a gross misdemeanor.

NEW SECTION. Sec. 3. The initial number of anglers that the department may authorize under section 2 of this act for a salmon charter boat shall be determined under the schedule established in this section.

As used in this schedule, "length of boat" means the length, in feet, of the salmon charter boat as shown on the United States Coast Guard certificate of inspection, not exceeding the size specified in the schedule. "Number of anglers" means the initial number of anglers that may be authorized by the department for a boat of the size specified.

Length of boat:	Number of anglers:	Length of boat:	Number of anglers:
31.5	8	51.5	20
32.5	9	52.5	21
34.5	10	54.5	22
36.5	11	56.5	23
37.5	12	58.5	24
39.5	13	59.5	25
41.5	14	60.5	27
42.5	15	61.5	29
44.5	16	62.5	30
46.5	17	63.5	31
47.5	18	64.5	33
49.5	19	over 64.5	34

Vessels exceeding a length specified in the schedule may be authorized the number of anglers provided for the next higher category.

Vessels not inspected by the United States Coast Guard will be issued a permit by the department to carry up to six anglers.

Those salmon charter boats licensed prior to January 1, 1978, whose hulls, such as fifty-four foot Thermodyne brand hulls, are substantially wider than conventional hull designs, are exempt from the schedule established in this section and will be issued a permit by the department to carry up to twenty-five anglers.

NEW SECTION. Sec. 4. A salmon charter boat may not carry anglers, other than members of the crew, exceeding the number of anglers specified in the angler permit issued to the boat under section 2 of this act. Members of the crew may fish from the boat only to the extent that the number of anglers specified in the angler permit exceeds the number of noncrew passengers on the boat at that time.

Failure to comply with this section constitutes a gross misdemeanor.

NEW SECTION. Sec. 5. (1) The total aggregate number of anglers authorized by the department shall be fixed and may not exceed the total number initially authorized for eligible boats under section 2 of this act.

(2) Angler permits issued under section 2 of this act are fully transferable. A charter boat possessing an angler permit may transfer all or a portion of the permit to another charter boat. The holder of such a permit, after complying with subsection (3) of this section, may use, and renew, the permit, even though the use of the permit will allow the charter boat to exceed the initial number of anglers established in section 3 of this act.

(3) When an angler permit is transferred, the department shall be notified, and the department shall issue a new angler permit certificate. If the original permit holder retains a portion of the permit, the department shall issue a new angler permit certificate reflecting the decrease in authorized angler capacity. The department shall collect a fee of ten dollars for each certificate issued under this subsection.

NEW SECTION. Sec. 6. This chapter, and any subsequent amendments, shall expire on December 31, 1981.

Sec. 7. Section 2, chapter 106, Laws of 1977 ex. sess. and RCW 75.30-.020 are each amended to read as follows:

For the purposes of this chapter, the term "charter boat" shall refer only to those charter boats from which salmon are taken. On and after May 28, 1977, the department shall initiate a moratorium on the issuance of charter boat licenses by issuing such licenses only to those boats whose owners can prove by means of good and sufficient documentary evidence that the boat was licensed pursuant to RCW 75.28.095 between January 1, 1974, and January 1, 1977. No charter boat shall be entitled to more than one charter boat license.

Such boats shall be entitled to receive and renew the charter boat license for each year during the period from May 28, 1977 through

December 31, (~~1980~~) 1981. A charter boat license for which no application is made to the department or which is not renewed in any year automatically expires and shall not be renewed further.

Nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any rule promulgated thereunder. All such charter boat licenses shall be transferable.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act are added to chapter 106, Laws of 1977 ex. sess. and to chapter 75.30 RCW.

NEW SECTION. Sec. 9. Section 11, chapter 106, Laws of 1977 ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 10. This act shall take effect on January 1, 1980.

Passed the House February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 102

[House Bill No. 279]

COURT OF APPEALS—APPELLATE JURISDICTION—JUSTICE COURTS—
JURISDICTION LIMITS

AN ACT Relating to courts; amending section 3, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.030; section 23, page 226, Laws of 1854 as last amended by section 1, chapter 96, Laws of 1965 and RCW 3.20.020; section 113, chapter 299, Laws of 1961 as amended by section 1, chapter 95, Laws of 1965 and RCW 3.66.020; section 1, chapter 187, Laws of 1919 as last amended by section 1, chapter 128, Laws of 1973 and RCW 12.40.010; creating new sections; declaring an emergency; and making an effective date.

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

Section 1. Section 3, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.030 are each amended to read as follows:

The administration and procedures of the court shall be as provided by rules of the supreme court. The court shall be vested with all power and authority, not inconsistent with said rules, necessary to carry into complete execution all of its judgments, decrees and determinations in all matters within its jurisdiction, according to the rules and principles of the common law and the Constitution and laws of this state.

For the prompt and orderly administration of justice, the supreme court may (1) transfer to the appropriate division of the court for decision a case or appeal pending before the supreme court; or (2) transfer to the supreme court for decision a case or appeal pending in a division of the court.

Subject to the provisions of this section, the court shall have exclusive appellate jurisdiction in all cases except:

(a) cases of quo warranto, prohibition, injunction or mandamus directed to state officials;

(b) criminal cases where the death penalty has been decreed;

(c) cases where the validity of all or any portion of a statute, ordinance, tax, impost, assessment or toll is drawn into question on the grounds of repugnancy to the Constitution of the United States or of the state of Washington, or to a statute or treaty of the United States, and the superior court has held against its validity;

(d) cases involving fundamental and urgent issues of broad public import requiring prompt and ultimate determination; and

(e) cases involving substantive issues on which there is a direct conflict among prevailing decisions of panels of the court or between decisions of the supreme court;

all of which shall be appealed directly to the supreme court: PROVIDED, That whenever a majority of the court before which an appeal is pending, but before a hearing thereon, is in doubt as to whether such appeal is within the categories set forth in subsection (d) or (e) of this section, the cause shall be certified to the supreme court for such determination.

The appellate jurisdiction of the court of appeals does not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property does not exceed the sum of two hundred dollars.

~~((When the court acquires jurisdiction of any cause and makes a disposition thereof, there shall be a right of appeal to the supreme court when the court reverses a judgment or order of the superior court by less than a unanimous decision. In all other cases;))~~ Appeals from the court to the supreme court shall be only at the discretion of the supreme court upon the filing of a petition for review. No case, appeal or petition for a writ filed in the supreme court or the court shall be dismissed for the reason that it was not filed in the proper court, but it shall be transferred to the proper court.

Sec. 2. Section 23, page 226, Laws of 1854 as last amended by section 1, chapter 96, Laws of 1965 and RCW 3.20.020 are each amended to read as follows:

(1) Every justice of the peace required by law to be a licensed attorney of this state and required by law to devote his full time to the office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than ~~((one))~~ three thousand dollars;

(b) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than ~~((one))~~ three thousand dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than ~~((one))~~ three thousand dollars;

- (c) Of an action for a penalty less than ~~((one))~~ three thousand dollars;
- (d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than ~~((one))~~ three thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;
- (e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than ~~((one))~~ three thousand dollars;
- (f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than ~~((one))~~ three thousand dollars;
- (g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than ~~((one))~~ three thousand dollars;
- (h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than ~~((one))~~ three thousand dollars;
- (i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than ~~((one))~~ three thousand dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

The three thousand dollars amounts provided in subsection (1) (a) through (i) of this section shall take effect on May 1, 1979, and shall remain in effect until June 30, 1981; effective July 1, 1981, and thereafter, such amounts shall be increased to five thousand dollars.

(2) Every justice of the peace not required by law to be a licensed attorney of this state and not required by law to devote his full time to his office shall have jurisdiction and cognizance of the following civil actions and proceedings:

- (a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than five hundred dollars;
- (b) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than five hundred dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than five hundred dollars;
- (c) Of an action for a penalty less than five hundred dollars;
- (d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than five hundred dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than five hundred dollars;

(f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than five hundred dollars;

(g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than five hundred dollars;

(h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than five hundred dollars;

(i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than five hundred dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

Sec. 3. Section 113, chapter 299, Laws of 1961 as amended by section 1, chapter 95, Laws of 1965 and RCW 3.66.020 are each amended to read as follows:

The justice court shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed does not exceed ~~((one))~~ three thousand dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed does not exceed ~~((one))~~ three thousand dollars; also of actions to recover the possession of personal property when the value of such property as alleged in the complaint, does not exceed ~~((one))~~ three thousand dollars;

(3) Of an action for a penalty not exceeding ~~((one))~~ three thousand dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed ~~((one))~~ three thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed does not exceed ~~((one))~~ three thousand dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed do not exceed ~~((one))~~ three thousand dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed does not exceed ~~((one))~~ three thousand dollars;

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed ~~((one))~~ three thousand dollars; and

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved does not exceed ~~((one))~~ three thousand dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The three thousand dollars amounts provided in subsections (1) through (9) of this section shall take effect on May 1, 1979, and shall remain in effect until June 30, 1981; effective July 1, 1981, and thereafter, such amount shall be increased to five thousand dollars.

The amounts of money referred to in ~~((subparagraphs (1) through (9)))~~ this section shall be exclusive of interest, costs and attorney's fees.

Sec. 4. Section 1, chapter 187, Laws of 1919 as last amended by section 1, chapter 128, Laws of 1973 and RCW 12.40.010 are each amended to read as follows:

That in every justice court of this state there shall be created and organized by the court a department to be known as the "small claims department of the justice's court". If the justice court is operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed ~~((three))~~ five hundred dollars. If the justice court is not operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed two hundred dollars.

NEW SECTION. Sec. 5. Sections 2, 3, and 4 of this 1979 amendatory act upon taking effect shall apply to all actions filed on or after December 8, 1977. Any party to an action which is pending on the effective date of this act shall be permitted to amend any pleadings to reflect such increase in court jurisdiction: PROVIDED, That nothing in this act shall affect the validity of judicial acts taken prior to its effective date.

NEW SECTION. Sec. 6. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 2 through 5 of this 1979 amendatory act are necessary for the immediate preservation of the public peace, health,

and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1979.

Passed the House March 8, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 103

[Substitute House Bill No. 425]

CIVIL ACTIONS—MANDATORY ARBITRATION

AN ACT Relating to mandatory arbitration of civil actions; creating a new chapter in Title 7 RCW; and providing an effective date.

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

NEW SECTION. Section 1. The superior court of a county by majority vote of the judges thereof may authorize mandatory arbitration of civil actions under this chapter.

NEW SECTION. Sec. 2. All civil actions, except for appeals from municipal or justice courts, which are at issue in the superior court in counties which have authorized arbitration, where the sole relief sought is a money judgment, and where no party asserts a claim in excess of ten thousand dollars, exclusive of interest and costs, are subject to mandatory arbitration.

NEW SECTION. Sec. 3. The supreme court shall by rule adopt procedures to implement mandatory arbitration of civil actions under this chapter.

NEW SECTION. Sec. 4. The qualifications and appointment of arbitrators shall be prescribed by rules adopted by the supreme court. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court.

NEW SECTION. Sec. 5. Following a hearing as prescribed by court rule, the arbitrator shall file his decision and award with the clerk of the superior court, together with proof of service thereof on the parties. Within twenty days after such filing, any aggrieved party may file with the clerk a written notice of appeal and request for a trial de novo in the superior court on all issues of law and fact. Such trial de novo shall thereupon be held, including a right to jury, if demanded.

If no appeal has been filed at the expiration of twenty days following filing of the arbitrator's decision and award, the clerk shall enter the arbitrator's decision and award as a final judgment in the cause, which shall have the same force and effect as judgments in civil actions.

NEW SECTION. Sec. 6. The supreme court may by rule provide for costs and reasonable attorney's fees that may be assessed against a party

appealing from the award who fails to improve his position on the trial de novo.

NEW SECTION. Sec. 7. No provision of this chapter may be construed to abridge the right to trial by jury.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 7 RCW.

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

NEW SECTION. Sec. 10. This act shall take effect July 1, 1980.

Passed the House February 20, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 104

[House Bill No. 612]

INDUSTRIAL INSURANCE—PERMANENT PARTIAL DISABILITIES—
COMPENSATION

AN ACT Relating to industrial insurance; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 46, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.080; and declaring an emergency.

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

Section 1. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 46, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.080 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium)	\$(18,000.00)	<u>36,000.00</u>
Of leg at or above knee joint with functional stump	\$(16,200.00)	<u>32,400.00</u>
Of leg below knee joint	\$(14,400.00)	<u>28,800.00</u>
Of leg at ankle (Syme)	\$(12,600.00)	<u>25,200.00</u>
Of foot at mid-metatarsals	\$(6,300.00)	<u>12,600.00</u>
Of great toe with resection of metatarsal bone	\$(3,780.00)	<u>7,560.00</u>
Of great toe at metatarsophalangeal joint	\$(2,268.00)	<u>4,536.00</u>
Of great toe at interphalangeal joint	\$(1,200.00)	<u>2,400.00</u>

Of lesser toe (2nd to 5th) with resection of metatarsal bone	((1,380.00))	<u>2,760.00</u>
Of lesser toe at metatarsophalangeal joint	((672.00))	<u>1,344.00</u>
Of lesser toe at proximal interphalangeal joint	((498.00))	<u>996.00</u>
Of lesser toe at distal interphalangeal joint	((126.00))	<u>252.00</u>
Of arm at or above the deltoid insertion or by disarticulation at the shoulder	((18,000.00))	<u>36,000.00</u>
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon	((17,100.00))	<u>34,200.00</u>
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand	((16,200.00))	<u>32,400.00</u>
Of all fingers except the thumb at metacarpophalangeal joints	((9,720.00))	<u>19,440.00</u>
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone	((6,480.00))	<u>12,960.00</u>
Of thumb at interphalangeal joint	((3,240.00))	<u>6,480.00</u>
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone	((4,050.00))	<u>8,100.00</u>
Of index finger at proximal interphalangeal joint	((3,240.00))	<u>6,480.00</u>
Of index finger at distal interphalangeal joint	((1,782.00))	<u>3,564.00</u>
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone	((3,240.00))	<u>6,480.00</u>
Of middle finger at proximal interphalangeal joint	((2,592.00))	<u>5,184.00</u>
Of middle finger at distal interphalangeal joint	((1,458.00))	<u>2,916.00</u>
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone	((1,620.00))	<u>3,240.00</u>
Of ring finger at proximal interphalangeal joint	((1,296.00))	<u>2,592.00</u>
Of ring finger at distal interphalangeal joint	((810.00))	<u>1,620.00</u>
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone	((810.00))	<u>1,620.00</u>
Of little finger at proximal interphalangeal joint	((648.00))	<u>1,296.00</u>
Of little finger at distal interphalangeal joint	((324.00))	<u>648.00</u>

MISCELLANEOUS

Loss of one eye by enucleation	((7,200.00))	<u>14,400.00</u>
Loss of central visual acuity in one eye	((6,000.00))	<u>12,000.00</u>
Complete loss of hearing in both ears	((14,400.00))	<u>28,800.00</u>
Complete loss of hearing in one ear	((2,400.00))	<u>4,800.00</u>

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount payable for total bodily impairment shall be deemed to be ((thirty)) sixty thousand dollars: PROVIDED, That compensation for unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability shall be determined at an amount equal to seventy-five percent of the monetary value of such disability as related to total bodily impairment: PROVIDED FURTHER, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ((thirty)) sixty thousand dollars, except that the total compensation for all unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability and resulting from the same injury shall not exceed the sum of forty-five thousand dollars: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(3) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or

part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of six percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That upon application of the injured worker the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker to the department and shall rest in the discretion of the department depending upon the merits of each individual application: PROVIDED FURTHER, That upon death of a worker all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 22, 1979.

Passed the Senate March 7, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 105

[House Bill No. 788]

BANKS OR TRUST COMPANIES—AFFILIATES—COMMON TRUST FUNDS

AN ACT Relating to financial institutions; and amending section 30.28.010, chapter 33, Laws of 1955 and RCW 30.28.010.

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

Section 1. Section 30.28.010, chapter 33, Laws of 1955 and RCW 30.28.010 are each amended to read as follows:

Any bank or trust company qualified to act as fiduciary in this state, or in any other state if affiliated with a bank or trust company qualified to act

as fiduciary in this state, may establish common trust funds for the purpose of furnishing investments to itself and its affiliated or related bank or trust company as fiduciary, or to itself and its affiliated or related bank or trust company, and others, as cofiduciaries; and may, as such fiduciary or cofiduciary, invest funds which it lawfully holds for investment in interests in such common trust funds, if such investment is not prohibited by the instrument, judgment, decree, or order creating such fiduciary relationship, and if, in the case of cofiduciaries, the bank or trust company procures the consent of its cofiduciary or cofiduciaries to such investment: PROVIDED, That any bank or trust company qualified to act as fiduciary in ~~((this))~~ the state of its charter, which is not a member of the federal reserve system, shall, in the operation of such common trust fund, comply with the rules and regulations as made from time to time by the supervisor of banking in the state where chartered and in Washington the supervisor is hereby authorized and empowered to make such rules and regulations as he may deem necessary and proper in the premises.

"Affiliated" as used in this section means two or more banks or trust companies:

(1) In which twenty-five percent or more of their voting shares, excluding shares owned by the United States or by any company wholly owned by the United States, are directly or indirectly owned or controlled by a holding company; or

(2) In which the election of a majority of the directors is controlled in any manner by a holding company.

Passed the House February 20, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 106

[Substitute House Bill No. 803]

BANKS OR TRUST COMPANIES—CAPITAL STOCK, AUTHORIZATION, ISSUANCE—DEBENTURE CONVERSION—BRANCH RELOCATION, REDEVELOPMENT PROJECTS

AN ACT Relating to banking; amending section 1, chapter 140, Laws of 1965 and RCW 30.08.087; amending section 2, chapter 140, Laws of 1965 and RCW 30.08.088; amending section 30.12.080, chapter 33, Laws of 1955 as last amended by section 5, chapter 140, Laws of 1965 and RCW 30.12.080; amending section 4, chapter 140, Laws of 1965 and RCW 30.12.210; amending section 30.36.020, chapter 33, Laws of 1955 and RCW 30.36.020; amending section 7, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.070; and adding a new section to chapter 30.40 RCW.

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

Section 1. Section 1, chapter 140, Laws of 1965 and RCW 30.08.087 are each amended to read as follows:

~~((Solely to have shares of its capital stock available))~~ Any bank or trust company may provide in its articles of incorporation or amendments thereto for authorized but unissued shares of its capital stock for the following purposes;

(1) For issuance and sale pursuant to approved stock option plans ((:)), stock purchase plans, stock bonus plans, or other similar plans approved by the supervisor; ((or))

(2) For ((the purpose of)) issuing and selling minimum qualifying shares to new directors; ((any bank or trust company may provide in its articles of incorporation or amendments thereto for authorized but unissued shares of its capital stock, in an amount not to exceed ten percent of its authorized capital stock:))

(3) For any other purpose; when the total amount of such shares is not more than fifty percent of the currently issued and outstanding stock.

If such shares are issued pursuant to approved stock option plans, the consideration received for such shares shall not be less than the higher of par value or one hundred percent of fair market value of the shares at the time the option is granted. If such shares are issued pursuant to approved stock purchase plans, the consideration received for such shares shall not be less than the higher of par value or one hundred percent of fair market value of the shares at the time of purchase. If such shares are issued in order to qualify a new director of the corporation, the consideration received shall not be less than the higher of par value or ninety-five percent of the fair value of the shares at the time of the sale.

Sec. 2. Section 2, chapter 140, Laws of 1965 and RCW 30.08.088 are each amended to read as follows:

Any amendments to articles of incorporation which provide for authorized but unissued stock shall be made as provided in the case of a capital increase which is to be paid in full before becoming effective. However, the authorized but unissued shares shall not become a part of the capital stock except for the purposes hereof until they have been issued and paid for in cash. Prior to the issuance of authorized but unissued stock ~~((for the purpose of qualifying a new director))~~, the bank shall notify the supervisor of the proposed issuance and the consideration to be received therefor and receive the supervisor's approval thereof ((:)), except that such notification and such approval shall not be required if the authorized but unissued stock is issued to employees of the bank pursuant to approved stock option, stock purchase, stock bonus or other similar plans approved by the supervisor.

Sec. 3. Section 30.12.080, chapter 33, Laws of 1955 as last amended by section 5, chapter 140, Laws of 1965 and RCW 30.12.080 are each amended to read as follows:

A director, officer or employee of a bank or trust company shall not:

(1) Have any interest, direct or indirect, in the profits of the corporation except to receive reasonable compensation for services actually rendered,

which, in the case of an officer or director, shall be determined by the board of directors; and except to receive dividends upon any stock of the corporation that he may own, the same as any other stockholder and under the same regulations and conditions; and except to receive interest upon deposits he may have with the corporation, the same as other like depositors and under the same regulations and conditions: PROVIDED, That nothing in this section shall be construed to prevent the payment to an employee of a salary bonus in addition to his normal salary, when such bonus is authorized by a resolution adopted by a vote of a majority of the board of directors of such corporation: PROVIDED FURTHER, That nothing in this section shall be construed to prevent the establishment by vote of the stockholders of such bank or trust company, of a profit-sharing retirement trust or plan and the making of contributions thereto by such bank or trust company: PROVIDED FURTHER, That nothing in this section shall be construed to prevent the establishment by the corporation of stock purchase option plans, stock purchase plans, stock bonus plans, or other similar plans as otherwise permitted by law.

(2) Become a member of the board of directors of any other bank or trust company or a national banking association, of which board enough other directors, officers or employees of the corporation are members to constitute with him a majority of its board of directors.

(3) Receive directly or indirectly and retain for his own use any commission or benefit from any loan made or other transaction had by the corporation, or any pay or emolument for services rendered to any borrower from the corporation or from any person transacting business with it, in connection with the loan or transaction, except that an attorney for the corporation, though he be a director thereof, may receive reasonable compensation for professional services rendered the borrower or other person.

Sec. 4. Section 4, chapter 140, Laws of 1965 and RCW 30.12.210 are each amended to read as follows:

Every bank or trust company incorporated under the laws of this state may grant options to purchase, and issue and sell, shares of its capital stock to its employees or officers or a trustee in their behalf upon the terms and conditions of a stock option plan, a stock purchase plan, a stock bonus plan, or other similar plan where such plan is adopted by its board of directors, approved by a vote of the stockholders representing two-thirds of its capital stock at a meeting where the approval is sought, and approved by the supervisor in writing. In the absence of actual fraud in the transaction and within the limits of the particular ((stock option)) plan, the judgment of the board of directors and of any committee provided for in the ((stock option)) plan as to the consideration for the issuance of the shares or options and the sufficiency thereof and as to the recipients of the shares or options shall be conclusive, subject to the provisions of RCW 30.08.087, as now or hereafter amended.

Sec. 5. Section 30.36.020, chapter 33, Laws of 1955 and RCW 30.36-.020 are each amended to read as follows:

With the approval of the supervisor, any bank, trust company or mutual savings bank may at any time, through action of its board of directors or trustees, issue and sell its capital notes or debentures. Such capital notes or debentures shall be subordinate to the claims of depositors and other creditors. The holders of capital notes or debentures issued by a bank or trust company shall have such conversion rights as may be provided in the articles of incorporation with the approval of the supervisor.

Sec. 6. Section 7, chapter 53, Laws of 1973 1st ex. sess. and RCW 30-.42.070 are each amended to read as follows:

The capital allocated as required in RCW 30.42.060(3) shall be maintained within this state at all times in cash or in supervisor approved interest bearing bonds, notes, debentures, or other obligations of the United States or of any agency or instrumentality thereof, or guaranteed by the United States; or of this state, or of a city, county, town, or other municipal corporation, or instrumentality of this state or guaranteed by this state. Such capital shall be deposited with a bank qualified to do business in and having its principal place of business within this state, or in a national bank qualified to engage in banking in this state. Such bank shall issue a written receipt addressed and delivered to the supervisor reciting that such deposit is being held for the sole benefit of the United States domiciled creditors of such alien bank's Washington office and that the same is subject to his order without offset for the payment of such creditors. For the purposes of this section, the term "creditor" shall not include any other offices, branches, subsidiaries, or affiliates of such alien bank. Subject to the approval of the supervisor, reasonable arrangements may be made for substitution of securities. So long as it shall continue business in this state in conformance with this chapter and shall remain solvent, such alien bank shall be permitted to collect all interest and/or income from the assets constituting such allocated capital.

Should any securities so depreciate in market value and/or quality as to reduce the deposit below the amount required, additional money or securities shall be deposited promptly in amounts sufficient to meet such requirements. The supervisor may make an investigation of the market value and of the quality of any security deposited at the time such security is presented for deposit or at any time thereafter. The supervisor may make such charge as may be reasonable and proper for such investigation.

NEW SECTION. Sec. 7. There is added to chapter 30.40 RCW a new section to read as follows:

Notwithstanding any provision of RCW 30.40.020, a bank which on the effective date of this act, is operating in the central business district of a city having a population of forty-five thousand or more a branch banking office which includes a drive-in facility, both of which are operated as a single

branch office although they are physically divided by a city street, may, if a major redevelopment project for upgrading the central business district pursuant to a redevelopment plan is adopted or approved by a duly constituted municipal planning body or other appropriate governmental authority and concurred in by the supervisor of banking, petition the supervisor of banking for the relocation of the branch office to a location within such redevelopment project not in excess of eight hundred feet from the former location of the branch office, and such branch office may retain and operate the single drive-in facility at its existing location as a separate facility: PROVIDED, That such drive-in facility shall be limited to the customary paying and receiving functions, shall not be considered as a branch in and of itself, and shall not engage in any other banking business: PROVIDED FURTHER, That any action sought to be taken pursuant to the authority of this section, whether by a national bank or a state-chartered bank, shall be subject, in its entirety, to the prior approval of the supervisor of banking, who shall base his approval or disapproval of such action upon the protection of public and private funds and the public safety and welfare.

NEW SECTION. Sec. 8. There is added to chapter 30.12 RCW a new section to read as follows:

The articles of incorporation of any bank or trust company organized under this title may limit or permit the preemptive rights of a shareholder to acquire unissued shares of the corporation and may thereafter by amendment limit, deny, or grant to shareholders of any class of stock the preemptive right to acquire additional shares of the corporation whether then or thereafter authorized.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 107

[House Bill No. 846]

DEPARTMENT OF REVENUE—STATUTORY DEVOLUTION

AN ACT Relating to state government; amending section 1, chapter 286, Laws of 1957 as amended by section 20, chapter 26, Laws of 1967 ex. sess. and RCW 19.91.010; amending section 19, chapter 286, Laws of 1957 as amended by section 1, chapter 172, Laws of 1959 and RCW 19.91.190; amending section 1, chapter 165, Laws of 1975 1st ex. sess. and RCW 33.20.035; amending section 43.30.010, chapter 8, Laws of 1965 and RCW 43.30.010; amending section 43.30.120, chapter 8, Laws of 1965 and RCW 43.30.120; amending section 1, chapter 385, Laws of 1955 as amended by section 27, chapter 26, Laws of 1967 ex. sess. and RCW 63.28.070; amending section 1, chapter 140, Laws of 1953 and RCW 76.40.015; amending section 13, chapter 140, Laws of 1953 and RCW 76.40.016; amending section 82.02.010, chapter 15, Laws of 1961 as amended by section 14, chapter 26, Laws of 1967 ex. sess. and RCW 82.02.010; amending section 82.44.010, chapter 15, Laws of 1961 as last amended by section 54, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.010; amending section 82.50.010, chapter 15, Laws of 1961 as last

amended by section 6, chapter 22, Laws of 1977 ex. sess. and RCW 82.50.010; amending section 2, chapter 125, Laws of 1967 and RCW 82.56.020; amending section 83.01.010, chapter 15, Laws of 1961 as amended by section 15, chapter 26, Laws of 1967 ex. sess. and RCW 83.01.010; amending section 83.16.080, chapter 15, Laws of 1961 as amended by section 11, chapter 292, Laws of 1961 and RCW 83.16.080; amending section 13, chapter 292, Laws of 1961 as amended by section 149, chapter 81, Laws of 1971 and RCW 83.24.020; amending section 83.28.030, chapter 15, Laws of 1961 and RCW 83.28.030; amending section 83.28.060, chapter 15, Laws of 1961 and RCW 83.28.060; amending section 83.28.070, chapter 15, Laws of 1961 and RCW 83.28.070; amending section 15, chapter 292, Laws of 1961 and RCW 83.32.020; amending section 16, chapter 292, Laws of 1961 and RCW 83.32.030; amending section 83.32.050, chapter 15, Laws of 1961 as amended by section 150, chapter 81, Laws of 1971 and RCW 83.32.050; amending section 20, chapter 292, Laws of 1961 as amended by section 2, chapter 132, Laws of 1971 ex. sess. and RCW 83.40.020; amending section 21, chapter 292, Laws of 1961 and RCW 83.40.030; amending section 83.44.110, chapter 15, Laws of 1961 as amended by section 22, chapter 292, Laws of 1961 and RCW 83.44.110; adding new sections to chapter 84.04 RCW; repealing section 19, chapter 26, Laws of 1967 ex. sess. and RCW 11.08.005; repealing section 84.04.110, chapter 15, Laws of 1961, section 16, chapter 26, Laws of 1967 ex. sess. and RCW 84.04.110; and declaring an emergency.

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

Section 1. Section 1, chapter 286, Laws of 1957 as amended by section 20, chapter 26, Laws of 1967 ex. sess. and RCW 19.91.010 are each amended to read as follows:

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))~~ (5) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

~~((7))~~ (6) "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))~~ (7) "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))~~ (8) "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 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))~~ (9) (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.

~~((+))~~ (10) (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 ~~((+))~~ (9) 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 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".

~~((+))~~ (11) "Business day" means any day other than a Sunday or a legal holiday.

Sec. 2. Section 19, chapter 286, Laws of 1957 as amended by section 1, chapter 172, Laws of 1959 and RCW 19.91.190 are each amended to read as follows:

All fees and penalties received or collected by the ~~((commission))~~ department of revenue pursuant to the provisions of this chapter shall be paid to the state treasurer, to be credited to the general fund.

Sec. 3. Section 1, chapter 165, Laws of 1975 1st ex. sess. and RCW 33-20.035 are each amended to read as follows:

In addition to any other powers and duties authorized by law, upon the death of any person having funds held by or on deposit with any state-

chartered savings and loan association, such association may with full acquittance to it pay over the balance of such funds to the executor or administrator of the estate of such deceased person appointed under the laws of any other state or territory or country, after: (1) Such foreign executor or administrator has caused a notice to be published substantially in the manner and form herein provided for, in a newspaper of general circulation in the county in which is located the office or branch of the association holding or having on deposit said funds, or if none, then in a newspaper of general circulation in an adjoining county, at least once a week for at least three successive weeks; (2) expiration of at least ninety days after the date of first publication of such notice; and (3) consent of the ((~~tax commission [department of revenue]~~)) department of revenue to such payment or receipt for payment of any inheritance tax due has been received by such savings and loan association: PROVIDED, That if an executor or administrator of the estate of said deceased person shall be appointed and qualify as such under the laws of this state and deliver a certified copy of his letters testamentary or of administration or certificate of qualification to the office or branch of such association holding or having on deposit such funds prior to its transmitting the same to a foreign executor or administrator, then such funds shall be paid to or to the order of the executor or administrator of said estate appointed and qualified in this state. The notice herein provided for may be published in substantially the following form:

"In the Matter of the Estate of
, deceased

"Notice is hereby given that the undersigned representative of the estate of said deceased person has applied for transfer to the undersigned of funds of said deceased held or on deposit at the _____ office of _____, the address of which is _____, in the state of Washington; and that such transfer may be made after ninety days from first publication of this notice unless an executor or administrator of said estate is appointed and qualified within the state of Washington and said savings and loan association receives written notice thereof at its said address prior to transmittal of such funds to the undersigned.

"Date of first publication:

 of said estate
 Address:

Affidavit of the publisher of the publication of such notice filed with such association shall be sufficient proof of such publication.

This section shall be applicable to federally-chartered savings and loan associations operating within the state insofar as federal law and rules and regulations promulgated thereunder so permit.

Sec. 4. Section 43.30.010, chapter 8, Laws of 1965 and RCW 43.30.010 are each amended to read as follows:

The purpose of this chapter is to provide for more effective and efficient management of the forest and land resources in the state by consolidating into a department of natural resources certain powers, duties and functions of the division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board, all state sustained yield forest committees, director of conservation and development, state capitol committee, director of ~~((licenses))~~ licensing, secretary of state, ~~((tax-commission))~~ director of revenue, and commissioner of public lands.

Sec. 5. Section 43.30.120, chapter 8, Laws of 1965 and RCW 43.30.120 are each amended to read as follows:

The department shall exercise the powers, duties and functions of the director of ~~((licenses))~~ licensing and the ~~((tax-commission))~~ director of revenue of the state of Washington with respect to log patrols, as set forth in chapter 76.40 RCW, and such powers, duties and functions are hereby transferred to the department.

Sec. 6. Section 1, chapter 385, Laws of 1955 as amended by section 27, chapter 26, Laws of 1967 ex. sess. and RCW 63.28.070 are each amended to read as follows:

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. 7. Section 1, chapter 140, Laws of 1953 and RCW 76.40.015 are each amended to read as follows:

The ~~((tax commission))~~ department of revenue shall create, maintain and administer outside the state treasury a permanent revolving fund, to be known as the "log patrol revolving fund," in which shall be deposited all moneys received by it under this chapter. Such revolving fund shall be used to pay the salaries, wages and other operating expenses arising under the administration of this chapter, and whenever there are moneys in excess of ten thousand dollars in the revolving fund, such excess moneys shall, at the end of each bimonthly period commencing July 1, 1953, be remitted by the ~~((tax commission))~~ department of revenue to the state treasurer, and shall be deposited to the credit of the permanent school fund.

Before any payroll or expense voucher is charged against the revolving fund, it shall be signed by the supervisor of forestry and approved by the ~~((tax commission))~~ department of revenue. All moneys shall be paid from the revolving fund by check or voucher.

Sec. 8. Section 13, chapter 140, Laws of 1953 and RCW 76.40.016 are each amended to read as follows:

~~((There is hereby appropriated from the general fund to the tax commission the sum of ten thousand dollars, or so much thereof as may be necessary, to be used under the supervision of the supervisor of forestry, for the payment of salaries, wages and operating expenses incurred in the administration of this chapter: PROVIDED, That whenever sufficient moneys are deposited in the log patrol revolving fund to pay))~~ Current expenses arising under the administration of this chapter ~~((, such expenses))~~ shall ~~((thereafter))~~ be paid from ~~((said))~~ the log patrol revolving fund ~~((: PROVIDED FURTHER, That before any moneys are remitted to the state treasurer under the provisions of RCW 76.40.015, ten thousand dollars shall be returned to the state general fund))~~.

Sec. 9. Section 82.02.010, chapter 15, Laws of 1961 as amended by section 14, chapter 26, Laws of 1967 ex. sess. and RCW 82.02.010 are each amended to read as follows:

For the purpose of this title, unless otherwise required by the context:

(1) ~~((The terms "tax commission", "department of revenue," "state board of equalization" and "revenue department" and the words "commission" and))~~ "Department" means 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.

Sec. 10. Section 82.44.010, chapter 15, Laws of 1961 as last amended by section 54, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.010 are each amended to read as follows:

For the purposes of this chapter, unless context otherwise requires:

"Motor vehicle" means all motor vehicles, trailers and semitrailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include (1) vehicles carrying exempt licenses, (2) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets, or highways, (3) motor vehicles or their trailers used entirely upon private property, (4) mobile homes and travel trailers as defined in RCW 82.50.010, or (5) motor vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington provided personnel were also nonresident at the time of their entry into military service.

~~("Commission" or "tax commission" means the department of revenue of the state.)~~

Sec. 11. Section 82.50.010, chapter 15, Laws of 1961 as last amended by section 6, chapter 22, Laws of 1977 ex. sess. and RCW 82.50.010 are each amended to read as follows:

"Mobile home" means a structure, transportable in one or more sections, which is thirty-two body feet or more in length and is eight body feet or more in width, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except as hereinafter specifically excluded, and excluding modular homes as defined below.

"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 less than thirty-two body feet in length and eight body feet or less in width, except as may be hereinafter specifically excluded.

"Modular home" means any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in this section.

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation.

~~("Commission" means the department of revenue of the state.)~~

"Director" means the director of ~~((motor vehicles))~~ licensing of the state.

Sec. 12. Section 2, chapter 125, Laws of 1967 and RCW 82.56.020 are each amended to read as follows:

The ~~((chairman of the Washington state tax commission or the))~~ director of ~~((its successor department))~~ revenue shall represent this state on the multistate tax commission.

Sec. 13. Section 83.01.010, chapter 15, Laws of 1961 as amended by section 15, chapter 26, Laws of 1967 ex. sess. and RCW 83.01.010 are each amended to read as follows:

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

(1) ~~("Supervisor")~~ "Director" 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. 14. Section 83.16.080, chapter 15, Laws of 1961 as amended by section 11, chapter 292, Laws of 1961 and RCW 83.16.080 are each amended to read as follows:

Insurance payable upon the death of any person shall be deemed a part of the estate for the purpose of computing the inheritance tax and shall be taxable to the person, partnership, or corporation entitled thereto. Such insurance shall be taxable irrespective of the fact that the premiums of the policy have been paid by some person, partnership, or corporation other than the insured, or paid out of the income accruing from principal provided by the assured for such payment, whether such principal was donated in

trust or otherwise: PROVIDED, HOWEVER, That there is exempt from the total amount of insurance receivable by all beneficiaries other than the executor, administrator or representative of the estate, regardless of the number of policies, the sum of forty thousand dollars and no more.

Where more than one beneficiary is entitled to the benefit of the provisions of this section exempting forty thousand dollars of the proceeds of insurance policies payable upon death, the benefit of such exemption shall be apportioned among such beneficiaries ratably and proportionately: PROVIDED, That where there is fraternal benefit society insurance payable upon the death of the decedent and other insurance payable upon the death of the decedent, the forty thousand dollars exemption shall first be taken from the fraternal benefit society insurance and if the same does not equal forty thousand dollars, then the balance of the forty thousand shall be prorated among other policies.

The inheritance tax upon the proceeds of any insurance policy shall be a lien upon the proceeds of such policy in the hands or possession of the estate of the deceased insured or in the hands or possession of any other beneficiary under such policy to whom such proceeds may have been paid: PROVIDED, That when proceeds of insurance payable upon death, or receivable by a beneficiary other than the executor or representative, the executor or representative shall recover from such beneficiary the tax due upon such proceeds of such policy or policies. The ((supervisor)) director shall have power to release such lien with respect to all or any part of such proceeds if he be satisfied that the collection of the tax will not thereby be jeopardized.

Nothing in the inheritance tax provisions of this title shall prevent the payment by any insurance company, association or society of the proceeds of any policy upon the death of a decedent to the person entitled thereto, except where prior to such payment the ((supervisor)) director has notified the company that the state is claiming a lien thereon payment shall be deferred until the tax has been paid.

Sec. 15. Section 13, chapter 292, Laws of 1961 as amended by section 149, chapter 81, Laws of 1971 and RCW 83.24.020 are each amended to read as follows:

Any person who may feel aggrieved by the determination of the department of revenue as provided for in RCW 83.24.010 may file a petition with the superior court of the county wherein the decedent resided, which petition shall contain the name and date of death of decedent, the description and estimated value of all property involved, the names and places of residence of all persons interested in the same, and such other facts as are necessary to give the court jurisdiction. The court shall thereupon set a day for hearing said petition and a copy thereof, together with a notice of the time and place of such hearing, shall be served by the petitioner or his attorney upon the ((supervisor of the inheritance tax division)) director and on each person interested in said property at least twenty days before the date of

hearing, if served personally, and if served by publication the service shall be the same as the service of summons by publication in civil action. The court shall hear said matter upon the relation of the parties, the testimony of witnesses and evidence produced in open court, and, if it shall be found that the property is not subject to any tax, the court shall make and enter an order determining that fact, but, if it shall appear that the whole or any part of said property is subject to a tax, the same shall be appraised and the tax levied and collected as in other cases. An adjudication by the superior court, as herein provided, shall be conclusive as to the lien of said tax, subject to the right of appeal to the supreme court or the court of appeals as allowed by the laws of the state.

Sec. 16. Section 83.28.030, chapter 15, Laws of 1961 and RCW 83.28-.030 are each amended to read as follows:

Upon the completion of the investigation by the ((supervisor)) director he shall file his findings with the clerk of the superior court in the matter of the estate of the decedent, showing the value of the estate and the amount of inheritance tax chargeable against or a lien upon such interest, acquired by virtue of said probate proceedings or by any transfer within the meaning of the inheritance tax provisions of this title, to any person, institution or corporation acquiring any property by virtue of said probate proceedings, or by any transfer within the meaning of the inheritance tax provisions of this title, and shall find the total amount of tax due the state of Washington, which shall be a claim against the estate and a lien upon all the property of the estate until same is paid.

Sec. 17. Section 83.28.060, chapter 15, Laws of 1961 and RCW 83.28-.060 are each amended to read as follows:

At any time prior to the making of such order any person interested in such proceeding may file objections in writing with the clerk of the superior court, and serve a copy thereof upon the ((supervisor)) director, and the same shall be noted for trial before the court and a hearing had thereon as provided for hearings in probate matters.

Sec. 18. Section 83.28.070, chapter 15, Laws of 1961 and RCW 83.28-.070 are each amended to read as follows:

Upon the hearing of said objections, the court shall make such order as to it may seem meet and proper in the premises: PROVIDED, That for the purposes of said hearing the report of the ((supervisor)) director shall be presumed to be correct and it shall be the duty of the objector or objectors to proceed in support of said objection or objections.

Sec. 19. Section 15, chapter 292, Laws of 1961 and RCW 83.32.020 are each amended to read as follows:

The said ((supervisor)) director or agent at the time and place in said citation named, or at such time and place to which he may adjourn said hearing, shall proceed to examine said person or persons, and such witnesses

as he may subpoena before him and for the purpose of said hearing, and for the purpose of ascertaining any facts concerning the taxability of said transfer or any taxes due on account of such transfer, said ((supervisor)) director or agent shall have the powers of a superior court to issue subpoenas compelling the attendance of witnesses before him and to administer oaths and take the evidence of such witnesses under oath concerning such property and the value thereof, and concerning such transfer.

Sec. 20. Section 16, chapter 292, Laws of 1961 and RCW 83.32.030 are each amended to read as follows:

Said ((supervisor)) director or agent shall enter his findings and conclusions in relation to said transfer and said tax, fix and determine the amount of inheritance tax, if any, due the state of Washington, and file his findings in which shall be set forth the amount of inheritance tax due the state of Washington, with the clerk of the superior court of such county.

Sec. 21. Section 83.32.050, chapter 15, Laws of 1961 as amended by section 150, chapter 81, Laws of 1971 and RCW 83.32.050 are each amended to read as follows:

Should the court determine that the property described in the findings is subject to the lien of the said tax and that said property has been transferred within the meaning of the inheritance provisions of this title, the court shall afford affirmative relief to the state in said action and a judgment shall be rendered therein in favor of the state ascertaining and determining the amount of said tax, and the person or persons liable therefor and the property chargeable therewith or subject to lien therefor.

No fee shall be charged against the state, the department of revenue or the ((supervisor)) director by any officer in this state in any proceeding taken under the inheritance tax provisions of this title, nor shall any bond or undertaking be required in any such proceeding.

The orders, decrees, and judgments, fixing tax or determining that no tax is due, shall have the force and effect of judgments in civil actions, and the state or any interested party may appeal to the supreme court or the court of appeals.

The lien of a judgment rendered as provided by this section shall be and remain a lien from the date of entry thereof for six years unless sooner paid, irrespective of the provisions of RCW 83.04.010, as amended.

Sec. 22. Section 20, chapter 292, Laws of 1961 as amended by section 2, chapter 132, Laws of 1971 ex. sess. and RCW 83.40.020 are each amended to read as follows:

The executor or administrator of every decedent whose estate may be subject to the federal estate tax or to the inheritance tax laws of the state of Washington, shall file ((in the office of the supervisor of the inheritance tax division)) with the director within nine months after the death of such decedent, if such death occurred subsequent to December 31, 1970 and within

fifteen months after the death of such decedent, if such death occurred on or prior to December 31, 1970, one copy of the federal estate tax return and inventory provided for in the federal estate tax act, and in like manner, one copy of all supplemental or amended returns and inventories filed with the federal government.

Sec. 23. Section 21, chapter 292, Laws of 1961 and RCW 83.40.030 are each amended to read as follows:

Said executor or administrator shall also file (~~in the office of the supervisor of the inheritance tax division~~) with the director a copy of the corrected inventory and appraisal of the estate and the total amount of federal estate tax thereon, as finally determined by the federal government.

Sec. 24. Section 83.44.110, chapter 15, Laws of 1961 as amended by section 22, chapter 292, Laws of 1961 and RCW 83.44.110 are each amended to read as follows:

An executor, administrator or trustee shall not be discharged from liability for such inheritance tax, nor shall a decree of distribution be entered, nor said estate, nor any part of said estate, be distributed until a receipt showing that the inheritance tax is paid, or written waiver executed by the (~~supervisor~~) director showing that the estate is not subject to inheritance tax, or written acknowledgment by the (~~supervisor~~) director that provision for payment of the tax has been made to his satisfaction, is filed with the clerk of the court, or the court having jurisdiction over such estate shall have determined as herein provided that such estate is not liable to pay an inheritance tax.

NEW SECTION. Sec. 25. There is added to chapter 84.04 RCW a new section to read as follows:

"Department" means the department of revenue of the state of Washington.

NEW SECTION. Sec. 26. There is added to chapter 84.04 RCW a new section to read as follows:

The state "board of equalization" means the department of revenue of the state of Washington.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

(1) Section 19, chapter 26, Laws of 1967 ex. sess. and RCW 11.08.005; and

(2) Section 84.04.110, chapter 15, Laws of 1961, section 16, chapter 26, Laws of 1967 ex. sess. and RCW 84.04.110.

NEW SECTION. Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the House February 21, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

CHAPTER 108

[House Bill No. 754]

WORKERS' COMPENSATION BENEFITS—ADJUSTMENTS

AN ACT Relating to the adjustment of workers' compensation benefits; and amending section 2, chapter 286, Laws of 1975 1st ex. sess. as amended by section 2, chapter 202, Laws of 1977 ex. sess. and RCW 51.32.075.

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

Section 1. Section 2, chapter 286, Laws of 1975 1st ex. sess. as amended by section 2, chapter 202, Laws of 1977 ex. sess. and RCW 51.32.075 are each amended to read as follows:

~~((Effective July 1 of each year,))~~ The compensation or death benefits payable pursuant to the provisions of this chapter(;) for temporary total disability, permanent total disability, or death arising out of injuries or occupational diseases shall be adjusted as follows:

(1) On July 1, 1979, there shall be an adjustment for those whose right to compensation was established on or after July 1, 1971, and before July 1, ((1975, an initial)) 1979. The adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the maximum amount of compensation payable on ((September 21, 1977)) July 1, 1979.

(2) In addition to the adjustment established by subsection (1) of this section, there shall be another adjustment on July 1, 1980, for those whose right to compensation was established on or after July 1, ((1975)) 1971, and before July 1, ((1977, an initial adjustment)) 1980, which shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the maximum amount of compensation payable on ((September 21, 1977)) July 1, 1980.

Passed the House February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 109

[Substitute House Bill No. 16]

SENIOR CITIZEN PROGRAMS IN COUNTIES, CITIES, AND TOWNS

AN ACT Relating to senior citizen programs; and adding a new section to chapter 36.39 RCW.

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

NEW SECTION. Section 1. There is added to chapter 36.39 RCW a new section to read as follows:

Counties, cities, and towns are granted the authority, and it is hereby declared to be a public purpose for counties, cities, and towns, to establish and administer senior citizens programs either directly or by creating public corporations or authorities to carry out the programs and to expend their own funds for such purposes, as well as to expend federal, state, or private funds that are made available for such purposes. Such federal funds shall include, but not be limited to, funds provided under the federal older Americans act, as amended (42 U.S.C. Sec. 3001 et seq.).

Passed the House February 16, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 110

[Substitute House Bill No. 815]

PRESCRIPTION DRUGS—EQUIVALENT SUBSTITUTION

AN ACT Relating to prescription drugs; amending section 2, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.110; amending section 3, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.120; amending section 4, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.130; amending section 5, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.140; amending section 6, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.150; amending section 7, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.160; and amending section 9, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.180.

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

Section 1. Section 2, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.110 are each amended to read as follows:

As used in RCW 69.41.100 through 69.41.180, the following words shall have the following meanings:

(1) "Brand name" means the proprietary or trade name selected by the manufacturer and placed upon a drug, its container, label, or wrapping at the time of packaging;

(2) "Generic name" means the official title of a drug or drug ingredients published in the latest edition of a nationally recognized pharmacopoeia or formulary;

(3) "Substitute" means to dispense, with the practitioner's authorization, a "therapeutically equivalent" (~~((generic)) drug product((,- being consistent with basic salt intent, in place of the drug ordered or prescribed))~~) of the identical base or salt as the specific drug product prescribed: PROVIDED, That with the practitioner's prior consent, therapeutically equivalent drugs other than the identical base or salt may be dispensed;

(4) "Therapeutically equivalent" means essentially the same efficacy and toxicity when administered to an individual in the same dosage regimen; and

(5) "Practitioner" means a physician, (~~((osteopath))~~) osteopathic physician and surgeon, dentist, veterinarian, or any other person authorized to prescribe drugs under the laws of this state.

Sec. 2. Section 3, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.120 are each amended to read as follows:

Every drug prescription shall contain an instruction on whether or not a therapeutically equivalent generic drug may be substituted in its place, unless substitution is permitted under a prior-consent authorization.

If a written prescription is involved, the form shall have two signature lines at opposite ends on the bottom of the form. Under the line at the right side shall be clearly printed the words "DISPENSE AS WRITTEN". Under the line at the left side shall be clearly printed the words "SUBSTITUTION PERMITTED". The practitioner shall communicate the instructions to the pharmacist by signing the appropriate line. No prescription shall be valid without the signature of the practitioner on one of these lines.

If an oral prescription is involved, the practitioner or the practitioner's agent shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug may be substituted in its place. The pharmacist shall note the instructions on the file copy of the prescription.

The pharmacist shall note the manufacturer of the drug dispensed on the file copy of a written or oral prescription.

Sec. 3. Section 4, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.130 are each amended to read as follows:

~~((A))~~ The pharmacist shall ((not substitute any drug for another drug unless all savings in the retail price of the prescription are passed to the purchaser. The savings shall be equal to the difference in acquisition costs of the prescribed product and the substituted product)) substitute an equivalent drug product which he has in stock if its wholesale price to the pharmacist is less than the wholesale price of the prescribed drug product, and at least sixty percent of the savings shall be passed on to the purchaser.

Sec. 4. Section 5, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.140 are each amended to read as follows:

A pharmacist may not substitute a product under the provisions of this section unless the manufacturer has shown that the drug has been manufactured with the following minimum good manufacturing standards and practices:

(1) Maintain quality control standards equal to those of the Food and Drug Administration;

(2) Comply with regulations promulgated by the Food and Drug Administration(;

~~(3) Mark products with identification code or monogram;~~

~~(4) Label products with expiration date;~~

~~(5) Provide reasonable services to accept return goods that have reached their expiration date;~~

~~(6) Maintain twenty-four hour resources for product information;~~

~~(7) Maintain recall capabilities for unsafe or defective drugs)).~~

Sec. 5. Section 6, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.150 are each amended to read as follows:

(1) A practitioner who authorizes a prescribed drug shall not be liable for any side effects or adverse reactions caused by the manner or method by which a substituted drug product is selected or dispensed.

(2) A pharmacist who substitutes an equivalent drug product pursuant to RCW 69.41.100 through 69.41.180 as now or hereafter amended assumes no greater liability for selecting the dispensed drug product than would be incurred in filling a prescription for a drug product prescribed by its established name.

Sec. 6. Section 7, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.160 are each amended to read as follows:

Every pharmacy shall post a sign in a location at the prescription counter that is readily visible to patrons stating, "Under Washington law, an equivalent but less expensive drug may in some cases be substituted for the drug prescribed by your doctor. Such substitution, however, may only be made with the consent of your doctor. Please consult your pharmacist or physician for more information." ~~((The printing shall be in block letters no less than one inch in height.))~~

Sec. 7. Section 9, chapter 352, Laws of 1977 ex. sess. and RCW 69.41-.180 are each amended to read as follows:

The state board of pharmacy may adopt any necessary rules under chapter 34.04 RCW for the implementation, continuation, or enforcement of RCW 69.41.100 through 69.41.180, including, but not limited to, a list of therapeutically or nontherapeutically equivalent drugs which, when adopted, shall be provided to all registered pharmacists in the state and shall be updated as necessary.

NEW SECTION. Sec. 8. If any provision of this 1979 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 February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 111

[Substitute House Bill No. 96]

RIDE SHARING—TRANSPORTATION FOR THE ELDERLY AND THE HANDICAPPED, PUBLIC EMPLOYEES

AN ACT Relating to ride sharing; amending section 5, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.41.130; amending section 46.04.190, chapter 12, Laws of 1961 and RCW 46.04.190; amending section 46.72.010, chapter 12, Laws of 1961 and RCW 46.72.010; amending section 3, chapter 107, Laws of 1961 as amended by section 8, chapter 350, Laws of 1977 ex. sess. and RCW 51.08.013; amending section 81.68.010, chapter 14, Laws of 1961 as last amended by section 1, chapter 121, Laws of 1975-'76 2nd ex. sess. and RCW 81.68.010; adding a new section to chapter 35.21 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new chapter to Title 46 RCW; adding a new chapter to Title 81 RCW; and creating new sections.

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

NEW SECTION. Section 1. The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Commuter ride sharing" means a car pool or van pool arrangement whereby a fixed group not exceeding fifteen persons including passengers and driver, is transported between their places of abode or termini near such places, and their places of employment or educational or other institutions, in a single daily round trip where the driver is also on the way to or from his or her place of employment or educational or other institution.

(2) "Ride sharing for the elderly and the handicapped" means a car pool or van pool arrangement whereby a group of elderly and/or handicapped persons and their attendants, not exceeding fifteen persons including passengers and driver, is transported by a public social service agency or a private, nonprofit transportation provider as defined in section 4(3) of this 1979 act: PROVIDED, That the driver need be neither elderly nor handicapped.

(3) "Ride-sharing vehicle" means a passenger motor vehicle with a seating capacity not exceeding fifteen persons including the driver, while being used for commuter ride sharing or for ride sharing for the elderly and the handicapped.

(4) "Ride-sharing operator" means the person, entity, or concern, not necessarily the driver, responsible for the existence and continuance of commuter ride sharing or ride sharing for the elderly and the handicapped.

(5) "Elderly" means any person sixty years of age or older.

(6) "Handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.

NEW SECTION. Sec. 2. Ride-sharing vehicles are not deemed for hire vehicles and do not fall within the provisions of chapter 46.72 RCW or any other provision of Title 46 RCW affecting for hire vehicles, whether or not the ride-sharing operator receives compensation.

NEW SECTION. Sec. 3. A ride-sharing operator and the driver of a ride-sharing vehicle shall be held to a reasonable and ordinary standard of care, and are not subject to ordinances or regulations which relate exclusively to the regulation of drivers or owners of motor vehicles operated for hire, or other common carriers or public transit carriers.

NEW SECTION. Sec. 4. The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Corporation" means a corporation, company, association, or joint stock association.

(2) "Person" means an individual, firm, or a copartnership.

(3) "Private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to elderly or handicapped persons and their attendants.

(4) "Elderly" means any person sixty years of age or older.

(5) "Handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably,

or a combination of these disabilities; (b) semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.

NEW SECTION. Sec. 5. No person or corporation, their lessees, trustees, receivers, or trustees appointed by any court, may operate as a private, nonprofit transportation provider except in accordance with this chapter.

NEW SECTION. Sec. 6. The commission shall regulate every private, nonprofit transportation provider in this state but has authority only as follows: To issue certificates to such providers; to set forth insurance requirements; to adopt reasonable rules to insure that any vehicles used by such providers will be adequate for the proposed service; to inspect the vehicles and otherwise regulate the safety of operations of each provider; and to regulate in accordance with the procedures set forth in chapter 81.04 RCW any rates, fares, or charges proposed by such providers. The commission may charge fees to private, nonprofit transportation providers, which shall be approximately the same as the reasonable cost of regulating such providers.

NEW SECTION. Sec. 7. No private, nonprofit transportation provider may operate in this state without first having obtained from the commission under the provisions of this chapter a certificate, but a certificate shall be granted to any private, nonprofit transportation provider holding an auto transportation company certificate on the effective date of this 1979 act, upon surrender of the auto transportation company certificate. Any right, privilege, or certificate held, owned, or obtained by a private, nonprofit transportation provider may be sold, assigned, leased, transferred, or inherited as other property only upon authorization by the commission. The commission shall issue a certificate to any person or corporation who files an application, in a form to be determined by the commission, which sets forth:

- (1) Satisfactory proof of its status as a private, nonprofit corporation;
- (2) The kind of service to be provided;
- (3) The number and type of vehicles to be operated, together with satisfactory proof that the vehicles are adequate for the proposed service and that drivers of such vehicles will be adequately trained and qualified;
- (4) Any proposed rates, fares, or charges;
- (5) Satisfactory proof of insurance or surety bond, in accordance with section 8 of this 1979 act.

The commission may deny a certificate to a provider who does not meet the requirements of this section. Each vehicle of a private, nonprofit transportation provider shall carry a copy of the provider's certificate.

NEW SECTION. Sec. 8. The commission shall, in the granting of certificates to operate any private, nonprofit transportation provider, require

the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the state of Washington or a surety bond of a company licensed to write surety bonds in the state of Washington on each vehicle used or to be used in transporting persons for compensation. The commission shall fix the amount of the insurance policy or policies or surety bond, giving due consideration to the character and amount of traffic, the number of persons affected, and the degree of danger which the proposed operation involves. Such liability and property damage insurance or surety bond shall be maintained in force on each vehicle while so used. Each policy for liability of property damage insurance or surety bond required herein, shall be filed with the commission and kept in full force and effect, and failure to do so shall be cause for the revocation of the certificate.

NEW SECTION. Sec. 9. The commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate issued under this chapter, and an opportunity to such holder to be heard, at which it is proven that the holder has wilfully violated or refused to observe any of the commission's proper orders, rules, or regulations, suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter, but the holder of the certificate shall have all the rights of rehearing, review, and appeal as to the order of the commission as is provided for in RCW 81.68.070.

NEW SECTION. Sec. 10. The provisions of this chapter shall not affect the standard of care, as set forth in section 3 of this 1979 act, to which a private, nonprofit transportation provider shall be held.

NEW SECTION. Sec. 11. There is added to chapter 35.21 RCW a new section to read as follows:

The power of any city, town, county, other municipal corporation, or quasi municipal corporation to acquire, hold, use, possess, and dispose of motor vehicles for official business shall include, but not be limited to, the power to acquire, hold, use, possess, and dispose of motor vehicles for commuter ride sharing by its employees, so long as such use is economical and advantageous to the city, town, county, other municipal corporation.

Sec. 12. Section 5, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.41.130 are each amended to read as follows:

The director of (~~the office of program planning and fiscal~~) financial management, after consultation with other interested or affected state agencies and approval of the automotive policy board established pursuant to RCW 43.19.580, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use

of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. The definition shall include, but not be limited to, the use of state-owned motor vehicles for commuter ride sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters. Any use other than such defined use shall be considered as personal use.

Sec. 13. Section 46.04.190, chapter 12, Laws of 1961 and RCW 46.04-.190 are each amended to read as follows:

"For hire vehicle" means any motor vehicle (~~((other than an auto stage))~~) used for the transportation of persons for compensation, except auto stages and ride-sharing vehicles.

Sec. 14. Section 46.72.010, chapter 12, Laws of 1961 and RCW 46.72-.010 are each amended to read as follows:

When used in this chapter:

(1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages (~~((or))~~), school buses operating exclusively under a contract to a school district, and ride-sharing vehicles;

(2) The term "for hire operator" means and includes any person, concern, or entity engaged in the transportation of passengers for compensation in for hire vehicles.

Sec. 15. Section 3, chapter 107, Laws of 1961 as amended by section 8, chapter 350, Laws of 1977 ex. sess. and RCW 51.08.013 are each amended to read as follows:

"Acting in the course of employment" means the worker acting at his or her employer's direction or in the furtherance of his or her employer's business which shall include time spent going to and from work on the jobsite, as defined in RCW 51.32.015 and 51.36.040, insofar as such time is immediate to the actual time that the worker is engaged in the work process in areas controlled by his or her employer, except parking areas, and it is not necessary that at the time an injury is sustained by a worker he or she be doing the work on which his or her compensation is based or that the event be within the time limits on which industrial insurance or medical aid premiums or assessments are paid. The term shall not include time spent going to or coming from the employer's place of business in commuter ride sharing, as defined in section 1(1) of this 1979 act, notwithstanding any participation by the employer in the ride-sharing arrangement.

Sec. 16. Section 81.68.010, chapter 14, Laws of 1961 as last amended by section 1, chapter 121, Laws of 1975-'76 2nd ex. sess. and RCW 81.68-.010 are each amended to read as follows:

((As used in this chapter:)) The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Corporation" means a corporation, company, association, or joint stock association.

(2) "Person" means an individual, firm, or a copartnership.

(3) "Auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, and baggage, mail, and express on the vehicles of auto transportation companies carrying passengers, for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town(~~(: PROVIDED, That)~~). The term "auto transportation company" shall not include corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, ~~((or))~~ dairy, or other farm products from the point of production to the market, or any other carrier which does not come within the term "auto transportation company" as herein defined.

No portion of this section shall apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in Washington in which the original starting point of such vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond ~~((said))~~ the three mile limit.

The term "auto transportation company" shall not include, nor shall the provisions of this chapter apply to, ~~((any operation whereby passengers are transported between their places of abode, or termini near such places, and their places of employment, in a motor vehicle with a seating capacity including the driver not exceeding fifteen persons, in a single, daily round trip where the driver himself is also on the way to or from his place of employment. PROVIDED, That said transportation or))~~ commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with section 1 of this 1979 act, so long as the ride sharing operation ~~((shall))~~ does not compete with nor infringe upon ~~((service of))~~ comparable service actually being provided prior to the initiation of the ride-sharing operation by an existing auto transportation company certificated under this chapter.

(4) "Public highway" means every street, road, or highway in this state.

(5) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from said termini or route, whether such departures

be periodic or irregular. Whether or not any motor propelled vehicle is operated by any auto transportation company "between fixed termini or over a regular route" within the meaning of this section shall be a question of fact, and the finding of the commission thereon shall be final and shall not be subject to review.

NEW SECTION. Sec. 17. There is added to chapter 82.04 RCW a new section to read as follows:

This chapter does not apply to any funds received in the course of commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with section 1 of this 1979 act.

NEW SECTION. Sec. 18. There is added to chapter 82.16 RCW a new section to read as follows:

This chapter does not apply to any funds received in the course of commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with section 1 of this 1979 act.

NEW SECTION. Sec. 19. Sections 1 through 3 of this 1979 act shall constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 20. Sections 4 through 10 of this 1979 act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 112

[Substitute House Bill No. 264]

NATURAL DEATH ACT

AN ACT Relating to health; adding a new chapter to Title 70 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. This act shall be known and may be cited as the "Natural Death Act".

NEW SECTION. Sec. 2. The legislature finds that adult persons have the fundamental right to control the decisions relating to the rendering of their own medical care, including the decision to have life-sustaining procedures withheld or withdrawn in instances of a terminal condition.

The legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits.

The legislature further finds that, in the interest of protecting individual autonomy, such prolongation of life for persons with a terminal condition may cause loss of patient dignity, and unnecessary pain and suffering, while providing nothing medically necessary or beneficial to the patient.

The legislature further finds that there exists considerable uncertainty in the medical and legal professions as to the legality of terminating the use or application of life-sustaining procedures where the patient has voluntarily and in sound mind evidenced a desire that such procedures be withheld or withdrawn.

In recognition of the dignity and privacy which patients have a right to expect, the legislature hereby declares that the laws of the state of Washington shall recognize the right of an adult person to make a written directive instructing such person's physician to withhold or withdraw life-sustaining procedures in the event of a terminal condition.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(2) "Directive" means a written document voluntarily executed by the declarer in accordance with the requirements of section 4 of this act.

(3) "Health facility" means a hospital as defined in RCW 70.38.020(7) or a nursing home as defined in RCW 70.38.020(8).

(4) "Life-sustaining procedure" means any medical or surgical procedure or intervention which utilizes mechanical or other artificial means to sustain, restore, or supplant a vital function, which, when applied to a qualified patient, would serve only to artificially prolong the moment of death and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized. "Life-sustaining procedure" shall not include the administration of medication or the performance of any medical procedure deemed necessary to alleviate pain.

(5) "Physician" means a person licensed under chapters 18.71 or 18.57 RCW.

(6) "Qualified patient" means a patient diagnosed and certified in writing to be afflicted with a terminal condition by two physicians one of whom shall be the attending physician, who have personally examined the patient.

(7) "Terminal condition" means an incurable condition caused by injury, disease, or illness, which, regardless of the application of life-sustaining procedures, would, within reasonable medical judgment, produce death, and where the application of life-sustaining procedures serve only to postpone the moment of death of the patient.

(8) "Adult person" means a person attaining the age of majority as defined in RCW 26.28.010 and 26.28.015.

NEW SECTION. Sec. 4. (1) Any adult person may execute a directive directing the withholding or withdrawal of life-sustaining procedures in a terminal condition. The directive shall be signed by the declarer in the presence of two witnesses not related to the declarer by blood or marriage and who would not be entitled to any portion of the estate of the declarer upon declarer's decease under any will of the declarer or codicil thereto then existing or, at the time of the directive, by operation of law then existing. In addition, a witness to a directive shall not be the attending physician, an employee of the attending physician or a health facility in which the declarer is a patient, or any person who has a claim against any portion of the estate of the declarer upon declarer's decease at the time of the execution of the directive. The directive, or a copy thereof, shall be made part of the patient's medical records retained by the attending physician, a copy of which shall be forwarded to the health facility upon the withdrawal of life-sustaining procedures. The directive shall be essentially in the following form, but in addition may include other specific directions:

DIRECTIVE TO PHYSICIANS

Directive made this ____ day of _____ (month, year).

I _____, being of sound mind, wilfully, and voluntarily make known my desire that my life shall not be artificially prolonged under the circumstances set forth below, and do hereby declare that:

(a) If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by two physicians, and where the application of life-sustaining procedures would serve only to artificially prolong the moment of my death and where my physician determines that my death is imminent whether or not life-sustaining procedures are utilized, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally.

(b) In the absence of my ability to give directions regarding the use of such life-sustaining procedures, it is my intention that this directive shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical treatment and I accept the consequences from such refusal.

(c) If I have been diagnosed as pregnant and that diagnosis is known to my physician, this directive shall have no force or effect during the course of my pregnancy.

(d) I understand the full import of this directive and I am emotionally and mentally competent to make this directive.

Signed _____

City, County, and State of Residence

The declarer has been personally known to me and I believe him or her to be of sound mind.

Witness _____

Witness _____

(2) Prior to effectuating a directive the diagnosis of a terminal condition by two physicians shall be verified in writing, attached to the directive, and made a permanent part of the patient's medical records.

NEW SECTION. Sec. 5. (1) A directive may be revoked at any time by the declarer, without regard to declarer's mental state or competency, by any of the following methods:

(a) By being canceled, defaced, obliterated, burned, torn, or otherwise destroyed by the declarer or by some person in declarer's presence and by declarer's direction.

(b) By a written revocation of the declarer expressing declarer's intent to revoke, signed, and dated by the declarer. Such revocation shall become effective only upon communication to the attending physician by the declarer or by a person acting on behalf of the declarer. The attending physician shall record in the patient's medical record the time and date when said physician received notification of the written revocation.

(c) By a verbal expression by the declarer of declarer's intent to revoke the directive. Such revocation shall become effective only upon communication to the attending physician by the declarer or by a person acting on behalf of the declarer. The attending physician shall record in the patient's medical record the time, date, and place of the revocation and the time, date, and place, if different, of when said physician received notification of the revocation.

(2) There shall be no criminal or civil liability on the part of any person for failure to act upon a revocation made pursuant to this section unless that person has actual or constructive knowledge of the revocation.

(3) If the declarer becomes comatose or is rendered incapable of communicating with the attending physician, the directive shall remain in effect for the duration of the comatose condition or until such time as the declarer's condition renders declarer able to communicate with the attending physician.

NEW SECTION. Sec. 6. No physician or health facility which, acting in good faith in accordance with the requirements of this chapter, causes the withholding or withdrawal of life-sustaining procedures from a qualified patient, shall be subject to civil liability therefrom. No licensed health personnel, acting under the direction of a physician, who participates in good faith in the withholding or withdrawal of life-sustaining procedures in accordance with the provisions of this chapter shall be subject to any civil liability. No physician, or licensed health personnel acting under the direction

of a physician, who participates in good faith in the withholding or withdrawal of life-sustaining procedures in accordance with the provisions of this chapter shall be guilty of any criminal act or of unprofessional conduct.

NEW SECTION. Sec. 7. (1) Prior to effectuating a withholding or withdrawal of life-sustaining procedures from a qualified patient pursuant to the directive, the attending physician shall make a reasonable effort to determine that the directive complies with section 4 of this act and, if the patient is mentally competent, that the directive and all steps proposed by the attending physician to be undertaken are currently in accord with the desires of the qualified patient.

(2) The directive shall be conclusively presumed, unless revoked, to be the directions of the patient regarding the withholding or withdrawal of life-sustaining procedures. No physician, and no licensed health personnel acting in good faith under the direction of a physician, shall be criminally or civilly liable for failing to effectuate the directive of the qualified patient pursuant to this subsection. If the physician refuses to effectuate the directive, such physician shall make a good faith effort to transfer the qualified patient to another physician who will effectuate the directive of the qualified patient.

NEW SECTION. Sec. 8. (1) The withholding or withdrawal of life-sustaining procedures from a qualified patient pursuant to the patient's directive in accordance with the provisions of this chapter shall not, for any purpose, constitute a suicide.

(2) The making of a directive pursuant to section 4 of this act shall not restrict, inhibit, or impair in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures from an insured qualified patient, notwithstanding any term of the policy to the contrary.

(3) No physician, health facility, or other health provider, and no health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan, shall require any person to execute a directive as a condition for being insured for, or receiving, health care services.

NEW SECTION. Sec. 9. Any person who wilfully conceals, cancels, defaces, obliterates, or damages the directive of another without such declarer's consent shall be guilty of a gross misdemeanor. Any person who falsifies or forges the directive of another, or wilfully conceals or withholds personal knowledge of a revocation as provided in section 5 of this act with the intent to cause a withholding or withdrawal of life-sustaining procedures contrary to the wishes of the declarer, and thereby, because of any

such act, directly causes life-sustaining procedures to be withheld or withdrawn and death to thereby be hastened, shall be subject to prosecution for murder in the first degree as defined in RCW 9A.32.030.

NEW SECTION. Sec. 10. The act of withholding or withdrawing life-sustaining procedures when done pursuant to a directive described in section 4 of this act and which causes the death of the declarer, shall not be construed to be an intervening force or to affect the chain of proximate cause between the conduct of any person that placed the declarer in a terminal condition and the death of the declarer.

NEW SECTION. Sec. 11. Nothing in this chapter shall be construed to condone, authorize, or approve mercy killing, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 13. 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 provisions or application, and to this end the provisions of this act are severable.

Passed the House February 5, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 113

[Substitute House Bill No. 195]

SAVINGS AND LOAN ASSOCIATIONS

AN ACT Relating to savings and loan associations; amending section 95, chapter 235, Laws of 1945 as amended by section 22, chapter 130, Laws of 1973 and RCW 33.04.020; amending section 10, chapter 235, Laws of 1945 and RCW 33.08.090; amending section 35, chapter 235, Laws of 1945 as last amended by section 2, chapter 71, Laws of 1953 and RCW 33.12.060; amending section 28, chapter 235, Laws of 1945 and RCW 33.16.130; amending section 54, chapter 235, Laws of 1945 as amended by section 5, chapter 71, Laws of 1953 and RCW 33.20.150; amending section 58, chapter 235, Laws of 1945 as last amended by section 7, chapter 246, Laws of 1963 and RCW 33.24.010; amending section 67, chapter 235, Laws of 1945 as last amended by section 5, chapter 107, Laws of 1969 and RCW 33.24.100; amending section 69, chapter 235, Laws of 1945 as last amended by section 26, chapter 130, Laws of 1973 and RCW 33.24.120; amending section 74, chapter 235, Laws of 1945 as last amended by section 6, chapter 280, Laws of 1959 and RCW 33.24.170; amending section 7, chapter 49, Laws of 1967 as amended by section 24, chapter 130, Laws of 1973 and RCW 33.24.230; amending section 8, chapter 49, Laws of 1967 and RCW 33.24.240; amending section 27, chapter 130, Laws of 1973 and RCW 33.24.295; amending section 2, chapter 130, Laws of 1973 and RCW 33.24.360; amending section 5, chapter 122, Laws of 1955 and RCW 33.48.040; and adding new sections to chapter 33.24 RCW.

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

Section 1. Section 95, chapter 235, Laws of 1945 as amended by section 22, chapter 130, Laws of 1973 and RCW 33.04.020 are each amended to read as follows:

The supervisor:

(1) shall be charged with the administration and enforcement of this title and shall have and exercise all powers necessary or convenient thereunto;

(2) shall issue to each association doing business hereunder, when it shall have paid its annual license fee and be duly qualified otherwise, a certificate of authority authorizing it to transact business;

(3) shall require of each association an annual statement and such other reports and statements as he may deem desirable, on forms to be furnished by him;

(4) shall require each association to conduct its business in compliance with the provisions of this title;

(5) shall visit and examine into the affairs of every association, at least once in each biennium; may appraise and revalue its investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such association for such purposes;

(6) may accept or exchange any information or reports with the examining division of the federal savings and loan insurance corporation or other like agency which may insure the accounts in an association or to which an association may belong;

(7) may visit and examine into the affairs of any corporation of which the capital stock is controlled by an association; may appraise and revalue its investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such corporation for such purposes;

(8) shall have power to administer oaths to and to examine any person under oath concerning the affairs of any association or corporation of which the capital stock is controlled by an association and, in connection therewith, to issue subpoenas and require the attendance and testimony of any person or persons at any place within this state, and to require witnesses to produce any books, papers, documents, or other things under their control material to such examination; and

~~((8))~~ (9) shall have any and all other powers incidental to the purposes of such examination and administration.

Sec. 2. Section 10, chapter 235, Laws of 1945 and RCW 33.08.090 are each amended to read as follows:

The members, at any meeting called for the purpose, may amend the articles of incorporation of the association. Such amended articles shall be filed with the supervisor and be subject to the same procedure of approval, refusal, appeal, and filing with the secretary of state and county auditor as

provided for the original articles of incorporation. Proposed amendments of the articles of incorporation shall be submitted to the supervisor at least thirty days prior to the meeting of the members.

If the amendments include a change in the association's corporate name, the supervisor shall give notice by mail to all savings and loan associations doing business within the state of the filing of such amended articles. The association shall transmit a check to the supervisor for one hundred dollars when filing the amended articles to cover the expense of notification. Persons interested in protesting an amendment changing the association's corporate name may contact the supervisor in person or by writing prior to a date which shall be given in said notice.

Sec. 3. Section 35, chapter 235, Laws of 1945 as last amended by section 2, chapter 71, Laws of 1953 and RCW 33.12.060 are each amended to read as follows:

(1) An association shall make no loan to or sell to or purchase any real property or securities from any director, officer, agent, or employee of an association or to or from any public officer or public employee whose duties have to do with the supervision, regulation, or insurance of the association or its savings accounts or mortgages.

(2) The ((foregoing)) provisions of subsection (1) of this section shall not apply to:

(a) Loans secured by the pledge or assignment of the savings account of the borrowing member(, nor to);

(b) Loans made to directors, officers, agents, or employees of the association upon their property which is occupied principally by such director, officer, agent, or employee as a home, the amount of such loan to be based upon the appraised value of said property as established by two independent appraisers who are not officers, agents, directors, employees, or appraisers of the association;

(c) Loans made to directors, officers, or employees of the association upon their mobile dwelling, which is occupied principally by such director, officer, or employee as a home, the amount of such loan to be based upon the appraised value of the dwelling as established by two independent appraisers who are not directors, officers, employees, or appraisers of the association, in accordance with RCW 33.24.230, as now or hereafter amended;

(d) Loans made to directors, officers, or employees of the association for home or property repairs, alterations, improvements, or additions, or home furnishings or appliances, for a residence which is occupied principally by such director, officer, or employee as a home, in accordance with RCW 33.24.240 as now or hereafter amended;

(e) Loans made to directors, officers, or employees of the association for the payment of expenses of vocational training or college or university education, in accordance with RCW 33.24.290, as now or hereafter amended; nor to

(f) Loans made to employees of the association for any nonbusiness family purpose, in accordance with RCW 33.24.295, as now or hereafter amended.

(3) A loan to or a purchase or sale to or from a partnership or corporation of which such a director, officer, agent, or employee is an owner or stockholder to the amount of fifteen percent of the total ownership or stock, or in which he and other directors of the association hold an ownership or stock to the amount of twenty-five percent of the total ownership or stock, shall be deemed a loan to or a purchase or sale to or from such director within the meaning of this section except when the transaction occurred without the knowledge or against the protest of such director, officer, agent, or employee of the association.

Sec. 4. Section 28, chapter 235, Laws of 1945 and RCW 33.16.130 are each amended to read as follows:

The board of directors of every association shall procure a bond or bonds, covering all of its active officers, agents, ~~((or))~~ and employees ~~((who have control of or access to cash or securities of the association))~~, whether or not they draw salary or compensation, with duly qualified corporate surety authorized to do business in the state of Washington, conditioned that the surety will indemnify and save harmless the association against any and all loss or losses arising through the larceny, theft, embezzlement, or other fraudulent or dishonest act or acts of any such officer, agent, or employee. Such bond coverage may provide for a deductible amount from any loss which otherwise would be recoverable from the corporate surety. A deductible amount may be applied separately to one or more bonding agreements. The bond shall not provide for more than one deductible amount from all losses caused by the same person or caused by the same persons acting in collusion or combination in cases in which such losses result from dishonesty of employees (as defined in the bond).

Such bond or bonds shall be in such amount, as to each of said officers or employees, as the directors shall deem advisable, and said bond or bonds shall be subject to the approval of the supervisor and shall be filed with him. The board shall review such bond, or bonds, at its regular meeting in January of each year, and by resolution determine such bond coverage for the ensuing year.

Sec. 5. Section 54, chapter 235, Laws of 1945 as amended by section 5, chapter 71, Laws of 1953 and RCW 33.20.150 are each amended to read as follows:

The savings paid into an association, together with dividends credited thereon, shall be repaid to the savings members thereof respectively, or to their legal representatives, upon request.

Every request for withdrawal shall be in writing. If, in the judgment of the board, circumstances warrant deferment of the payment of withdrawals to a later date, thereafter withdrawals shall be paid proportionately, on a percentage basis, to all members requesting withdrawal until full withdrawal requests are paid to all members: PROVIDED, That a board resolution of deferment shall not affect the payments of withdrawals from federal tax and loan accounts.

The board shall, however, have the right in its discretion, where need is shown, to pay not exceeding one hundred dollars to any account holder in one month. Every member shall participate in the dividends of the association until his withdrawal is paid.

If, upon examination the supervisor finds that further postponement of withdrawals is unwarranted, he may order the association to resume full payment of withdrawals and cancel all written withdrawal requests. Such order shall be in writing.

The association's failure, during a period of postponement, to pay withdrawal requests shall not authorize the supervisor to take charge of or liquidate the association.

Sec. 6. Section 58, chapter 235, Laws of 1945 as last amended by section 7, chapter 246, Laws of 1963 and RCW 33.24.010 are each amended to read as follows:

An association may invest its funds only as provided in this chapter.

It shall not invest more than two and a half percent of its assets or twenty thousand dollars, whichever is the greater, in a loan or loans, or in the purchase of contracts on the security of any one property, except with the written approval of the supervisor.

It shall not loan to or purchase contracts payable by any one person, or community consisting of husband and wife, in an amount in excess of ~~((two and a half percent of its assets, or twenty thousand dollars, whichever is the greater))~~ the association's net worth or ten percent of the association's savings accounts, whichever is less, except with written approval of the supervisor.

Sec. 7. Section 67, chapter 235, Laws of 1945 as last amended by section 5, chapter 107, Laws of 1969 and RCW 33.24.100 are each amended to read as follows:

An association may invest its funds in loans secured by first mortgages on improved real estate, subject to the following conditions and restrictions:

(1) No mortgage loan shall be made in excess of fifty percent of the value of the security unless its terms require the payment of the principal and interest in annual, semiannual, quarterly, or monthly payments, at a rate which if continued would repay the loan in full in not more than

~~((thirty))~~ forty years, beginning within one year and continuing until the loan is reduced to fifty percent or less of the value of the security as then determined upon a reappraisal. No loan upon which payments in reduction of principal are not being made at least annually shall continue for more than five years, unless, at the expiration of each five year period, it shall be reappraised and the loan reduced to an amount not in excess of fifty percent of the new appraised value.

(2) Notwithstanding any other provision of this title, an association may make any loan which is insured or guaranteed in whole or in part by the federal housing administrator, the veterans' administration, or any other state or federal agency, or for which said administrator, administration, or agency has issued commitment to insure or guarantee such loan.

(3) Other loans shall not be in excess of:

(a) Ninety percent of the appraised value if secured by a first mortgage lien on property on which is situated a dwelling.

(b) ~~((Seventy-five))~~ Eighty-five percent of the appraised value, if secured by a first mortgage lien on property improved with a building or buildings other than as ~~((above))~~ described in (3)(a) of this section.

(4) ~~((Notwithstanding the provisions of this section, an association may make any loan which is permitted to a federal savings and loan association doing business in this state))~~ An association may make a loan in excess of the percentage limitations provided in (3)(a) of this section if that portion of the unpaid balance of such loan which is in excess of an amount equal to ninety percent of the appraised value of the real estate security is guaranteed or insured by a mortgage insurance company which has been approved by the supervisor.

Sec. 8. Section 69, chapter 235, Laws of 1945 as last amended by section 26, chapter 130, Laws of 1973 and RCW 33.24.120 are each amended to read as follows:

For every mortgage loan, the borrower shall execute a note and a mortgage which shall constitute a first lien upon a fee estate in improved real property. For such loan, the appraised value shall be the value of the land and the permanent improvements thereon. Appraisals for loan purposes shall be made by ~~((two))~~ an appraiser~~((s))~~ appointed by the board of directors~~((, either or both of whom, if qualified, may be directors of the association: PROVIDED, That the directors of an association may by resolution authorize the reduction in the number of appraisers on every type loan to one qualified appraiser))~~. In cases of loans insured or guaranteed in whole or in part by a government agency, the appraisal made by the government agency shall be sufficient.

~~((Every appraisal shall be made in writing, shall state that each appraiser has personally examined said property, has no personal interest therein, the conservative value of the property as so determined, and shall~~

~~be signed by the appraiser. Such appraisal shall be filed with the association, before any mortgage loan shall be made:))~~ Every appraisal shall be made in writing, shall state the value of the property as so determined, and be signed by the appraiser. Each appraiser shall personally examine said property. The required appraisal(s) shall be filed with the association before any mortgage loan shall be made. No appraiser shall appraise for the association any property in which such appraiser has a personal interest.

Every mortgage loan, before making, shall be approved by the directors of the association or by a loan committee appointed by the directors for that purpose.

Sec. 9. Section 74, chapter 235, Laws of 1945 as last amended by section 6, chapter 280, Laws of 1959 and RCW 33.24.170 are each amended to read as follows:

An association may invest a reasonable amount of its funds in real property or leasehold interests therein for use in the transaction of its business when:

(1) (a) The aggregate of its contingent fund, surplus, and undivided profits accounts equals five percent of the aggregate of its savings accounts; or

(b) When the association meets the reserve requirements of the federal savings and loan insurance corporation, and, during the first five years of operation of an association, obtains the approval of the supervisor;

(2) Its directors, by three-fourths majority vote, approve the making of such investment; and

(3) The total investment in such property does not exceed seven and one-half percent of the aggregate of its savings accounts.

~~((The foregoing restrictions of this section shall not affect existing investments of associations. No association may invest its funds in real property or leasehold interests therein for use in the transaction of its business without the prior written approval of the supervisor.~~

~~Any real estate, except that used for the transaction of its business which is not sold by an association within five years from and after the time title is acquired, shall be depreciated at not less than ten percent of the book value at the close of each annual period, unless an extension of time be granted by the supervisor:))~~

Sec. 10. Section 7, chapter 49, Laws of 1967 as amended by section 24, chapter 130, Laws of 1973 and RCW 33.24.230 are each amended to read as follows:

An association may invest its funds in loans upon the security of mobile dwellings used as semi-permanent or permanent housing. Loans made pursuant to this section shall not exceed ~~((ten))~~ twenty percent of the association's assets, except with the written approval of the supervisor.

Sec. 11. Section 8, chapter 49, Laws of 1967 and RCW 33.24.240 are each amended to read as follows:

An association may invest not to exceed ~~((five))~~ ten percent of its assets in secured or unsecured loans for home or property repairs, alterations, improvements or additions, or home furnishings or appliances: PROVIDED, That the principal amount ~~((of any such loan shall not exceed five thousand dollars and))~~ shall be repayable in equal monthly, quarterly, or semiannual installments commencing not more than ~~((sixty days))~~ six months after the date of such loan and extending over a payment period of not to exceed ~~((seven))~~ fifteen years.

Sec. 12. Section 27, chapter 130, Laws of 1973 and RCW 33.24.295 are each amended to read as follows:

An association may also invest not to exceed ~~((five))~~ ten percent of its assets in secured or unsecured loans for any nonbusiness family purposes: PROVIDED, That the principal amount of any such loan shall not exceed ~~((five))~~ ten thousand dollars and shall be repayable in equal monthly, quarterly, or semiannual installments commencing not more than ~~((sixty days))~~ six months after the date of such loan and extending over a payment period of not to exceed ~~((seven))~~ ten years.

Sec. 13. Section 2, chapter 130, Laws of 1973 and RCW 33.24.360 are each amended to read as follows:

(1) It is unlawful for any acquiring party to acquire control of a savings and loan association until thirty days after the date of filing with the supervisor an application containing substantially all of the following information and any additional information that the supervisor may prescribe as necessary or appropriate in the public interest or for the protection of savings account holders, borrowers or stockholders:

~~((1))~~ (a) The identity, character, and experience of each acquiring party by whom or on whose behalf acquisition is to be made;

~~((2))~~ (b) The financial and managerial resources and future prospects of each acquiring party involved in the acquisition;

~~((3))~~ (c) The terms and conditions of any proposed acquisition and the manner in which such acquisition is to be made;

~~((4))~~ (d) The source and amount of the funds or other consideration used or to be used in making the acquisition and, if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction and the names of the parties, however, where a source of funds is a loan made in the lender's ordinary course of business, if the person filing such statement so requests, the ~~((commissioner))~~ supervisor shall not disclose the name of the lender to the public;

~~((5))~~ (e) Any plans or proposals which any acquiring party making the acquisition may have to liquidate such savings and loan association to

sell its assets, to merge it with any company, or to make any other major changes in its business or corporate structure or management;

~~((6))~~ (f) The identification of any persons employed, retained or to be compensated by the acquiring party, or by any person on his behalf, who makes solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and brief description of the terms of such employment, retainer, or arrangements for compensation;

~~((7))~~ (g) Copies of all invitations for tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition: PROVIDED, That when an unincorporated company is required to file the statements under ~~((subsections (1), (2) and (6)))~~ (1) (a), (b), and (f) of this section, the supervisor may require that the information be given with respect to each partner of a partnership or limited partnership, by each member of a syndicate or group, and by each person who controls a partner or member. When an incorporated company is required to file the statements under ~~((subsections (1), (2) and (6)))~~ (1) (a), (b), and (f) of this section, the supervisor may require that the information be given for the corporation and for each officer and director of the corporation and for each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the corporation: PROVIDED FURTHER, That if any tender offer, request or invitation for tenders or other agreement to acquire control is proposed to be made by means of a registration statement under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. Sec. 77a), as amended, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (48 Stat. 881; 15 U.S.C. Sec. 77b), as amended, or in an application filed with the federal home loan bank board requiring similar disclosure, such registration statement or application may be filed with the supervisor in lieu of the requirements of this section.

(2) The supervisor shall give notice by mail to all savings and loan associations doing business within the state of the filing of an application to acquire control of an association. The association shall transmit a check to the supervisor for one hundred dollars when filing the application to cover the expense of notification. Persons interested in protesting such an application may contact the supervisor in person or by writing prior to a date which shall be given in said notice.

Sec. 14. Section 5, chapter 122, Laws of 1955 and RCW 33.48.040 are each amended to read as follows:

(1) The guaranty stock provided for in RCW 33.48.030 shall be paid for in cash at par, except as ~~((hereafter in this section))~~ provided in subsection (3) of this section, and shall not be eligible as security for loans from the association, nor withdrawable except upon liquidation or dissolution.

(2) No dividends shall be declared on guaranty stock until the ~~((reserves required by law and the total of the guaranty stock, undivided profits and~~

~~all reserves available for losses, less all estimated and determined losses resulting from the depreciation in value of the assets, is equal to five percent of the savings))~~ association has met the net worth and federal insurance reserve requirements of the federal savings and loan insurance corporation. Subject to the provisions of this chapter, guaranty stock shall be entitled to such rate of dividend, if earned, as fixed by the board. Stock dividends may be declared and issued by the board at any time, payable from otherwise unallocated surplus and undivided profits.

(3) With the consent of the supervisor, guaranty stock may be issued for a consideration other than cash in connection with mergers, consolidations, or transfers.

NEW SECTION. Sec. 15. There is added to chapter 33.24 RCW a new section to read as follows:

An association may invest its funds in real estate contracts and in loans secured by real estate mortgages or deeds of trust or real estate contracts not otherwise eligible for investment by the association, which are prudent real estate investments for the association in the opinion of its board of directors or of officers or committees designated by the board, whose action is ratified by the board at its regular meeting next following the investment. The total amount an association may invest pursuant to this section shall not exceed ten percent of its assets.

NEW SECTION. Sec. 16. There is added to chapter 33.24 RCW a new section to read as follows:

(1) Notwithstanding any other provision of law, an association may invest its funds in reverse annuity mortgage loans. Loan applicants shall not be bound for ten days after the loan commitment is made. The borrower may prepay the loan without penalty at any time during the term of the loan.

(2) As used in this section, "reverse annuity mortgage loan" means an amortized or nonamortized loan in which loan proceeds are advanced to the mortgagor or mortgagors in installments, either directly or indirectly, and which is secured by a lien on an existing residence of the mortgagor or mortgagors.

(3) An amortized loan shall be repaid in monthly, quarterly, semiannual, or annual installments which shall commence within thirty days after the last payout of principal. Repayment shall be completed within a thirty-year period after the commencement of repayment installments. No such loan may be made in excess of sixty percent of the appraised value of the property securing the loan.

(4) A nonamortized loan shall be repaid within one year after the death of the mortgagor, or upon any sale or transfer of the property securing the loan, in whole or in part, whichever occurs first. If there are two or more mortgagors who own the property securing the loan, the loan shall be repaid within one year after the death of the last comortgagor, or upon any sale or

transfer of the property, in whole or in part, to a person other than another comortgagor, whichever occurs first. The supervisor may, upon petition by the heir or heirs and after a showing of good cause, extend the repayment date beyond one year after the death of the mortgagor or comortgagor. No such loan may be made in excess of eighty percent of the appraised value of the property securing the loan.

(5) The supervisor shall adopt rules pursuant to chapter 34.04 RCW, as now or hereafter amended, requiring associations to make certain written disclosures in reasonably simple terms to the prospective borrower concerning the nature and terms of the reverse annuity mortgage loan being offered, as are necessary to ensure adequate consumer protection.

NEW SECTION. Sec. 17. If any provision of this 1979 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 February 21, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 114

[Senate Bill No. 2339]

NURSING HOMES—NURSING ASSISTANT TRAINING PROGRAM

AN ACT Relating to nursing homes; and adding a new chapter to Title 18 RCW.

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

NEW SECTION. Section 1. The legislature finds that the quality of patient care in nursing homes is dependent upon the competence of the personnel who staff their facilities. To assure the availability of trained personnel in nursing homes, the legislature recognizes the need for the development of an entry-level training program for nursing assistants.

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

(1) "Nursing assistant" means a person who assists in the care of patients, in a facility licensed under chapter 18.51 RCW, under the direction and supervision of a registered nurse or licensed practical nurse.

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

(3) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(4) "Board" means the state board of nursing.

NEW SECTION. Sec. 3. (1) Any nursing assistant employed by a nursing home, who has satisfactorily completed a nursing assistant training

program under this chapter, shall, upon application, be issued a certificate of completion.

(2) After June 30, 1980, all nursing assistants employed by a nursing home shall be required to show evidence of satisfactory completion of a nursing assistant training program, or that they are enrolled in and are progressing satisfactorily towards completion of a training program under standards promulgated by the board, which program must be completed within six months of employment. A nursing home may employ a person not currently enrolled if the employer within twenty days enrolls the person in an approved training program. All persons enrolled in a training program must satisfactorily complete the program within six months from the date of initial employment.

(3) All nursing assistants who, on the effective date of this act, are employed in nursing homes shall be given the opportunity to obtain a certificate of completion by passing a written and/or practical examination developed by the board and conducted by a school or nursing home, or by providing evidence of sufficient practical experience. The board shall adopt rules specifying the amount of practical experience to be required for the issuance of a certificate under this section.

(4) Compliance with this section shall be a condition of licensure of nursing homes under chapter 18.51 RCW.

NEW SECTION. Sec. 4. (1) The board shall establish minimum curriculum standards and approve or disapprove curriculum used in nursing assistant training programs. The standards shall include, as a minimum, instruction in patient environment, patients' psychosocial needs, aseptic technique, personal hygiene, excretory systems, basic nursing procedures, food service, and fire safety, consisting of at least twenty-five classroom hours and at least fifty hours of supervised and on-the-job training clinical practice. The fifty hours may consist of employment as nurse assistants under supervision of a registered nurse.

(2) For nursing assistant training programs conducted by nursing homes, the board shall adopt additional minimum standards covering non-curriculum matters such as, but not limited to, staffing and teacher qualifications. Of the standards adopted by the board, nursing assistant training programs conducted by publicly supported schools, and private educational institutions accredited by the northwest association of schools and colleges, shall be required to meet only those standards established under subsection (1) of this section.

(3) The board shall periodically review the nursing assistant training programs conducted by nursing homes. Upon completion of the review, the board shall approve or disapprove each program.

(4) The superintendent of public instruction and the state board for community college education shall periodically review with the board the nursing assistant training programs conducted by publicly supported schools

within the agencies' respective jurisdictions. Upon completion of the review, the board shall approve or disapprove each program, and graduates of such approved programs shall automatically be certified.

NEW SECTION. Sec. 5. Nothing in this chapter shall be construed as conferring on a nursing assistant the authority to administer medication or to practice as a registered nurse or licensed practical nurse.

NEW SECTION. Sec. 6. The department and the board shall, within ninety days of the effective date of this act, adopt such rules as are necessary for the implementation of this chapter.

NEW SECTION. Sec. 7. The department shall provide rate adjustments to nursing homes for the portion of additional costs attributable to the requirements of this act.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act shall constitute a new chapter in Title 18 RCW.

Passed the Senate March 8, 1979.
Passed the House March 8, 1979.
Approved by the Governor March 26, 1979.
Filed in Office of Secretary of State March 26, 1979.

CHAPTER 115

[Engrossed Senate Bill No. 2147]

FOOD DONATION PROGRAM—LEGAL IMMUNITY

AN ACT Relating to food; and adding a new section to chapter 69.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 69.04 RCW a new section to read as follows:

(1) A person, including a farmer, processor, distributor, wholesaler, or retailer of food, who in good faith donates an item of food for use or distribution by a nonprofit organization shall not be liable for civil damages or criminal penalties resulting from the nature, age, condition, or packaging of the donated food, including any liability under this chapter or chapter 15.32 RCW.

(2) Nothing in this section is intended to limit any liability on the part of the donee nonprofit organization accepting food items under subsection (1) of this section.

(3) The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this section.

(4) Appropriate state and local agencies are authorized to inspect donated food items for wholesomeness and may establish procedures for the handling of the food items.

Passed the Senate February 8, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 116

[Senate Bill No. 2077]

PUBLIC UTILITY SERVICES—RATE REDUCTION—LOW INCOME SENIOR
CITIZENS

AN ACT Relating to utility rates; and adding a new section to chapter 74.38 RCW.

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

NEW SECTION. Section 1. There is added to chapter 74.38 RCW a new section to read as follows:

Notwithstanding any other provision of law, any county, city, town, municipal corporation, or quasi municipal corporation providing utility services may provide such services at reduced rates for low income senior citizens: PROVIDED, That, for the purposes of this section, "low income senior citizen" shall be defined by appropriate ordinance or resolution adopted by the governing body of the county, city, town, municipal corporation, or quasi municipal corporation providing the utility services. Any reduction in rates granted in whatever manner to low income senior citizens in one part of a service area shall be uniformly extended to low income senior citizens in all other parts of the service area.

Passed the Senate March 5, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 117

[Engrossed Senate Bill No. 2355]

PRACTICE OF OSTEOPATHY OR OSTEOPATHIC MEDICINE AND SURGERY

AN ACT Relating to osteopathy; amending section 4, chapter 4, Laws of 1919 as amended by section 1, chapter 110, Laws of 1959 and RCW 18.57.020; amending section 6, chapter 4, Laws of 1919 as last amended by section 58, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.57.050; amending section 5, chapter 4, Laws of 1919 and RCW 18.57.080; amending section 3, chapter 227, Laws of 1971 ex. sess. and RCW 18.57.085; amending section 17, chapter 4, Laws of 1919 as last amended by section 59, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.57.130; amending section 11, chapter 4, Laws of 1919 as amended by section 2, chapter 142, Laws of 1963 and RCW 18.57.170; amending section 7, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.010; adding new sections to

chapter 18.57 RCW; repealing section 10, chapter 4, Laws of 1919 and RCW 18.57.180; repealing section 12, chapter 4, Laws of 1919 and RCW 18.57.240; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 18.57 RCW a new section to read as follows:

As used in this chapter:

- (1) "Board" means the Washington state board of osteopathic medicine and surgery;
- (2) "Department" means the department of licensing;
- (3) "Director" means the director of licensing; and
- (4) "Osteopathic medicine and surgery" means the use of any and all methods in the treatment of disease, injuries, deformities, and all other physical and mental conditions in and of human beings, including the use of osteopathic manipulative therapy. The term means the same as "osteopathy and surgery".

NEW SECTION. Sec. 2. There is added to chapter 18.57 RCW a new section to read as follows:

There is hereby created an agency of the state of Washington, consisting of seven individuals appointed by the governor to be known as the Washington state board of osteopathic medicine and surgery.

The members of the first board shall be appointed to serve the following terms from the date of their appointment: Two members for two years, two members for three years, and three members for five years, or until their successors are appointed and fully qualified. The respective terms of office of such initial appointees shall be designated by the governor at the time of appointment. On expiration of the term of any member, the governor shall appoint for a period of five years an individual of similar qualifications to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified. Initial appointments shall be made and vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Each member of the board shall be a citizen of the United States and must be an actual resident of this state. One member shall be a consumer who has neither a financial nor a fiduciary relationship to a health care delivery system, and every other member must have been in active practice as a licensed osteopathic physician and surgeon in this state for at least five years immediately preceding appointment.

The board shall meet as soon as practicable after appointment and elect a chairman and a secretary from its members. Meetings of the board shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

It shall require the affirmative vote of a majority of all the members of the board to take any official action.

Each member of the board may receive the sum of twenty-five dollars per day as compensation for each day or fraction thereof spent on official business and travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Any member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office, or upon written request of two-thirds of the physicians licensed under this chapter and in active practice in this state.

NEW SECTION. Sec. 3. There is added to chapter 18.57 RCW a new section to read as follows:

The board shall have the following powers and duties:

- (1) To administer examinations to applicants for licensure under this chapter;
- (2) To grant, deny, restrict, suspend, or revoke licenses to practice under this chapter;
- (3) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;
- (4) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: **PROVIDED**, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;
- (5) To establish rules and regulations fixing standards of professional conduct;
- (6) To adopt such rules as are necessary to establish, administer, and/or delegate a review of each malpractice action filed against a person licensed to practice under this chapter. On the basis of such review, where in its sole discretion, it deems it necessary, take such action as required to protect the public health and safety, including restriction, suspension, or revocation of a license to practice under this chapter; and
- (7) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

NEW SECTION. Sec. 4. There is added to chapter 18.57 RCW a new section to read as follows:

- (1) Any person, firm, corporation, or public officer may submit a written complaint to the director charging the holder of a license to practice osteopathy or osteopathic medicine and surgery with unprofessional conduct and specifying the grounds therefor. Such complaint must be made within

five years after the date of the act or occurrence which constitutes the subject of the complaint. If the director determines that such complaint merits consideration, or if the director shall have reason to believe, without formal complaint, that any holder of such license has been guilty of unprofessional conduct, the director shall institute disciplinary proceedings by preparing and filing with the board a specification of the charge or charges of unprofessional conduct and serve a copy thereof on the accused license holder together with notice of a hearing before the board.

(2) All disciplinary proceedings before the board shall be conducted in accordance with the administrative procedure act, chapter 34.04 RCW.

(3) A member of the board who has not personally heard all the testimony and oral argument, if any, shall be disqualified from voting on the final decision in any disciplinary proceeding before the board.

NEW SECTION. Sec. 5. There is added to chapter 18.57 RCW a new section to read as follows:

(1) The board may restrict, suspend, or revoke the license of any physician found guilty of unprofessional conduct under this chapter, or the board may issue a reprimand, as it deems most appropriate.

(2) The board may, in its discretion, suspend imposition of a penalty of restriction, suspension, or revocation of license for such period of time as it may determine proper, and the board may impose such terms and conditions as it may determine proper as a condition to such suspension of imposition of penalty.

(3) Any person whose license has been restricted, suspended, or revoked under the provisions of this chapter may apply to the board for reinstatement at any time and the board may hold hearings on any such petition and may order reinstatement and impose terms and conditions thereof.

(4) If the license holder is found not guilty, or if fewer than a majority of all the board members vote for a finding of guilty, the board shall forthwith order a dismissal of the charges and the exoneration of the accused. When a proceeding has been dismissed, either on the merits or otherwise, the board shall relieve the accused from any possible odium that may attach by reason of the charges made against him by such public exoneration as is necessary, if requested by the accused to do so.

NEW SECTION. Sec. 6. There is added to chapter 18.57 RCW a new section to read as follows:

(1) An order of reprimand, restriction, suspension, or revocation shall contain a brief and concise statement of the ground or grounds upon which the order is based and of the terms and conditions of the restriction and of any suspension of imposition of such restriction, suspension, or revocation, and such order shall be retained as a permanent record of the board.

(2) The filing by the board in the office of the director of an order of restriction, suspension, or revocation shall constitute a restriction, suspension, or revocation of the license to practice in this state in accordance with the terms and conditions imposed by the board and embodied in the order.

NEW SECTION. Sec. 7. There is added to chapter 18.57 RCW a new section read as follows:

The director shall not issue any license or any renewal thereof under this chapter to any person whose license has been restricted, suspended, or revoked by the board except in conformity with the terms and conditions of the order of restriction, suspension, or revocation, or in accordance with any order of reinstatement issued by the board, or in conformity with the final judgment in any proceeding for review instituted under the provisions of this chapter.

NEW SECTION. Sec. 8. There is added to chapter 18.57 RCW a new section to read as follows:

(1) In the event that a physician is determined by a court of competent jurisdiction to be mentally incompetent, such physician's license shall automatically be suspended by the board upon the entry of such judgment, regardless of the pendency of an appeal.

(2) If it appears to the board that there is reasonable cause to believe that a physician who has not been judicially determined to be mentally incompetent is unable to practice osteopathy or osteopathic medicine and surgery with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition, a complaint in the name of the board shall be served upon such physician for a hearing on the sole issue of the capacity of the physician to practice adequately. In enforcing this subsection the board shall, upon probable cause, have authority to compel a physician to submit to a mental or physical examination by two or more physicians designated by the board; at least one of whom may be designated by the charged party if such party chooses. Failure of a physician to submit to such examination when directed constitutes grounds for immediate suspension of such physician's license, unless the failure was due to circumstances beyond the control of such physician, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this subsection shall at reasonable intervals be afforded an opportunity to demonstrate a capacity to resume the competent practice of osteopathy or osteopathic medicine and surgery with reasonable skill and safety to patients.

For the purpose of this subsection, every physician licensed under this chapter who shall accept the privilege to practice osteopathy or osteopathic medicine and surgery in this state shall by so practicing or by the making and filing of annual registration to so practice, be deemed to have given consent to submit to a mental or physical examination when directed in

writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitutes a privileged communication.

In any proceeding under this subsection, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

NEW SECTION. Sec. 9. There is added to chapter 18.57 RCW a new section to read as follows:

It shall be the duty and obligation of a physician against whom a complaint is made and who is being investigated by the board to cooperate with the board as requested by it by:

- (1) Furnishing any papers or documents;
- (2) Furnishing in writing a full and complete explanation covering the matter contained in such complaint;
- (3) Appearing before the board at the time and place designated.

Should such physician fail to cooperate with the board in the manner provided in this section, such conduct shall be deemed to be unprofessional conduct.

NEW SECTION. Sec. 10. There is added to chapter 18.57 RCW a new section to read as follows:

In any proceedings under this chapter, neither the board nor any of its members, staff, employees, nor any appointee or employee of the department of licensing or its administrative divisions, nor the state or its elected officials, appointees, or employees, nor any individual, corporation, company, or organization giving testimony or evidence or bringing complaints or charges before the board shall be prosecuted or subject to suit in any action based upon any disciplinary proceedings or other official acts performed in good faith as members of the board or as a consequence of involvement in proceedings of the board in carrying out the provisions of this chapter.

Sec. 11. Section 4, chapter 4, Laws of 1919 as amended by section 1, chapter 110, Laws of 1959 and RCW 18.57.020 are each amended to read as follows:

A ~~((certificate))~~ license shall be issued by the director ~~((of licenses))~~ authorizing the holder thereof to practice osteopathy or osteopathic medicine and surgery, including the use of internal medicine and drugs, and shall be the only type of ~~((certificate))~~ license issued. All ~~((certificates))~~ licenses to practice osteopathy or ~~((osteopathy))~~ osteopathic medicine and surgery, including the use of internal medicine and drugs, heretofore issued shall remain in full force and effect: PROVIDED, That a license to practice osteopathy and surgery shall be deemed to be the same as a license to practice osteopathic medicine and surgery, and the former license may be exchanged for the latter license at the option of the license holder.

In order to procure a ~~((certificate))~~ license to practice ~~((osteopathy))~~ osteopathic medicine and surgery, the applicant ~~((for such certificate))~~ must file with ~~((said director;))~~ the board satisfactory testimonials of good moral character~~((;))~~ and a diploma issued by some legally chartered school of ~~((osteopathy))~~ osteopathic medicine and surgery, ~~((the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the American Osteopathic Association and the American Association of Osteopathic Colleges))~~ approved by the board, or satisfactory evidence of having possessed such diploma, and he must file with such diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made upon a ~~((blank furnished by said))~~ form prepared by the director, with the approval of the board, and it shall contain such information concerning said osteopathic medical instruction and the preliminary education of the applicant as ~~((said director))~~ the board may by rule provide. Applicants who have failed to meet the requirements must be rejected.

An applicant for a license to practice ~~((osteopathy))~~ osteopathic medicine and surgery must furnish evidence satisfactory to the board that he has served for not less than one year as ~~((interne))~~ intern or resident in a ~~((thoroughly equipped hospital which shall have had at least twenty-five beds for each interne devoted to the treatment of medical, surgical, gynecological and special diseases, and he also must have had a service of six weeks, or the equivalent thereof in the maternity department of the same or some other hospital, during which time he shall have attended or participated in the attendance upon not less than six confinements))~~ training program acceptable to the board. ~~((He shall furnish evidence that he has had sufficient experience in and a practical working knowledge of pathology, and the administering of internal medicine and drugs including anesthetics.))~~

In addition, the applicant may be required to furnish evidence satisfactory to the board that he is physically and mentally capable of safely carrying on the practice of osteopathic medicine and surgery. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice osteopathic medicine and surgery. The applicant must also show that he has not been guilty of any conduct which would constitute grounds for denial, suspension, or revocation of such license under the laws of the state of Washington.

Nothing in this section shall be construed as prohibiting the board from requiring such additional information from applicants as it deems necessary.

Nothing in this chapter shall be construed to require any applicant for licensure, or any licensee, as a requisite of retaining or renewing licensure under this chapter, to be a member of any political and/or professional organization.

Sec. 12. Section 6, chapter 4, Laws of 1919 as last amended by section 58, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.57.050 are each amended to read as follows:

Each applicant on making application shall pay the director a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended which shall be paid to the state treasurer by said director and used to defray the expenses and compensation of said director. In case the applicant's credentials are insufficient, or in case he does not desire to take the examination, the sum of fifteen dollars shall be returned. All persons licensed to practice osteopathy or ~~((osteopathy))~~ osteopathic medicine and surgery within this state who are engaged in active practice shall pay on or before the first day of May of each year to the director a renewal license fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended. The board may establish rules and regulations governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. Licenses not so renewed will not be valid. The director shall thirty days or more before May 1st of each year mail to all active practitioners of osteopathy or ~~((osteopathy))~~ osteopathic medicine and surgery in this state at their last known address a notice of the fact that the renewal fee will be due on or before the first of May. Nothing in this chapter shall be construed so as to require that the receipt shall be recorded as original licenses are required to be recorded.

Sec. 13. Section 5, chapter 4, Laws of 1919 and RCW 18.57.080 are each amended to read as follows:

~~((In addition to the requirements above set forth, such))~~ Applicants for a ((certificate)) license must be personally examined by ((said director)) the board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice ((osteopathy)) osteopathic medicine and surgery, and shall be in whole or in part in writing on the following fundamental subjects, to wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry, toxicology, physiology, obstetrics, general diagnosis, hygiene, principles and practice of ((osteopathy)) osteopathic medicine, surgery, and the management of surgical cases (including anesthetics) and any other ((branches thereof)) subjects that the ((director)) board shall deem advisable~~((: PROVIDED, That those seeking a certificate to practice osteopathy and surgery shall also take an examination in surgery and the management of surgical cases (including anaesthetics) before being granted said certificate. Examination in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten:~~

~~All applicants must obtain not less than sixty percent in any one subject).~~
 The examination papers shall form a part of the records of the director and shall be kept on file by the ~~((director))~~ board for a period of one year after examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until final action by the board on such application.

Sec. 14. Section 3, chapter 227, Laws of 1971 ex. sess. and RCW 18.57.085 are each amended to read as follows:

The board ~~((or committee))~~ may, in its discretion, waive the examination in basic sciences required under chapter 43.74 RCW, and the examination in clinical subjects required under RCW 18.57.080 as now or hereafter amended, of persons applying for a license to practice ~~((osteopathy or osteopathy))~~ osteopathic medicine and surgery if, in the sole discretion of the board ~~((or committee)),~~ the applicant has successfully passed an examination of equal or greater difficulty than the examination being waived.

Sec. 15. Section 17, chapter 4, Laws of 1919 as last amended by section 59, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.57.130 are each amended to read as follows:

Any person who ~~((holds a license authorizing him to practice osteopathy from a board of medical examiners heretofore existing, under the provision of any laws of this state, past or present, shall be entitled to practice osteopathy in this state the same as if issued under this chapter, and any person, who shall have))~~ meets the requirements of RCW 18.57.020 as now or hereafter amended and has been examined and licensed to practice ((osteopathy)) osteopathic medicine and surgery by a state board of ~~((osteopathic))~~ examiners of another state or the duly constituted authorities of another state authorized to issue licenses to practice ~~((osteopathy))~~ osteopathic medicine and surgery upon examination, shall upon approval of the board be entitled to receive a license to practice ~~((osteopathy))~~ osteopathic medicine and surgery in this state upon the payment of a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended to the state treasurer and filing a copy of his license in such other state, duly certified by the authorities granting the license to be a full, true, and correct copy thereof, and certifying also that the standard of requirements adopted by such authorities as provided by the law of such state is equal to that provided for by the provisions of this chapter: PROVIDED, That no license shall issue without examination to any person who has previously failed in an examination held in this state: PROVIDED, FURTHER, That all licenses herein mentioned may be revoked for unprofessional conduct, in the same manner and upon the same grounds as if issued under this chapter(~~:(~~ PROVIDED, FURTHER, That the term osteopathy, as used in this chapter, shall be held to be the practice and procedure as taught and recognized by the regular colleges of osteopathy): PROVIDED, FURTHER, That no

one shall be permitted to practice surgery under this chapter who has not a license ~~((therefor))~~ to practice osteopathic medicine and surgery.

Sec. 16. Section 11, chapter 4, Laws of 1919 as amended by section 2, chapter 142, Laws of 1963 and RCW 18.57.170 are each amended to read as follows:

The words "unprofessional conduct," as used in this chapter, are hereby declared to mean:

(1) The procuring, or aiding or abetting in procuring a criminal abortion.

(2) ~~((wilfully betraying of a professional secret))~~ commission of any act, whether the same be committed in the course of a licensee's relations as a physician or otherwise, and whether the same constitutes a crime or not, which creates a reasonable and substantial doubt as to the ability of the licensee to honestly or competently practice his profession. If the act constitutes a crime, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction therefor the judgment and sentence shall be conclusive evidence at any ensuing disciplinary hearing of the guilt of the respondent physician of the crime described in the indictment or information, and of violation of the statute upon which it is based.

(3) ~~((All advertising of any kind or character other than the carrying of a professional card, window or street sign))~~ The violation of any rule or regulation pertaining to advertising of osteopathic practice promulgated by the board.

(4) ~~((All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed))~~ Misrepresentation or concealment of a material fact in the obtaining of a license to practice osteopathic medicine and surgery or osteopathy, or in renewal or reinstatement thereof.

(5) ~~((Conviction of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.))~~ The offering, undertaking, or agreeing to cure or treat disease by any secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any human condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the board.

(6) Habitual intemperance which affects a physician's practice.

(7) The ~~((personation))~~ impersonation of another licensed practitioner ~~((of a like or different name)).~~

(8) ~~((Exploiting or advertising through the press, or by the use of handbills, circulars or other periodicals, other than professional cards, giving only name, address, profession, office hours and telephone connections.))~~ Any public claim, representation, or advertisement that the licensee is practicing under any professional degree for which such licensee is not licensed to practice in this state.

(9) The possession, distribution, use, or prescription for the use of ~~((narcotic drugs)) any controlled substance as defined in chapter 69.50 RCW, or ~~((dangerous)) legend drugs ~~((described in RCW 69.40.060;)) as defined in chapter 69.41 RCW~~ in any way other than for therapeutic purposes.~~~~

(10) ~~((Repeated acts of immorality, or repeated acts of gross misconduct in the practice of the profession:~~

~~((1)) Unprofessional conduct as defined in chapter 19.68 RCW.~~

~~((2)) (11) Aiding or abetting an unlicensed person to practice osteopathy or osteopathic medicine and surgery.~~

~~((3) Declaration of mental incompetency by a court of competent jurisdiction:~~

~~((4) Fraud or deceit in the obtaining of a license to practice osteopathy:))~~

(12) Suspension or revocation of the physician's license to practice osteopathy or osteopathic medicine and surgery by competent authority in any state, federal, or foreign jurisdiction.

(13) Violation of any board rule or regulation fixing a standard of professional conduct.

(14) Wilful violation of RCW 18.57.140 or of section 9 of this 1979 act or wilful disregard of the subpoena or notice of the board.

Sec. 17. Section 7, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.010 are each amended to read as follows:

(1) "Osteopathic physician's assistant" means a person who has satisfactorily completed a board-approved training program designed to prepare persons to practice osteopathic medicine to a limited extent;

(2) "Board" means the ~~((committee))~~ board of osteopathic ~~((examiners))~~ medicine and surgery; and

(3) "Practice medicine" shall have the meaning defined in ~~((RCW 18-57.130))~~ section 1 of this 1979 act.

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

(1) Section 10, chapter 4, Laws of 1919 and RCW 18.57.180; and

(2) Section 12, chapter 4, Laws of 1919 and RCW 18.57.240.

NEW SECTION. Sec. 19. If any provision of this 1979 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 February 22, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 118

[Substitute Senate Bill No. 2393]

NOXIOUS WEED CONTROL—TANSY RAGWORT—FUNDING—
PENALTIES

AN ACT Relating to noxious weeds; amending section 17, chapter 113, Laws of 1969 ex. sess. as last amended by section 8, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.170; amending section 23, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.230; amending section 20, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.200; creating a new section; prescribing penalties; and declaring an emergency.

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

Section 1. Section 17, chapter 113, Laws of 1969 ex. sess. as last amended by section 8, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.170 are each amended to read as follows:

(1) Whenever the county noxious weed control board finds that noxious weeds are present on any parcel of land, and that the owner thereof is not taking prompt and sufficient action to control the same, pursuant to the provisions of RCW 17.10.140 and 17.10.150, it shall notify such owner that a violation of this chapter exists. Such notice shall be in writing, identify the noxious weeds found to be present, order prompt control action, and specify the time, of at least ten days from issuance of the notice, within which the prescribed action must be taken.

(2) The county board may cause citations to be issued to owners who do not take action to control tansy ragwort in accordance with the notice.

(3) If the owner does not take action to control the noxious weeds in accordance with the notice, the county board may control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien except as provided for by RCW 79.44.060. The owner shall be liable for payment of the expense, and nothing in this chapter shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien. Funds received in payment for the expense of controlling noxious weeds shall be transferred to the county noxious weed control board to be expended as required to carry out the purposes of this chapter.

~~((3))~~ (4) The county auditor shall record in his office any lien created under this chapter, and any such lien shall bear interest at the rate of ~~((eight))~~ twelve percent per annum from the date on which the county noxious weed control board approves the amount expended in controlling such weeds.

~~((4))~~ (5) As an alternative to the enforcement of any lien created under subsection ~~((2))~~ (3) of this section, the county legislative authority may by resolution or ordinance require that each such lien created shall be collected by the treasurer in the same manner as a delinquent real property

tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall bear interest at the ~~((same rate as delinquent real property taxes))~~ rate of twelve percent per annum and such interest shall accrue as of the date notice of the lien is sent to the owner: PROVIDED, That any collections for such lien shall not be considered as tax.

Sec. 2. Section 23, chapter 113, Laws of 1969 ex sess. and RCW 17.10.230 are each amended to read as follows:

Any owner knowing of the existence of any noxious weeds on his land who fails to control such weeds in accordance with this chapter and rules and regulations in force pursuant thereto; any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210; any person who prevents or threatens to prevent entry upon land as authorized in RCW 17.10.160; or any person who interferes with the carrying out of the provisions of this chapter, shall be ~~((subject to))~~, upon conviction, guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars on account of each violation or, in the case of failure to control tansy ragwort in accordance with the provisions of RCW 17.10.170, by a fine not to exceed five hundred dollars on account of each violation.

Sec. 3. Section 20, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.200 are each amended to read as follows:

(1) In the case of land owned by the United States on which control measures of a type and extent required pursuant to this chapter have not been taken, the county noxious weed control board, with the approval of both the director of the department of agriculture and the appropriate federal agency, may perform, or cause to be performed, such work. The cost thereof, if not paid by the agency managing the land, shall be a state charge and may be paid from any funds available to the department of agriculture for the administration of this chapter.

(2) The county noxious weed control board is authorized to enter into any reasonable agreement with the appropriate authorities for the control of noxious weeds on Indian lands.

(3) The state shall make all possible efforts to obtain reimbursement from the federal government for costs incurred under this section: PROVIDED, That the state shall actively seek to inform the federal government of the need for noxious weed control on federally owned land where the presence of noxious weeds adversely affects local control efforts: PROVIDED FURTHER, That the state shall actively seek adequate federal funding for noxious weed control on federally owned land.

NEW SECTION. Sec. 4. (1) Any person who knowingly sells hay containing viable tansy ragwort seed in sufficient amounts to create a hazard of the spread of tansy ragwort by seed, and any person who knowingly sells

hay containing tansy ragwort in sufficient amounts to be injurious to the health of the animal that consumes it, is guilty of a misdemeanor.

(2) The director of agriculture shall adopt rules establishing the amount of tansy ragwort seed or tansy ragwort in hay that constitutes a violation of subsection (1) of this section. The department of agriculture shall, upon request of the buyer, inspect hay and charge fees, in accordance with chapter 22.09 RCW, to determine the presence of tansy ragwort.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 119

[Senate Bill No. 2256]

INVESTMENT ADVISORY COMMITTEE—MEMBERS' CONFLICT OF INTEREST—CUSTODY, INVESTMENT OF FUNDS

AN ACT Relating to state funds; amending section 7, chapter 103, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.050; amending section 6, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.110; and amending section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 251, Laws of 1977 ex. sess. and RCW 43.84.150.

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

Section 1. Section 7, chapter 103, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.050 are each amended to read as follows:

(1) There is hereby created the investment advisory committee to consist of eight members to be appointed as ~~((hereinafter))~~ provided~~((:))~~ in subsection (1) of this section.

~~((+))~~ (a) One person shall be appointed annually by the Washington public employees' retirement board. One person shall be appointed annually by the board of trustees of the Washington state teachers' retirement system. The original members appointed pursuant to this subsection shall serve for one year, measured from July 1 of the year in which the appointment is made.

~~((2))~~ (b) Five persons shall be appointed by the state finance committee, who shall be considered experienced and qualified in the field of investments. The original members appointed by the state finance committee shall serve as follows: One member shall serve a one-year term; one member shall serve for a term of two years; one member shall serve for a term of

three years; and one member shall serve for a term of four years. All subsequent state finance committee appointees shall serve for terms of four years. All such appointive terms shall commence on July 1 of the year in which appointment is made.

~~((3))~~ (c) The state actuary appointed under RCW 44.44.010 ~~((who))~~ shall be a member and shall serve for the period while holding the office of the state actuary.

(d) No member during the term of his or her appointment or for two years thereafter shall have a financial interest in or be employed by any investment brokerage or mortgage servicing firm doing business with the state finance committee: PROVIDED, That a trust department of any commercial bank or trust company organized under federal or state law shall not be considered a mortgage servicing firm for purposes of this section.

(e) All vacancies shall be filled for the unexpired term. Each member shall hold office until his successor has been appointed and any member may be reappointed for additional terms.

(2) The investment advisory committee shall meet at least quarterly at such times as it may fix.

(3) Each member shall receive fifty dollars for each day or portion thereof spent discharging his official duties as a member of the advisory committee and travel expenses as provided in RCW 43.03.050 and 43.03-.060 as now existing or hereafter amended.

Sec. 2. Section 6, chapter 251, Laws of 1977 ex. sess. and RCW 43.33-.110 are each amended to read as follows:

The state treasurer may cause any securities in which the state finance committee deals to be registered in the name of a nominee without mention of any fiduciary relationship, except that adequate records shall be maintained to identify the actual owner of the security so registered. The securities so registered shall be held in the physical custody of the state treasurer ~~((or his or her designee or designees))~~, the federal reserve system, the designee of the state treasurer, or at the election of the designee and upon approval of the state treasurer, the Depository Trust Company of New York City or its designees.

With respect to the securities, the nominee shall act only upon the order of the state treasurer who shall act only on the direction of the state finance committee. All rights to the dividends, interest, and sale proceeds from the securities and all voting rights of the securities shall be vested in the actual owners of the securities, and not in the nominee.

Sec. 3. Section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 251, Laws of 1977 ex. sess. and RCW 43.84.150 are each amended to read as follows:

Except where otherwise specifically provided by law, the state finance committee and the director of retirement systems with the approval of those boards otherwise responsible for the management of their respective funds

shall have full power to invest and reinvest funds over which they have investment authority in the following classes of investments, and not otherwise, and to sell or exchange investments acquired in the exercise of that authority: PROVIDED, That the method of granting approval to the state finance committee and the director of retirement systems shall be determined by each board, respectively, in its sole discretion:

(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, or the obligation of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system.

(2) Bonds, debentures, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, the inter-American development bank, the Asian development bank, or by the federal national mortgage association; in addition to 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, 1961, known as the "Federal Farm Loan Act", (as from time to time amended).

(3) 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 time amended), or are otherwise insured or guaranteed by the United States of America, or by an agency or instrumentality thereof to the extent that the investor protection thereby given is essentially the same as that as provided under the foregoing federal enactments.

(4) Conventional fee simple or leasehold first mortgages on real property located within the state of Washington.

(5) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; 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; 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.

(6) Bonds, notes, or other obligations issued, guaranteed or assumed by any other state or municipal or political subdivision thereof.

(7) 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, or 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 such securities are rated "A" or better by at least one nationally recognized rating agency.

(8) Bonds, debentures, notes, or other obligations of any corporation duly organized and operating in any state of the United States: PROVIDED, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(9) Capital notes, debentures, or other obligations of any national or state commercial or mutual savings bank doing business in the United States of America.

(10) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America: PROVIDED, That the bonds or debentures of the company are rated "A" or better by at least one nationally recognized rating agency.

(11) Commercial paper: PROVIDED, That it is given the highest attainable rating by at least two nationally recognized rating agencies.

(12) Subject to the limitations hereinafter provided, those funds created under chapters 2.10, 2.12, 41.24, 41.26, 41.32, 41.40, and 43.43 RCW and the accident reserve fund created by RCW 51.44.010 may be invested in the common or preferred stock or shares, whether or not convertible as well as convertible bonds and debentures of corporations created or existing under the laws of the United States, or any state, district or territory thereof: PROVIDED, That:

(a) The state finance committee and the director of retirement systems may, with the approval of the respective boards, either have the finance committee's staff manage the classes of investments defined by subsection (12) of this section or they may contract with an investment counseling firm or firms or the trust department of a national or state chartered commercial bank having its principal office or a branch in this state. The state finance committee and the director of retirement systems shall receive advice which shall become part of the official minutes of the next succeeding meeting of the committee and respective boards. No investment counseling firm shall be engaged in buying, selling or otherwise marketing securities in which commissions or profit credits arising from these activities accrue to the firm during the time of its employment by the boards. Nothing in the preceding sentence shall be deemed to apply to the marketing of bonds, notes or other obligations of the United States or any agency thereof, or of a state or any municipal or political subdivision thereof by a bank in the normal course of its business.

(b) Stock investments to include convertible preferred stock investments, and investments in convertible bonds and debentures shall not exceed twenty-five percent of the total investments (cost basis) of the system: PROVIDED, That in the case of the accident reserve fund created by RCW

51.44.030 such stock investments shall not exceed ten percent of the total investments.

(c) Investment in the stock of any one corporation shall not exceed five percent of the common shares outstanding.

(d) No single common stock investment, based on cost, may exceed two percent of the assets of the total investments (cost basis) of the system.

(e) Such corporation has paid a cash dividend on its common stock in at least eight of the ten years and in each of the last three years next preceding the date of investment.

(f) In the case of convertible bond, debenture, and convertible preferred stock investments, the common stock into which such investments are convertible otherwise qualifies as an authorized investment under the provisions of this section.

(13) 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, including investment in their savings accounts, deposit accounts; bonds, debentures and other obligations or securities, (except capital stock) which are insured or guaranteed by an agency of the federal government or by a private corporation approved by the state insurance commissioner and licensed to insure real estate loans in the state of Washington; 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 investment of any one fund in the foregoing institutions shall not exceed the amount insured or guaranteed)~~).

(14) Appropriate contracts of life insurance or annuities from insurers duly organized to do business in the state of Washington, if and when such purchase or purchases would in the judgment of the board be appropriate or necessary to carry out the purposes of this chapter.

(15) Any obligation, equipment trust certificate, or interest in any obligation arising out of any transaction involving the sale of any equipment by, or the lease of any equipment from, any corporation engaged in the business of transportation or manufacturing, with its principal place of business located in Washington state, or by or from any wholly owned subsidiary of any such corporation, provided that either (a) the obligation shall be secured by ownership of the equipment or by a first mortgage or other security interest creating a first lien on such equipment or (b) the obligation shall be guaranteed by the United States government or any agency or instrumentality thereof or by a foreign government or any agency or instrumentality thereof or by any province of Canada.

(16) The sale of call options or the repurchase of sold call options where such options are fully covered by common stocks owned by the funds.

Subject to the above limitations, the trustees of the several funds shall authorize the state finance committee to make purchases, sales, exchanges,

investments, and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any money belonging to said funds.

Passed the Senate February 20, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 120

[Senate Bill No. 2069]

MOTOR VEHICLES—RENEWAL LICENSE FEES—EXCISE TAX— ERRORS—REFUNDS, PAYMENTS

AN ACT Relating to motor vehicles; amending section 46.68.010, chapter 12, Laws of 1961 as amended by section 73, chapter 32, Laws of 1967 and RCW 46.68.010; and amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 95, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.120.

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

Section 1. Section 46.68.010, chapter 12, Laws of 1961 as amended by section 73, chapter 32, Laws of 1967 and RCW 46.68.010 are each amended to read as follows:

Whenever any license fee, paid under the provisions of this title, (~~shall have~~) has been erroneously paid, wholly or in part, the person paying the (~~same~~)fee, upon satisfactory proof to the director of (~~motor vehicles~~) licensing, shall be entitled to have refunded the amount so erroneously paid. A renewal license fee paid prior to the actual expiration date of the license being renewed shall be deemed to be erroneously paid if the vehicle for which the renewal license is being purchased is destroyed or permanently removed from the state prior to the beginning date of the registration period for which the renewal fee is being paid. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto: PROVIDED, That no claim for refund shall be allowed for such erroneous payments unless filed with the director within thirteen months after such claimed erroneous payment was made.

Sec. 2. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 95, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.120 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of (~~motor vehicles~~) licensing determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then he shall also be entitled to a refund of the entire excise

tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the department of revenue ~~((and the association of county assessors))~~ in cooperation with the department of licensing.

In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the department of ~~((motor vehicles))~~ licensing shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

In any case where due to error, a person has been required to pay an excise tax pursuant to this chapter which amounts to an overpayment of five dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Conversely, if due to error, the department or its agents has failed to charge and collect the full amount of the excise tax due, which underpayment is in the amount of five dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax.

~~((No refund of excise tax shall be allowed under the first paragraph of this section unless application for a refund of license fee is filed with the director of motor vehicles within the period provided by law, and no such refund shall be allowed under the second paragraph of this section unless filed with the department of motor vehicles within thirteen months after such claimed excessive excise tax was paid:))~~

Any person authorized by the utilities and transportation commission to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state: PROVIDED, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined: PROVIDED FURTHER, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty percent of the total miles operated, a balance of the tax is due equal to an amount which is the same percentage of the full excise fee as is the percentage of mileage the vehicle was operated in this state minus the one-half fee previously paid, and any balance due, is payable on or before the first day of June of the year in which

the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund shall be filed with the department of ~~((motor vehicles))~~ licensing at Olympia not later than December 31st of the calendar year following the year for which refund is claimed and any claim filed after said date shall not be allowed. When a claim is filed the applicant must therewith furnish to the department his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

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

Passed the Senate March 6, 1979.

Passed the House March 1, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 121

[Engrossed Senate Bill No. 2021]

STATE CORRECTIONAL INSTITUTIONS—RESIDENTS—UNLAWFUL POSSESSION—PENALTIES

AN ACT Relating to correctional institutions; amending section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 43, Laws of 1977 ex. sess. and RCW 9.94.040; adding new sections to chapter 9.94 RCW; prescribing penalties; and declaring an emergency.

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

Section 1. Section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 43, Laws of 1977 ex. sess. and RCW 9.94-.040 are each amended to read as follows:

Every person serving a sentence in any penal institution of this state who, without authorization pursuant to law, while in such penal institution or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control (~~((any narcotic drug or~~

~~controlled substance as defined in chapter 69.50 RCW, any alcoholic beverage, or)) any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a class B felony ((punishable by imprisonment for not more than five years, which)). The sentence imposed under this section shall be in addition to ((the)) any sentence being served.~~

NEW SECTION. Sec. 2. Every person serving a sentence in any penal institution of this state who, without authorization, while in such penal institution or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any narcotic drug or controlled substance as defined in chapter 69.50 RCW is guilty of a class C felony. The sentence imposed under this section shall be in addition to any sentence being served.

NEW SECTION. Sec. 3. A person, other than a person serving a sentence in a penal institution of this state, is guilty of possession of contraband on the premises of a state correctional institution in the first degree if, without authorization to do so, the person knowingly possesses or has under his or her control a deadly weapon on or in the buildings or adjacent grounds subject to the care, control, or supervision of a state correctional institution. Deadly weapon is used as defined in RCW 9A.04.110: PROVIDED, That such correctional buildings, grounds, or property are properly posted pursuant to section 5 of this act, and such person has knowingly entered thereon: PROVIDED FURTHER, That the provisions of this section do not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the correctional institution premises, proceeds directly along an access road to the administration building and promptly checks his or her firearm(s) with the appropriate authorities. The person may reclaim his or her firearm(s) upon leaving, but he or she must immediately and directly depart from the premises.

Possession of contraband on the premises of a state correctional institution in the first degree is a class B felony.

NEW SECTION. Sec. 4. A person, other than a person serving a sentence in a penal institution of this state, is guilty of possession of contraband on the premises of a state correctional institution in the second degree if, without authorization to do so, the person knowingly possesses or has under his or her control any narcotic drug or controlled substance, as defined in chapter 69.50 RCW, on or in the buildings, grounds, or any other real property subject to the care, control, or supervision of a state correctional institution.

Possession of contraband on the premises of a state correctional institution in the second degree is a class C felony.

NEW SECTION. Sec. 5. The perimeter of the premises of correctional institutions covered by this act shall be posted at reasonable intervals to alert the public as to the existence of this act.

NEW SECTION. Sec. 6. For the purposes of sections 3 and 4 of this act, "state correctional institution" means the: Washington corrections center, Washington state penitentiary, Washington state reformatory, Purdy treatment center for women, Larch corrections center, Indian Ridge treatment center, Firland correctional center, Clearwater corrections center, Pine Lodge correctional center and other state correctional facilities used solely for the purpose of confinement of convicted felons.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act are added to chapter 9.94 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 5, 1979.

Passed the House March 1, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 122

[Engrossed Senate Bill No. 2180]

AGRICULTURAL ACTIVITIES—PROTECTION FROM NUISANCE LAWSUITS

AN ACT Relating to agriculture; adding new sections to chapter 7.48 RCW; and creating a new section.

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

NEW SECTION. Section 1. The legislature finds that agricultural activities conducted on farmland in urbanizing areas are often subjected to nuisance lawsuits, and that such suits encourage and even force the premature removal of the lands from agricultural uses. It is therefore the purpose of this act to provide that agricultural activities conducted on farmland be protected from nuisance lawsuits.

NEW SECTION. Sec. 2. There is added to chapter 7.48 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter, agricultural activities conducted on farmland, if consistent with good agricultural practices and established prior to surrounding nonagricultural activities, are presumed to be reasonable and do not constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

If that agricultural activity is undertaken in conformity with federal, state, and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety.

NEW SECTION. Sec. 3. As used in section 2 of this act:

(1) "Agricultural activity" includes, but is not limited to, the growing or raising of horticultural and viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products.

(2) "Farmland" means land devoted primarily to the production, for commercial purposes, of livestock or agricultural commodities.

NEW SECTION. Sec. 4. 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 February 16, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 123

[Senate Bill No. 2066]

TRAVEL TRAILERS AND CAMPERS—EXCISE TAX—PAYMENT, COLLECTION

AN ACT Relating to the taxation of travel trailers and campers; amending section 55, chapter 299, Laws of 1971 ex. sess. as amended by section 15, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.400; amending section 56, chapter 299, Laws of 1971 ex. sess. as last amended by section 16, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.410; amending section 61, chapter 299, Laws of 1971 ex. sess. as amended by section 17, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.460; amending section 67, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.520; repealing section 60, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.450; repealing section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470; repealing section 3, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.471; repealing section 63, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.480; repealing section 64, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.490; and repealing section 65, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.500.

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

Section 1. Section 55, chapter 299, Laws of 1971 ex. sess. as amended by section 15, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.400 are each amended to read as follows:

An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. ~~((The tax shall be collected for each registration year by the department of motor vehicles or the county auditor of the county in which the travel trailer or camper is located at the time payment is made and shall be due on and after the first day of the registration year or on the date the travel trailer or camper is first purchased or brought into this state, and paid on or before the first day of each registration year or thirty days after the travel trailer or camper is first purchased or brought into this state, whichever is later.))~~ The excise tax hereby imposed shall be due and payable to the department of licensing or its agents at the time of registration of a travel trailer or camper. Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44-.040, and no dealer's license or license plates, and no license or license plates for a travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs.

Sec. 2. Section 56, chapter 299, Laws of 1971 ex. sess. as last amended by section 16, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.410 are each amended to read as follows:

The rate and measure of tax imposed by this chapter for each registration year shall be one percent of the fair market value of the travel trailer or camper, as determined in the manner provided in this chapter: **PROVIDED**, That the excise tax upon a travel trailer or camper ~~((used))~~ licensed for the first time in this state after the last day of any registration month ~~((shall))~~ may only be levied for the remaining months of the registration year including the month in which the travel trailer or camper is first ~~((used))~~ licensed: **PROVIDED FURTHER**, That the minimum amount of tax payable shall be two dollars: **PROVIDED FURTHER**, That every dealer in mobile homes or travel trailers, for the privilege of using any mobile home or travel trailer eligible to be used under a dealer's license plate, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original dealer's license plate, and also a similar tax shall be collected upon the issuance of each dealer's duplicate license plate, which taxes shall be in addition to any tax otherwise payable under this chapter.

A travel trailer or camper shall be deemed ~~((used))~~ licensed for the first time in this state when such vehicle was not previously licensed by this state

for the registration year or any part thereof immediately preceding the registration year in which application for license is made or when it has been registered in another jurisdiction subsequent to any prior registration in this state.

Sec. 3. Section 61, chapter 299, Laws of 1971 ex. sess. as amended by section 17, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.460 are each amended to read as follows:

Prior to the end of any registration year of a vehicle, the director shall cause to be mailed to the owners of travel trailers or campers, of record, notice of the amount of tax payable during the succeeding registration year. ~~((Said))~~ The notice shall contain a legal description of the travel trailer or camper, prominent notice of ~~((penalties;))~~ due dates, and such other information as may be required by the director. ~~((If payment is not made prior to the beginning of the registration year, the director may forward a notification of delinquency to the county sheriff of the county wherein the travel trailer or camper is located, requesting distraint of said travel trailer or camper.))~~

Sec. 4. Section 67, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.520 are each amended to read as follows:

The following travel trailers or campers are specifically exempted from the operation of this chapter:

(1) Any unoccupied travel trailer or camper when it is part of an inventory of travel trailers or campers held for sale by a manufacturer or dealer in the course of his business.

(2) A travel trailer or camper owned by any government or political subdivision thereof.

(3) A travel trailer or camper owned by a nonresident and currently licensed in another state, unless such travel trailer or camper shall remain in this state for a period of ~~((ninety days))~~ six months or more during the calendar year.

For the purposes of this subsection only, a camper owned by a nonresident shall be considered licensed in another state if the vehicle to which such camper is attached is currently licensed in another state.

(4) Travel trailers eligible to be used under a ~~((set of))~~ dealer's license plate(s), and taxed under RCW 82.44.030 while so eligible.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) Section 60, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.450;

(2) Section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470;

(3) Section 3, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.471;

(4) Section 63, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.480;

(5) Section 64, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.490; and

(6) Section 65, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.500.

Passed the Senate February 2, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 124

[Senate Bill No. 2479]

**BANKS AND TRUST COMPANIES—INVESTMENTS—STOCK IN SMALL
BUSINESS INVESTMENT COMPANIES**

AN ACT Relating to banks and trust companies; and amending section 1, chapter 185, Laws of 1959 and RCW 30.04.126.

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

Section 1. Section 1, chapter 185, Laws of 1959 and RCW 30.04.126 are each amended to read as follows:

Any bank, or trust company, or bank under the supervision of the supervisor may purchase and hold, for its own investment account, stock in small business investment companies licensed and regulated by the United States, as authorized by the Small Business Act, Public Law 85-536, 72 Statutes at Large 384, in an amount not to exceed ((one)) five percent of its paid-in capital and surplus.

Passed the Senate February 22, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 125

[Substitute House Bill No. 729]

**STATE EMPLOYEES' INSURANCE AND HEALTH CARE—BOARD
MEMBERSHIP—PANEL MEDICINE PLAN PAYMENT—DEPENDENT'S
INDIVIDUAL COVERAGE**

AN ACT Relating to state employees' insurance and health care; amending section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.010; amending section 2, chapter 136, Laws of 1977 ex. sess. and RCW 41.05.025; adding a new section to chapter 41.05 RCW; and repealing section 1, chapter 190, Laws of 1977 ex. sess. and RCW 41.05.020.

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

Section 1. Section 2, chapter 136, Laws of 1977 ex. sess. and RCW 41-.05.025 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed of the members of the present board holding office on the day prior to July 1, 1977, which such members shall serve until the expiration of the period of time of the term for which they were appointed and until their successors are appointed and qualified. Thereafter the board shall be composed as follows: The governor or ((his)) the governor's designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one person who is retired and is covered by a program under the jurisdiction of the board, to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, the retired person, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. Meetings of the board shall be at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman annually. Members of the board shall receive no compensation for their services, but shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, including panel medicine

plans, or protection applying to employees covered by RCW 28B.10.660 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide as a part of the employee insurance benefit program an employee health care benefit plan which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and a plan to be provided by a panel medicine plan in its service area only when approved by the board. The board may but shall not be required to pay more for health benefits under a panel medicine plan than it would otherwise be required to pay for health benefits by a contract with a regularly constituted insurance carrier or health care service contractor in effect at the time the panel medicine plan is included in the employee health care benefit plan. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board. Active employees, as defined in RCW 41.05.020 (2), eligible for medicare benefits shall have the option of continuing participation in health care programs on the same basis as all other employees or participation in medicare supplemental programs as may be developed by the board. These health care benefit plans shall provide coverage for all officials and employees and their dependents without premium or subscription cost to the individual employees and officials(~~(-PROVIDED, That the employer contribution per employee for panel medicine plans shall not exceed the employer contribution provided for in the contract entered into with the regularly constituted insurance carrier or health care service contractor)~~), unless the board approves a panel medicine plan at a subscription rate in excess of the premium of the regularly constituted insurance carrier or health care service contractor, in which circumstances an employee contribution may be authorized at an amount equal to such excess. Rates for self pay segments of state employee groups will be developed from the experience of the entire group. Such self pay rates will be established based on a separate rate for the employee, the spouse, and children.

Sec. 2. Section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the state employees' insurance board established under the provisions of RCW 41.05.020.

(2) "Employee" shall include all full time and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full time members of boards, commissions, or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the board; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan, and also includes a health maintenance organization holding a valid certificate of registration under chapter 48.46 RCW.

(4) "Trustee" shall mean the director of personnel.

NEW SECTION. Sec. 3. There is added to chapter 41.05 RCW a new section to read as follows:

When a dependent becomes ineligible under the state plan and wishes to continue coverage on an individual basis with the same provider under the state plan, such dependent shall be entitled to immediately transfer and shall not be required to undergo any waiting period before obtaining individual coverage.

NEW SECTION. Sec. 4. Section 1, chapter 190, Laws of 1977 ex. sess. and RCW 41.05.020 are each repealed.

Passed the House March 8, 1979.

Passed the Senate March 1, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 126

[House Bill No. 149]

COUNTY LAW LIBRARIES—FILING FEE COLLECTION

AN ACT Relating to law libraries; amending section 1, chapter 249, Laws of 1953 as last amended by section 3, chapter 141, Laws of 1971 ex. sess. and RCW 27.24.070; and declaring an emergency.

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

Section 1. Section 1, chapter 249, Laws of 1953 as last amended by section 3, chapter 141, Laws of 1971 ex. sess. and RCW 27.24.070 are each amended to read as follows:

In each county pursuant to this chapter, the clerk of the superior court shall pay from each fee collected for the filing in his office of every new probate or civil matter, including appeals, (~~((abstracts or transcripts of judgments,))~~) the sum of (~~((three))~~) seven dollars for the support of the law library in that county or the regional law library to which the county belongs, which shall be paid to the county treasurer to be credited to the county or regional law library fund: PROVIDED, That upon a showing of need the (~~((three))~~) seven dollar fee may be increased up to (~~((five))~~) nine dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies. There shall be paid from the filing fee paid by each person instituting an action, when the first paper is filed, to each justice of the peace in every civil action commenced in such court where the demand or value of the property in controversy is (~~((one))~~) three hundred dollars or more, in addition to the other fees required by law the sum of (~~((one))~~) three dollars (~~((and fifty cents))~~) as fees for the support of the law library in that county or for the regional law library which are to be taxed as part of costs in each case.

The justice of the peace shall pay such fees so collected to the county treasurer to be credited to the county or regional law library fund.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 8, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 127

[Substitute House Bill No. 480]

ANTIDISCRIMINATION PROTECTION—SENSORY, MENTAL, OR PHYSICAL HANDICAP

AN ACT Relating to discrimination; amending section 4, chapter 115, Laws of 1969 and RCW 48.44.220; amending section 2, chapter 183, Laws of 1949 as last amended by section 1, chapter 192, Laws of 1977 ex. sess. and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 as last amended by section 4, chapter 141, Laws of 1973 and RCW 49.60.040; amending section 1, chapter 68, Laws of 1959 as last amended by section 14, chapter 301, Laws of 1977 ex. sess. and RCW 49.60.175; amending section 5, chapter 141, Laws of 1973 and RCW 49.60.176; amending section 6, chapter 141, Laws of 1973 as amended by section 2, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.178; amending section 14, chapter 37, Laws of 1957 and RCW 49.60.215; amending section 4, chapter 167, Laws of 1969 ex. sess. as last amended by section 1, chapter 145, Laws of

1975 1st ex. sess. and RCW 49.60.222; amending section 5, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.223; amending section 6, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.224; amending section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225; and making an appropriation.

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

Section 1. Section 4, chapter 115, Laws of 1969 and RCW 48.44.220 are each amended to read as follows:

No health care service contractor shall deny coverage to any person solely on account of race, religion ((or)), national origin, or the presence of any sensory, mental, or physical handicap. Nothing in this section shall be construed as limiting a health care service contractor's authority to deny or otherwise limit coverage to a person when the person because of a medical condition does not meet the essential eligibility requirements established by the health care service contractor for purposes of determining coverage for any person.

Sec. 2. Section 2, chapter 183, Laws of 1949 as last amended by section 1, chapter 192, Laws of 1977 ex. sess. and RCW 49.60.030 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination;

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination;

(d) The right to engage in credit transactions without discrimination;

(e) The right to engage in insurance transactions without discrimination: PROVIDED ((HOWEVER)), That ((different insurance rates may be continued and/or applied on the basis of sex when bona fide statistical differences in risk or exposure are substantiated)) a practice which is not unlawful under RCW 48.30.300 or 48.44.220 does not constitute an unfair practice for the purposes of this subparagraph; and

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis

of race, color, creed, religion, sex, national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, to recover the actual damages sustained by him, or both, together with the cost of suit including a reasonable attorney's fees or any other remedy authorized by this chapter or the United States Civil Rights Act of 1964; and

(3) Notwithstanding any other provisions of this chapter, any act prohibited by this chapter related to sex discrimination or discriminatory boycotts or blacklists which is committed in the course of trade or commerce in the state of Washington as defined in the Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair practice within the meaning of RCW 19.86.020 and 19.86.030 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended.

Sec. 3. Section 3, chapter 183, Laws of 1949 as last amended by section 4, chapter 141, Laws of 1973 and RCW 49.60.040 are each amended to read as follows:

As used in this chapter:

"Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

"Employer" includes any person acting in the interest of an employer, directly(;) or indirectly, who ((has)) employs eight or more persons ((in his employ)), and does not include any religious or sectarian organization(;) not organized for private profit;

"Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

"Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

"Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

"National origin" includes "ancestry";

"Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations,

advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed ((or)), color, or with any sensory, mental, or physical handicap, or a blind or deaf person using a trained dog guide, to be treated as not welcome, accepted, desired, or solicited;

"Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing ((herein)) contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything ((herein)) contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

"Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"Real estate transaction" includes the sale, exchange, purchase, rental, or lease of real property.

"Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in ((the course of)) the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by

a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

Sec. 4. Section 1, chapter 68, Laws of 1959 as last amended by section 14, chapter 301, Laws of 1977 ex. sess. and RCW 49.60.175 are each amended to read as follows:

It shall be an unfair practice to use the sex, race, creed, color, national origin, ~~((or))~~ marital status, or the presence of any sensory, mental, or physical handicap of any person concerning an application for credit in any credit transaction to determine the credit worthiness of an applicant.

Sec. 5. Section 5, chapter 141, Laws of 1973 and RCW 49.60.176 are each amended to read as follows:

(1) It is an unfair practice for any person whether acting for himself or another in connection with any credit transaction because of race, creed, color, national origin, sex ~~((or))~~, marital status, or the presence of any sensory, mental, or physical handicap:

(a) To deny credit to any person;

(b) To increase the charges or fees for or collateral required to secure any credit extended to any person;

(c) To restrict the amount or use of credit extended or to impose different terms or conditions with respect to the credit extended to any person or any item or service related thereto;

(d) To attempt to do any of the unfair practices defined in this section.

(2) Nothing in this section shall prohibit any party to a credit transaction from considering the credit history of any individual applicant.

(3) Further, nothing in this section shall prohibit any party to a credit transaction from considering the application of the community property law to the individual case or from taking reasonable action thereon.

Sec. 6. Section 6, chapter 141, Laws of 1973 as amended by section 2, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.178 are each amended to read as follows:

It is an unfair practice for any person whether acting for himself or another in connection with an insurance transaction to cancel or fail or refuse to issue or renew insurance to any person because of sex, marital status, race, creed, color ~~((or))~~, national origin, or the presence of any sensory, mental, or physical handicap: PROVIDED, That a practice which is not unlawful under RCW 48.30.300 or 48.44.220 does not constitute an unfair practice for the purposes of this section. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060.

The fact that such unfair practice may also be a violation of chapter 48.30 or 48.44 RCW does not constitute a defense to an action brought under this section.

The insurance commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section.

Sec. 7. Section 14, chapter 37, Laws of 1957 and RCW 49.60.215 are each amended to read as follows:

It shall be an unfair practice for any person or his agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, ((σ)) national origin, the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a handicapped person except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.

Sec. 8. Section 4, chapter 167, Laws of 1969 ex. sess. as last amended by section 1, chapter 145, Laws of 1975 1st ex. sess. and RCW 49.60.222 are each amended to read as follows:

It is an unfair practice for any person, whether acting for himself or another, because of sex, marital status, race, creed, color ((σ)), national origin, the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person:

- (1) To refuse to engage in a real estate transaction with a person;
- (2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real estate transaction with a person;
- (5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;
- (6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an

intent to make a limitation, specification, or discrimination with respect thereto;

(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(8) To expel a person from occupancy of real property;

(9) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions; or

(10) To attempt to do any of the unfair practices defined in this section.

Notwithstanding any other provision of law, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the basis of marital or family status.

This section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a handicapped person except as otherwise required by law. Nothing in this section affects the rights and responsibilities of landlords and tenants pursuant to chapter 59-.18 RCW.

Sec. 9. Section 5, chapter 167, Laws of 1969 ex. sess. and RCW 49.60-.223 are each amended to read as follows:

It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color ((or)), national origin, or with any sensory, mental, or physical handicap.

Sec. 10. Section 6, chapter 167, Laws of 1969 ex. sess. and RCW 49-.60.224 are each amended to read as follows:

(1) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color ((or)), national origin, or with any sensory, mental, or physical handicap, and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, creed, color, ((or)) national origin, or the presence of any sensory, mental, or physical handicap is void.

(2) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

Sec. 11. Section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225 are each amended to read as follows:

When a determination has been made under RCW 49.60.250 that an unfair practice involving real property has been committed, the board or its successor may, in addition to other relief authorized by RCW 49.60.250, award the complainant up to one thousand dollars for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.226, as now or hereafter amended, to be free from discrimination in real property transactions because of sex, marital status, race, creed, color ((or)), national origin, or the presence of any sensory, mental, or physical handicap. Enforcement of the order and appeal therefrom by the complainant or respondent shall be made as provided in RCW 49.60.260 and 49.60.270.

NEW SECTION. Sec. 12. There is appropriated to the Human Rights Commission from the General Fund the sum of two hundred two thousand dollars or so much thereof as may be necessary to implement this act.

Passed the House March 8, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 128

[Substitute House Bill No. 92]

INDUSTRIAL INSURANCE COVERAGE—CORPORATE EXECUTIVE OFFICERS

AN ACT Relating to industrial insurance coverage; and amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 7, chapter 323, Laws of 1977 ex. sess. and RCW 51.12.020.

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

Section 1. Section 51.12.020, chapter 23, Laws of 1961 as last amended by section 7, chapter 323, Laws of 1977 ex. sess. and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer which does not exceed ten consecutive work days.

(3) A person whose work is casual and the employment is not in the course of the trade, business, or profession of his employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors and partners.

(6) Any employee, not regularly and continuously employed by the employer in agricultural labor, whose cash remuneration paid by or due from any one employer in that calendar year for agricultural labor is less than one hundred fifty dollars. Employees not regularly and continuously employed in agricultural labor by any one employer but who are employed in agricultural labor on a seasonal basis shall come under the coverage of this title only when their cash remuneration paid or due in that calendar year exceeds one hundred fifty dollars but only as of the occurrence of that event and only as to their work for that employer.

(7) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm.

(8) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67-.16 RCW.

(9) Any executive officer elected and empowered in accordance with the articles of incorporation or bylaws of a corporation who at all times during the period involved is also a director and shareholder of the corporation. Any officer who was considered by the department to be covered on and after June 30, 1977, shall continue to be covered until such time as the officer voluntarily elects to withdraw from coverage in the manner provided by RCW 51.12.110. However, any corporation may elect to cover such officers who are in fact employees of the corporation in the manner provided by RCW 51.12.110.

Passed the House February 22, 1979.

Passed the Senate March 7, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 129

[House Bill No. 30]

FELONY CASES—COSTS BILLS—ALLOWANCE BY ADMINISTRATOR OF THE COURTS

AN ACT Relating to criminal cost bills in felony cases; amending section 2106, Code of 1881 as amended by section 1, page 35, Laws of 1883 and RCW 10.46.220; amending section 316, page 250, Laws of 1873 as last amended by section 1, page 35, Laws of 1883 and RCW 10.46.230.

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

Section 1. Section 2106, Code of 1881 as amended by section 1, page 35, Laws of 1883 and RCW 10.46.220 are each amended to read as follows:

In all convictions for felony, whether capital or punishable by imprisonment in the penitentiary, the clerk of the superior court shall forthwith, after sentence, tax the costs in the case. The cost bill shall be made out in triplicate, and be examined by the prosecuting attorney of the county in which the trial was had. After which the judge of the superior court shall allow and approve such bill or so much thereof, as is allowable by law. The clerk of the superior court shall thereupon, under his hand, and under the seal of the court, certify said triplicate cost bills, and shall file one with the papers of cause, and shall transmit one to the ~~((state auditor))~~ administrator for the courts and one to the county auditor of the county in which said felony was committed.

Sec. 2. Section 316, page 250, Laws of 1873 as last amended by section 1, page 35, Laws of 1883 and RCW 10.46.230 are each amended to read as follows:

Upon the receipt of the cost bill, as provided for in the preceding section, the county auditor shall draw warrants for the amounts due each person, as certified in said cost bill, which warrants shall be paid as other county warrants are paid. On receipt of the certified copy of said cost bill, the ~~((state auditor))~~ administrator for the courts shall examine and audit said bill and allow the ~~((same or so much thereof as may be allowable against the state, and shall credit the amount so allowed to the county from whence the bill came as so much state tax paid. The state auditor shall immediately notify the state treasurer and county auditor, each of whom shall credit and charge accordingly))~~ payment by the state of statutorily required witness fees in cases where conviction of a felony is obtained and the defendant is sentenced to pay a fine or is given a prison sentence even if the sentence is deferred or suspended. Payment shall be allowed by the administrator for the courts in such cases even when the conviction is subsequently reversed or if a new trial is granted.

Passed the House February 16, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 130

[House Bill No. 795]

CHARITABLE GIFT ANNUITIES—STATE UNIVERSITIES AND COLLEGE— EXEMPT INSURERS AND INSTITUTIONS

AN ACT Relating to charitable gift annuities; amending section .23.01, chapter 79, Laws of 1947 and RCW 48.23.010; amending section 60, chapter 282, Laws of 1959 as last

amended by section 1, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.005; amending section 1, chapter ... (HB 342), Laws of 1979 and RCW 21.20.310; amending section 3, chapter 199, Laws of 1967 as last amended by section 3, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.325; adding a new chapter to Title 48 RCW; and adding new sections to chapter 28B.10 RCW.

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

NEW SECTION. Section 1. There is added to chapter 28B.10 RCW a new section to read as follows:

The boards of the state universities, regional universities, and the state college are authorized to issue charitable gift annuities paying a fixed dollar amount to individual annuitants for their lifetimes in exchange for the gift of assets to the respective institution in a single transaction. The boards shall invest one hundred percent of the charitable gift annuity assets in a reserve for the lifetimes of the respective annuitants to meet liabilities that result from the gift program.

Sec. 2. Section .23.01, chapter 79, Laws of 1947 and RCW 48.23.010 are each amended to read as follows:

The provisions of this chapter apply to contracts of life insurance and annuities other than group life insurance, group annuities, and, except for RCW 48.23.260, 48.23.270, 48.23.340, and 48.23.350, other than industrial life insurance: PROVIDED, That the provisions of Title 48 RCW shall not apply to charitable gift annuities issued by a board of a state university, regional university, or a state college, nor to the issuance thereof.

Sec. 3. Section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.005 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of (~~((motor vehicles))~~) licensing of this state.

(2) "Salesman" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesman" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310(1), (2), (3), (4), (9), (10), (~~((or))~~) (11), (12), or (13), as now or hereafter amended, (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.

(3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (a) a salesman, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state exclusively with

or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(5) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310(1), (f) a person who has no place of business in this state if (i) his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (g) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after June 10, 1959.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; 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; charitable gift annuity; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(14) "Investment adviser salesman" means a person retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients.

(15) "Relatives", as used in RCW 21.20.310(11) as now or hereafter amended, shall include:

- (a) A member's spouse;
- (b) Grandparents of the member or the member's spouse;
- (c) Natural or adopted children of the member or the member's spouse;
- (d) Aunts and uncles of the member or the member's spouse; and
- (e) First cousins of the member or the member's spouse.

Sec. 4. Section 1, chapter ... (HB 342), Laws of 1979 and RCW 21.20-.310 are each amended to read as follows:

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

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing; but this exemption shall not include any security payable solely from revenues to be received from a nongovernmental industrial or commercial enterprise unless such payments shall be made or unconditionally guaranteed by a person whose securities are exempt from registration by subsections (7) or (8) of this section.

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

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

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

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

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

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

(8) Any security listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing. The director shall have power at any time by written order to withdraw the exemption so granted as to any particular security.

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

(10) Any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the director is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on June 10, 1959, within sixty days thereafter (or within thirty days before they are reopened if they are closed on June 10, 1959).

(11) Any security issued by any person organized and operated as a nonprofit organization as defined in RCW 84.36.800(4) exclusively for religious, educational, and charitable purposes and which nonprofit organization also possesses a current tax exempt status under the laws of the United States, which security is offered or sold only to persons who, prior to their

solicitation for the purchase of said securities, were members of, contributors to, or listed as participants in, the organization, or their relatives, if such nonprofit organization first files a notice specifying the terms of the offering and the director does not by order disallow the exemption within the next ten full business days: PROVIDED, That no offerings shall be made until expiration of the ten full business days. Every such nonprofit organization which files a notice of exemption of such securities shall pay a filing fee as set forth in RCW 21.20.340(12) as now or hereafter amended.

The notice shall consist of the following:

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

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

(13) Any charitable gift annuity issued by an insurer or institution holding a certificate of exemption under section 6 of this 1979 act.

NEW SECTION. Sec. 5. There is added to chapter 28B.10 RCW a new section to read as follows:

The obligation to make annuity payments to individuals under charitable gift annuity agreements issued by the board of a state university, regional university, or of the state college pursuant to section 1 of this act shall be secured by and limited to the assets given in exchange for the annuity and reserves established by the board. Such agreements shall not constitute:

- (1) An obligation, either general or special, of the state; or
- (2) A general obligation of a state university, regional university, or of the state college or of the board.

NEW SECTION. Sec. 6. The commissioner may grant a certificate of exemption to any insurer or educational, religious, charitable, or scientific institution conducting a charitable gift annuity business:

(1) Which is organized and operated exclusively as, or for the purpose of aiding, an educational, religious, charitable, or scientific institution which is organized as a nonprofit organization without profit to any person, firm, partnership, association, corporation, or other entity;

(2) Which possesses a current tax exempt status under the laws of the United States;

(3) Which serves such purpose by issuing charitable gift annuity contracts only for the benefit of such educational, religious, charitable, or scientific institution;

(4) Which appoints the insurance commissioner as its true and lawful attorney upon whom may be served lawful process in any action, suit, or proceeding in any court, which appointment shall be irrevocable, shall bind the insurer or institution or any successor in interest, shall remain in effect as long as there is in force in this state any contract made or issued by the insurer or institution, or any obligation arising therefrom, and shall be processed in accordance with RCW 48.05.210;

(5) Which is fully and legally organized and qualified to do business and has been actively doing business under the laws of the state of its domicile for a period of at least three years prior to its application for a certificate of exemption;

(6) Which files with the insurance commissioner its application for a certificate of exemption showing:

(a) Its name, location, and organization date;

(b) The kinds of charitable annuities it proposes to offer;

(c) A statement of the financial condition, management, and affairs of the organization and any affiliate thereof, as that term is defined in RCW 48.31A.010, on a form satisfactory to, or furnished by the insurance commissioner;

(d) Such other documents, stipulations, or information as the insurance commissioner may reasonably require to evidence compliance with the provisions of this chapter;

(7) Which subjects itself and any affiliate thereof, as that term is defined in RCW 48.31A.010, to periodic examinations as may be deemed necessary by the insurance commissioner;

(8) Which files with the insurance commissioner for the commissioner's advance approval a copy of any policy or contract form to be offered or issued to residents of this state. The grounds for disapproval of the policy or contract form shall be those set forth in RCW 48.18.110; and

(9) Which:

(a) Files with the insurance commissioner on or before March 1 of each year a copy of its annual statement prepared pursuant to the laws of its state of domicile, as well as such other financial material as may be requested, including the annual statement or other such financial materials as may be requested relating to any affiliate, as that term is defined in RCW 48.31A.010; and

(b) Coincident with the filing of its annual statement, pays an annual filing fee of twenty-five dollars plus five dollars for each charitable gift annuity contract written for residents of this state during the previous calendar year; and

(c) Which includes on or attaches to the first page of the annual statement the statement of a qualified actuary setting forth the actuary's opinion relating to annuity reserves and other actuarial items. "Qualified actuary" as used in this subsection means a member in good standing of the American academy of actuaries or a person who has otherwise demonstrated actuarial competence to the satisfaction of the insurance regulatory official of the domiciliary state.

NEW SECTION. Sec. 7. (1) Upon granting to such insurer or institution under section 6 of this act a certificate of exemption to conduct a charitable gift annuity business, the insurance commissioner shall require it to establish and maintain a reserve fund adequate to meet the future payments under its charitable gift annuity contracts and, in any event, the reserve fund shall not be less than an amount computed in accordance with the standard of valuation based on the 1971 individual annuity mortality table, or any modification of this table approved by the insurance commissioner, with six percent interest for single premium immediate annuity contracts and four percent interest for all other individual annuity contracts.

(2) For any failure on its part to establish and maintain the reserve fund, the insurance commissioner shall revoke its certificate of exemption.

NEW SECTION. Sec. 8. Each charitable annuity contract or policy form shall include the following information:

(1) The value of the property to be transferred;

(2) The amount of the annuity to be paid to the transferor or the transferor's nominee;

(3) The manner in which and the intervals at which payment is to be made;

(4) The age of the person during whose life payment is to be made; and

(5) The reasonable value as of the date of the agreement of the benefits thereby created. This value shall not exceed by more than fifteen percent the net single premium for the benefits, determined in accordance with the standard of valuation set forth in section 7(1) of this act.

NEW SECTION. Sec. 9. An insurer or institution holding a certificate of exemption under this chapter shall be exempt from all other provisions of this title except as specifically enumerated in this chapter by reference.

NEW SECTION. Sec. 10. The insurance commissioner may refuse to grant, or may revoke or suspend, a certificate of exemption if the insurance commissioner finds that the insurer or institution does not meet the requirements of this chapter or if the insurance commissioner finds that the insurer or institution has violated RCW 48.01.030 or any provisions of chapter 48-.30 RCW.

NEW SECTION. Sec. 11. For purposes of this chapter, the provisions of chapter 48.04 RCW are applicable.

NEW SECTION. Sec. 12. For the purposes of this chapter, the insurance commissioner has the same powers and duties of enforcement as are provided in RCW 48.02.080.

NEW SECTION. Sec. 13. Sections 6 through 12 of this act shall constitute a new chapter in Title 48 RCW.

Sec. 14. Section 3, chapter 199, Laws of 1967 as last amended by section 3, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.325 are each amended to read as follows:

The director or administrator may by order deny, revoke, or condition any exemption specified in subsections (10) ~~((or))~~, (11), (12) or (13) of RCW 21.20.310 or in RCW 21.20.320, as now or hereafter amended, with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the director or administrator may by order summarily deny, revoke, or condition any of the specified exemptions pending final determination of any proceeding under this section. Upon the entry of a summary order, the director or administrator shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director or administrator, the order will remain in effect until it is modified or vacated by the director or administrator. If a hearing is requested or ordered, the director or administrator, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this section may operate retroactively. No person may be considered to have violated RCW 21.20.140 as now or hereafter amended by reason of any offer or sale effected after the entry of an order under this section if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the order.

NEW SECTION. Sec. 15. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the

act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 131

[Substitute House Bill No. 749]

SPOKANE RIVER TOLL BRIDGES

AN ACT Relating to highways; amending section 47.56.220, chapter 13, Laws of 1961 and RCW 47.56.220; adding new sections to chapter 47.56 RCW; repealing section 1, chapter 117, Laws of 1969 ex. sess. and RCW 47.56.710; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. In order to permit the construction of a new state highway bridge across the Spokane river in the vicinity of Trent Avenue in Spokane, the department of transportation acting through the transportation commission is authorized to enter into a contract or contracts with the Washington public employees' retirement system and the Washington state teachers' retirement system, each retirement system acting through the department of retirement systems, pursuant to which the state may issue refunding bonds to be exchanged for all outstanding Spokane river toll bridge revenue bonds held by the retirement systems in return for the agreement by the retirement systems to permit the construction of a new state highway bridge, to be known and designated as the James E. Keefe bridge, across the Spokane river in the vicinity of Trent Avenue in Spokane. If the department of transportation and those retirement systems enter into such contract or contracts, the state finance committee is authorized to issue refunding bonds in accordance with sections 1 through 6 of this 1979 act to carry out the terms of such contract or contracts.

NEW SECTION. Sec. 2. (1) The refunding bonds authorized by section 1 of this 1979 act shall be general obligation bonds of the state of Washington and shall be issued in a total principal amount of not to exceed five million six hundred thousand dollars. The exact amount of the refunding bonds to be issued shall be determined by the state finance committee after calculating the amount of money deposited in the Spokane river bridge revenue bond fund which can be used to redeem outstanding series A Spokane river toll bridge revenue bonds after the setting aside of sufficient money from that fund to pay the first interest installment on the refunding bonds. The refunding bonds shall be serial in form maturing at such time, in such amounts, having such denomination or denominations, redemption

privileges, and having such terms and conditions as determined by the state finance committee. The last maturity date of the refunding bonds shall not be later than 1996. Refunding bonds to be exchanged for the remaining outstanding series A Spokane river toll bridge revenue bonds shall bear interest at the rate of four and one-half percent per annum. Refunding bonds to be exchanged for the outstanding series B Spokane river toll bridge revenue bonds shall bear interest at the rate of five percent per annum.

(2) The refunding 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 the bonds shall be signed by the same officers, whose signatures thereon may be in printed facsimile. Any of these bonds may be registered in the name of the holder on presentation to the state treasurer of at the fiscal agency of the state of Washington in Seattle or New York City, as to principal alone, or as to both principal and interest, under regulations as the state treasurer may prescribe. The refunding bonds shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state, and shall contain an unconditional promise to pay the principal thereof and the interest thereon when due. The refunding bonds shall be fully negotiable instruments.

(3) The principal and interest on the refunding bonds shall be first payable in the manner provided in sections 1 through 6 of this 1979 act from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and from the tolls and revenues derived from the operation of the Spokane river toll bridge.

(4) There is established in the highway bond retirement fund in the state treasury a special account to be known as the Spokane river toll bridge account into which shall be deposited at least monthly all of the tolls and other revenues received from the operation of the toll bridge and from any interest which may be earned from the deposit or investment of these revenues after the payment of costs of operation, maintenance, management, and necessary repairs of the facility. The principal of and interest on the refunding bonds shall be paid first from money deposited in the Spokane river toll bridge account in the highway bond retirement fund, and then, to the extent that money deposited in that account is insufficient to make any such payment when due, from the state excise taxes on motor vehicle and special fuels deposited in the highway bond retirement fund. There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36, 82.37, and 82.38 RCW to pay the refunding bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the refunding bonds to the money deposited in the Spokane river toll bridge account is insufficient to make such payments. Not less than fifteen days prior

to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional moneys as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the highway bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the state. If the proceeds from the excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the refunding bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.100 as now existing or hereafter amended. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first moneys distributed to the state not required for redemption of the refunding bonds or interest thereon. The legislature covenants that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the refunding bonds.

(5) The department of transportation shall fix and maintain the tolls and charges in the manner provided by RCW 47.56.240 so that when collected they will produce revenues sufficient to pay all expenses of operating, maintaining, managing, and repairing the toll bridge including all insurance costs and the amounts required to pay the principal and interest on the refunding bonds when due and to satisfy the other obligations set forth in sections 1 through 6 of this 1979 act and RCW 47.56.220 as now or hereafter amended. The principal of and interest on the refunding bonds shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon received from the use and operation of the Spokane river toll bridge, after the payment of all expenses of operating, maintaining, managing, and repairing the toll bridge, and such tolls and revenues together with interest earned thereon, and all other money deposited in the Spokane river toll bridge account in the highway bond redemption fund, shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

(6) The state finance committee may on behalf of the state make such covenants in connection with the refunding bond proceedings or otherwise to assure the maintenance of the tolls and charges on the Spokane river toll bridge, the proper application thereof, the proper operation, maintenance, management, and repair of the bridge to provide for and secure the timely

payment of the refunding bonds. Such covenants shall be binding on the department of transportation and transportation commission.

NEW SECTION. Sec. 3. Upon the issuance of refunding bond as authorized by section 1 of this 1979 act, the department of transportation may liquidate the existing bond fund and revenue fund established in the proceedings which authorized the issuance of the existing Spokane river toll bridge revenue bonds and apply the moneys contained in those funds to the redemption of outstanding Spokane river toll bridge revenue bonds, except that prior to such bond redemption, money sufficient to pay the first interest installment on the refunding bonds and any remaining money in such funds which cannot be used for such bond redemption shall be deposited in the Spokane river toll bridge account in the highway bond redemption fund. Any moneys in the existing change fund and operation and maintenance fund shall be transferred to corresponding funds established by the department of transportation and described in the proceedings authorizing the refunding bonds.

NEW SECTION. Sec. 4. If the department of transportation enters into the agreement with the Washington public employees' retirement system and the Washington state teachers' retirement system as authorized by section 1 of this 1979 act, and thereafter refunding bonds are issued and exchanged for the existing Spokane river toll bridge revenue bonds pursuant to the agreement, the prohibition against the construction of other bridges within ten miles of an existing toll bridge as contained in RCW 47.56.220 as now or hereafter amended shall not apply to the Spokane river toll bridge.

NEW SECTION. Sec. 5. Any money previously appropriated from the motor vehicle fund and expended on account of deficiencies in toll revenues to pay essential debt service on the existing Spokane river toll bridge revenue bonds, any money appropriated from the motor vehicle fund by section 10 of this 1979 act and expended to pay the expenses of issuing the refunding bonds authorized by section 1 of this 1979 act, and any money in the motor vehicle fund subsequently used to pay principal and interest on the refunding bonds authorized by section 1 of this 1979 act shall be repaid to the motor vehicle fund for use by the department of transportation, and tolls on the Spokane river bridge shall be continued for any required additional length of time for this purpose.

NEW SECTION. Sec. 6. Except as otherwise provided by statute, the refunding bonds issued under authority of section 1 of this 1979 act, the bonds authorized by RCW 47.60.560 through 47.60.640, the bonds authorized by chapter 5, Laws of 1979, and any general obligation bonds of the state of Washington which may be authorized by the forty-sixth legislature or thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal thereof and interest thereon shall be an equal

charge and lien against the revenues from such motor vehicle and special fuel excise taxes.

NEW SECTION. Sec. 7. Sections 1 through 6 of this 1979 act shall be added to chapter 47.56 RCW.

Sec. 8. Section 47.56.220, chapter 13, Laws of 1961 and RCW 47.56-.220 are each amended to read as follows:

Except as otherwise provided in RCW 47.56.291 and section 4 of this 1979 act, as long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed, or maintained any other bridge or other crossing over, under, through, or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such revenue bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: PROVIDED, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such revenue bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the ((Washington toll bridge authority)) department of transportation, the state of Washington, and all of its departments, agencies, or instrumentalities as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

NEW SECTION. Sec. 9. Section 1, chapter 117, Laws of 1969 ex. sess. and RCW 47.56.710 are each hereby repealed.

NEW SECTION. Sec. 10. There is hereby appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1981, the sum of fifteen thousand dollars, or so much thereof as

may be necessary, to pay expenses of issuing the refunding bonds authorized by this 1979 act.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 8, 1979.

Passed the Senate March 7, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 132

[House Bill No. 677]

COUNTY SHERIFF AND DEPUTIES—CLOTHING AND INCIDENTALS ALLOWANCE

AN ACT Relating to local government law enforcement officers; and amending section 2, chapter 50, Laws of 1963 and RCW 36.28.180.

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

Section 1. Section 2, chapter 50, Laws of 1963 and RCW 36.28.180 are each amended to read as follows:

A county may from available funds provide for ~~((a uniform))~~ an allowance for clothing and other incidentals necessary to the performance of official duties for the sheriff and his deputies.

Passed the House February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 133

[Substitute House Bill No. 109]

INSURANCE AND HEALTH CARE CONTRACTS—NOTICE OF REASON FOR CANCELLATION

AN ACT Relating to insurance; adding new sections to chapter 48.30 RCW; and adding new sections to chapter 48.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 48.30 RCW a new section to read as follows:

Every authorized insurer, upon canceling, denying, or refusing to renew any individual life, individual disability, homeowner, dwelling fire, or private passenger automobile insurance policy, shall, upon written request, directly notify in writing the applicant or insured, as the case may be, of the reasons for the action by the insurer. Any benefits, terms, rates, or conditions of such an insurance contract which are restricted, excluded, modified, increased, or reduced because of the presence of a sensory, mental, or physical handicap shall, upon written request, be set forth in writing and supplied to the insured. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

NEW SECTION. Sec. 2. There is added to chapter 48.30 RCW a new section to read as follows:

With respect to contracts of insurance as defined in section 1 of this act, there shall be no liability on the part of, and no cause of action of any nature shall arise against, the insurance commissioner, the commissioner's agents, or members of the commissioner's staff, or against any insurer, its authorized representative, its agents, its employees, furnishing to the insurer information as to reasons for cancellation or refusal to issue or renew, for libel or slander on the basis of any statement made by any of them in any written notice of cancellation or refusal to issue or renew, or in any other communications, oral or written, specifying the reasons for cancellation or refusal to issue or renew or the providing of information pertaining thereto, or for statements made or evidence submitted in any hearing conducted in connection therewith.

NEW SECTION. Sec. 3. There is added to chapter 48.44 RCW a new section to read as follows:

Every authorized health care service contractor, upon canceling, denying, or refusing to renew any individual health care service contract, shall, upon written request, directly notify in writing the applicant or insured, as the case may be, of the reasons for the action by the health care service contractor. Any benefits, terms, rates, or conditions of such a contract which are restricted, excluded, modified, increased, or reduced because of the presence of a sensory, mental, or physical handicap shall, upon written request, be set forth in writing and supplied to the insured. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

NEW SECTION. Sec. 4. There is added to chapter 48.44 RCW a new section to read as follows:

With respect to health care service contracts as defined in section 3 of this act, there shall be no liability on the part of, and no cause of action of

any nature shall arise against, the insurance commissioner, the commissioner's agents, or members of the commissioner's staff, or against any health care service contractor, its authorized representative, its agents, its employees, furnishing to the health care service contractor information as to reasons for cancellation or refusal to issue or renew, for libel or slander on the basis of any statement made by any of them in any written notice of cancellation or refusal to issue or renew, or in any other communications, oral or written, specifying the reasons for cancellation or refusal to issue or renew or the providing of information pertaining thereto, or for statements made or evidence submitted in any hearing conducted in connection therewith.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 134

[House Bill No. 141]

MOTOR VEHICLES—TONNAGE LICENSE FEES—PROPORTIONAL REGISTRATION

AN ACT Relating to motor vehicle licensing; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.135; amending section 14, chapter 106, Laws of 1963 and RCW 46.85.140; amending section 6, chapter 51, Laws of 1971 and RCW 46.85.145; repealing section 46.16.137, chapter 12, Laws of 1961, section 17, chapter 32, Laws of 1967, section 1, chapter 172, Laws of 1974 ex. sess., section 7, chapter 118, Laws of 1975 1st ex. sess., section 4, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.137; and repealing section 46.16.138, chapter 12, Laws of 1961 and RCW 46.16.138.

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

Section 1. Section 46.16.135, chapter 12, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.135 are each amended to read as follows:

Tonnage for ~~((motor trucks, trailers, tractors, pole trailers, or semitrailers))~~ any vehicle or combination of vehicles having a declared gross weight ~~((in excess of twenty))~~ of twelve thousand pounds or more may be purchased for any full registration ~~((quarter at one-fourth))~~ month or months at one-twelfth of the usual annual tonnage fee ~~((: PROVIDED, That the fee for the registration quarter in which the vehicle is licensed shall be reduced by one-twelfth of the usual tonnage fee for each full registration month of the registration quarter that shall have elapsed at the time the vehicle is licensed))~~ multiplied by the number of full months for which tonnage is purchased. An additional fee of ~~((one))~~ two dollars shall be charged by the

director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

~~((No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator renews the quarterly tonnage license prior to the expiration of the existing tonnage license.))~~ Any person who operates ~~((any such))~~ a vehicle licensed under the provisions of this section upon the public highways after the expiration of the ~~((existing))~~ monthly tonnage license, ~~((shall be))~~ is guilty of a misdemeanor, and in addition shall be required to purchase a tonnage license for the vehicle involved at the fee covering an entire registration year's operation thereof, less the fees for any registration ~~((quarter or registration quarters))~~ month or months of the registration year already paid. If, within five days ~~((thereafter))~~, no tonnage license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Section 2. Section 14, chapter 106, Laws of 1963 and RCW 46.85.140 are each amended to read as follows:

The right to the privilege and benefits of proportional registration of fleet vehicles extended by this chapter, or by any contract, agreement, arrangement or declaration made under the authority of this chapter, shall be subject to the condition that each fleet vehicle proportionally registered under the authority of this chapter also shall be fully or proportionally ~~((or otherwise properly))~~ registered in at least one other jurisdiction during the period for which it is proportionally registered in this state.

Sec. 3. Section 6, chapter 51, Laws of 1971 and RCW 46.85.145 are each amended to read as follows:

If it is determined that any Washington based carrier has not fully or proportionally registered a vehicle or vehicles in another jurisdiction or jurisdictions which are members of the Uniform Compact Agreement after indicating his intent to do so in his application to the state, ~~((and has failed to pay other fees in lieu thereof.))~~ the mileage traveled in such jurisdiction or jurisdictions shall be added to Washington in-state miles for computation of the Washington travel percentage.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 46.16.137, chapter 12, Laws of 1961, section 17, chapter 32, Laws of 1967, section 1, chapter 172, Laws of 1974 ex. sess., section 7, chapter 118, Laws of 1975 1st ex. sess., section 4, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.137; and

(2) Section 46.16.138, chapter 12, Laws of 1961 and RCW 46.16.138.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 135

[Substitute House Bill No. 175]

COMMERCIAL SALMON VESSEL LIMITATION PROGRAM—EXTENSION— LICENSE—TRANSFER—LANDING REQUIREMENT WAIVER

AN ACT Relating to salmon resources; amending section 2, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.455; and repealing section 12, chapter 184, Laws of 1974 ex. sess. and section 8, chapter 106, Laws of 1977 ex. sess. (uncodified).

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

Section 1. Section 2, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.455 are each amended to read as follows:

On and after May 6, 1974, the department of fisheries of the state of Washington shall initiate a program to limit the number of commercial salmon vessels for each type of fishing gear and area (~~(by issuing licenses and vessel delivery permits to fish for salmon only to those vessels holding such licenses or permits in any year between January 1, 1970 and May 6, 1974. PROVIDED, That only those vessels which held commercial gear fishing licenses or vessel delivery permits valid for salmon during such period and can prove by means of a valid fish receiving document that salmon were caught and landed during such period shall be entitled to a valid commercial fishing license or vessel delivery permit to fish for or possess salmon for the same type of gear and area for each year of a period extending from January 1, 1975 through December 31, 1980. PROVIDED FURTHER, That)~~).

(1) Except for vessels coming under the provisions of RCW 75.28.460, no commercial salmon fishing license or vessel delivery permit shall be issued to a vessel (~~(for calendar years 1979 and 1980)~~) unless that vessel ~~((+))~~ (a) was issued or had transferred to it a valid Washington state commercial salmon fishing license or vessel delivery permit during the previous calendar year, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought; ~~((and (2)))~~ (b) has not subsequently transferred the license or permit to another vessel; and (c) can prove by means of a valid fish receiving document that food fish were caught and landed by such vessel in this state or in another state during the previous calendar year, or during

the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought(~~(-PROVIDED, HOWEVER, That)~~).

(2) The director may waive the landing requirement of subsection (1)(c) of this section if (a) the vessel to which an otherwise valid license is transferred has not had the opportunity to have caught and landed salmon and (b) the intent of the commercial salmon vessel limitation program established under this section is not violated.

Nothing ((herein)) in this section shall be construed to be contrary to the provisions of Title 75 RCW or any regulation promulgated thereunder.

All such licenses or vessel delivery permits shall be transferable.

NEW SECTION. Sec. 2. Section 12, chapter 184, Laws of 1974 ex. sess. and section 8, chapter 106, Laws of 1977 ex. sess. (uncodified) are each repealed.

Passed the House February 19, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 136

[Substitute House Bill No. 259]

CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH ACT

AN ACT Relating to health; providing for the limited use of controlled substances for therapeutic research purposes; creating a new chapter in Title 69 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. Sections 1 through 8 of this act may be cited as the Controlled Substances Therapeutic Research Act.

NEW SECTION. Sec. 2. The legislature finds that recent research has shown that the use of marijuana may alleviate the nausea and ill effects of cancer chemotherapy and radiology, and, additionally, may alleviate the ill effects of glaucoma. The legislature further finds that there is a need for further research and experimentation regarding the use of marijuana under strictly controlled circumstances. It is for this purpose that the Controlled Substances Therapeutic Research Act is hereby enacted.

NEW SECTION. Sec. 3. As used in this chapter:

(1) "Board" means the state board of pharmacy;

(2) "Marijuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin; and

(3) "Practitioner" means a physician licensed pursuant to chapter 18.71 or 18.57 RCW.

NEW SECTION. Sec. 4. (1) There is established in the board the controlled substances therapeutic research program. The program shall be administered by the board. The board shall promulgate rules necessary for the proper administration of the Controlled Substances Therapeutic Research Act. In such promulgation, the board shall take into consideration those pertinent rules promulgated by the United States drug enforcement agency, the food and drug administration, and the national institute on drug abuse.

(2) Except as provided in section 5(4) of this 1979 act, the controlled substances therapeutic research program shall be limited to cancer chemotherapy and radiology patients and glaucoma patients, who are certified to the patient qualification review committee by a practitioner as being involved in a life-threatening or sense-threatening situation: PROVIDED, That no patient may be admitted to the controlled substances therapeutic research program without full disclosure by the practitioner of the experimental nature of this program and of the possible risks and side effects of the proposed treatment in accordance with the informed consent provisions of chapter 7.70 RCW.

(3) The board shall provide by rule for a program of registration of bona fide controlled substance therapeutic research projects.

NEW SECTION. Sec. 5. (1) The board shall appoint a patient qualification review committee to serve at its pleasure. The patient qualification review committee shall be comprised of:

(a) A physician licensed to practice medicine in Washington state and specializing in the practice of ophthalmology;

(b) A physician licensed to practice medicine in Washington state and specializing in the subspecialty of medical oncology;

(c) A physician licensed to practice medicine in Washington state and specializing in the practice of psychiatry; and

(d) A physician licensed to practice medicine in Washington state and specializing in the practice of radiology.

Members of the committee shall be compensated at the rate of fifty dollars per day for each day spent in the performance of their official duties, and shall receive reimbursement for their travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) The patient qualification review committee shall review all applicants for the controlled substance therapeutic research program and their licensed practitioners and certify their participation in the program.

(3) The patient qualification review committee and the board shall insure that the privacy of individuals who participate in the controlled substance therapeutic research program is protected by withholding from all persons not connected with the conduct of the research the names and other identifying characteristics of such individuals. Persons authorized to engage

in research under the controlled substance therapeutic research program may not be compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was granted, except to the extent necessary to permit the board to determine whether the research is being conducted in accordance with the authorization.

(4) The patient qualification review committee may include other disease groups for participation in the controlled substances therapeutic research program after pertinent medical data have been presented by a practitioner to both the committee and the board, and after approval for such participation has been granted pursuant to pertinent rules promulgated by the United States drug enforcement agency, the food and drug administration, and the national institute on drug abuse.

NEW SECTION. Sec. 6. (1) The board shall obtain marijuana through whatever means it deems most appropriate and consistent with regulations promulgated by the United States food and drug administration, the drug enforcement agency, and the national institute on drug abuse, and pursuant to the provisions of this chapter.

(2) The board may use marijuana which has been confiscated by local or state law enforcement agencies and has been determined to be free from contamination.

(3) The board shall distribute the analyzed marijuana to approved practitioners and/or institutions in accordance with rules promulgated by the board.

NEW SECTION. Sec. 7. The board, in conjunction with the patient qualification review committee, shall report its findings and recommendations to the governor and the forty-seventh legislature regarding the effectiveness of the controlled substances therapeutic research program.

NEW SECTION. Sec. 8. (1) The enumeration of tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols in RCW 69.50.204 as a Schedule I controlled substance does not apply to the use of cannabis, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols by certified patients pursuant to the provisions of this chapter.

(2) Cannabis, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols shall be considered Schedule II substances as enumerated in RCW 69.50.206 only for the purposes enumerated in this chapter.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 137

[House Bill No. 365]

SATELLITE BANKING FACILITIES—CREDIT UNIONS

AN ACT Relating to satellite facilities of certain financial institutions; amending section 1, chapter 166, Laws of 1974 ex. sess and RCW 30.43.010; amending section 3, chapter 166, Laws of 1974 ex. sess. and RCW 30.43.030; amending section 4, chapter 166, Laws of 1974 ex. sess. and RCW 30.43.040; amending section 5, chapter 166, Laws of 1974 ex. sess. and RCW 30.43.050; and creating a new section.

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

Section 1. Section 1, chapter 166, Laws of 1974 ex. sess and RCW 30.43.010 are each amended to read as follows:

As used in this chapter the term "financial institution" means any bank or trust company established in this state pursuant to Title 12, United States Code, chapter 2, or Title 30 RCW, any mutual savings bank established in this state pursuant to Title 32 RCW, ~~((and))~~ any savings and loan association established in this state pursuant to Title 12, United States Code, chapter 12, or Title 33 RCW, and any credit union established in this state pursuant to Title 12, United States Code, chapter 14 or chapters 31.12 and 31.13 RCW.

As used in this chapter, the term "supervisor" means, if applicable to banks, trust companies, or mutual savings banks, the supervisor of banking and, if applicable to savings and loan associations and credit unions, the supervisor of savings and loan associations, or the National Credit Union Administration in the case of federally chartered credit unions. As used in this chapter, the term "satellite facility" means an unmanned facility at which transactions, including, but not being limited to account transfers, payments, and instructions for deposits and withdrawals may be conducted and which is not a part of a branch or main office of the financial institution: PROVIDED, That such a facility shall not be construed to be the establishment of a branch: PROVIDED FURTHER, That in considering any application for authority to open a new branch or to establish a new financial institution, the supervisor shall disregard the existence of facilities established pursuant to this chapter in determining whether there is reasonable promise of adequate support for the new branch or proposed new financial institution.

Sec. 2. Section 3, chapter 166, Laws of 1974 ex. sess. and RCW 30.43-.030 are each amended to read as follows:

As a condition to the operation of or the use of any satellite facility in this state, a commercial bank which desires to operate or have its customers able to utilize a satellite facility must agree that such satellite facility will be available for use by customers of any other commercial bank or commercial banks upon the request of said bank or banks to share its use and the agreement of said bank or banks to share all costs in connection with its installation and operation. The owner of the satellite facility, whether a commercial bank or another person (but not a mutual savings bank or savings and loan association or credit union), shall make the satellite facility available for other commercial banks' use on a nondiscriminatory basis, conditioned upon payment of a reasonable proportion of all costs in connection with the satellite facility.

A commercial bank may share a facility with one or more mutual savings banks (~~(or with)~~), one or more savings and loan associations or one or more credit unions.

Sec. 3. Section 4, chapter 166, Laws of 1974 ex. sess. and RCW 30.43-.040 are each amended to read as follows:

Notwithstanding the provisions of RCW 30.43.030, any savings and loan association or (~~any~~) mutual savings bank or credit union may agree to share the use of any satellite facility it owns, operates, or uses or which is owned by any entity owned by one or more savings and loan associations or mutual savings banks or credit unions, with any one or more financial institutions, and sharing with one or more commercial banks shall not require sharing with, or making the facility available for use by the customers of, any other commercial bank.

Sec. 4. Section 5, chapter 166, Laws of 1974 ex. sess. and RCW 30.43-.050 are each amended to read as follows:

If, but for this chapter, any action by any one or more commercial banks, mutual savings banks, (~~or~~) savings and loan associations, or credit unions would be in violation of any of the laws of this state or the United States commonly referred to as the antitrust laws, then this chapter shall be construed so as to permit or require only such action as shall not be in violation of such laws.

NEW SECTION. Sec. 5. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 138

[House Bill No. 588]

INSURANCE—LIMITED LICENSES—SPECIAL PERSONAL PROPERTY LOSS,
REPAIR, SERVICE COVERAGE

AN ACT Relating to insurance; and amending section .17.19, chapter 79, Laws of 1947 as amended by section 21, chapter 150, Laws of 1967 and RCW 48.17.190.

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

Section 1. Section .17.19, chapter 79, Laws of 1947 as amended by section 21, chapter 150, Laws of 1967 and RCW 48.17.190 are each amended to read as follows:

The commissioner may issue limited licenses to the following:

(1) Persons selling transportation tickets of a common carrier of persons or property who shall act as such agents only as to transportation ticket policies of disability insurance or baggage insurance on personal effects.

(2) Compensated master policyholders of credit life and credit accident and health insurance, retail dealers compensated by any such master policyholders, or the authorized representative(s) of either.

(3) Persons selling special or unique policies of insurance covering goods sold or leased from a primary business or activity other than the transaction of insurance or covering collateral securing loans from a primary business or activity other than the transaction of insurance if, in the commissioner's discretion, such limited license would safeguard and promote the public interest.

Passed the House February 19, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 139

[House Bill No. 602]

INSURERS—COMMISSIONER'S EXAMINATION—INDEPENDENT
CERTIFIED PUBLIC ACCOUNTANT'S REPORT

AN ACT Relating to insurance examinations; and amending section .03.01, chapter 79, Laws of 1947 and RCW 48.03.010.

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

Section 1. Section .03.01, chapter 79, Laws of 1947 and RCW 48.03-.010 are each amended to read as follows:

(1) The commissioner shall examine the affairs, transactions, accounts, records, documents, and assets of each authorized insurer as often as he

deems advisable. He shall so examine each domestic insurer not less frequently than every three years. Examination of an alien insurer may be limited to its insurance transactions in the United States.

(2) As often as he deems advisable and at least once in five years, the commissioner shall fully examine each rating organization and examining bureau licensed in this state. As often as he deems it advisable he may examine each advisory organization and each joint underwriting or joint reinsurance group, association, or organization.

(3) The commissioner shall in like manner examine each insurer or rating organization applying for authority to do business in this state.

(4) In lieu of making his own examination, the commissioner may accept a full report of the last recent examination of a nondomestic insurer or rating or advisory organization, or joint underwriting or joint reinsurance group, association or organization, certified to by the insurance supervisory official of the state of domicile or of entry.

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

Passed the House February 19, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 140

[House Bill No. 802]

SECURITIES REGULATION—DEBENTURE COMPANY, DEFINITION

AN ACT Relating to securities regulation; and amending section 6, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.705.

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

Section 1. Section 6, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.705 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires, "debenture company" means an issuer of any ~~((securities))~~ note, debenture, or other obligation for money used or to be used as capital of the issuer which is offered or sold in this state and is required to be registered under the provisions of this chapter ~~((and which is not exempted from such registration requirements by RCW 21.20.310))~~; which issuer is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, leasing, or trading in real or chattel mortgages, deeds of trust, ~~((or))~~ land, land or

personal property contracts, or security agreements and financing statements under the uniform commercial code(~~(, or land contracts; and which has issued or proposes to issue notes, debentures and other obligations for money used or to be used as capital of the issuer)~~). The term "debenture company" does not include an issuer by reason of any of its securities which are exempt from registration under RCW 21.20.310 or offered or sold in transactions exempt from registration under RCW 21.20.320 (1) or (8).

Passed the House February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 141

[House Bill No. 847]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES—STATUTORY DEVOLUTION

AN ACT Relating to state government; amending section 7, chapter 133, Laws of 1955 as last amended by section 46, chapter 81, Laws of 1971 and RCW 9.95.060; amending section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 98, Laws of 1969 and RCW 9.95.120; amending section 3, chapter 98, Laws of 1969 and RCW 9.95.121; amending section 6, chapter 98, Laws of 1969 and RCW 9.95.124; amending section 3, chapter 114, Laws of 1935 as amended by section 13, chapter 134, Laws of 1967 and RCW 9.95.170; amending section 3, chapter 227, Laws of 1957 as amended by section 15, chapter 134, Laws of 1967 and RCW 9.95.200; amending section 4, chapter 227, Laws of 1957 as last amended by section 1, chapter 29, Laws of 1969 and RCW 9.95.210; amending section 8, chapter 227, Laws of 1957 as amended by section 17, chapter 134, Laws of 1967 and RCW 9.95.250; amending section 7, chapter 114, Laws of 1935 as amended by section 14, chapter 134, Laws of 1967 and RCW 9.95.260; amending section 11.08.101, chapter 145, Laws of 1965 and RCW 11.08.101; amending section 11.08.120, chapter 145, Laws of 1965 and RCW 11.08.120; amending section 2, chapter 175, Laws of 1967 and RCW 11.66.010; amending section 2, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.020; amending section 3, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.030; amending section 4, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.040; amending section 6, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.060; amending section 1, chapter 331, Laws of 1959 and RCW 13.07.010; amending section 4, chapter 331, Laws of 1959 as amended by section 2, chapter 137, Laws of 1965 ex. sess. and RCW 13.07.030; amending section 7, chapter 331, Laws of 1959 and RCW 13.07.050; amending section 8, chapter 331, Laws of 1959 and RCW 13.07.060; amending section 15.36.130, chapter 11, Laws of 1961 and RCW 15.36.130; amending section 15.36.425, chapter 11, Laws of 1961 and RCW 15.36.425; amending section 15.36.550, chapter 11, Laws of 1961 and RCW 15.36.550; amending section 15.36.560, chapter 11, Laws of 1961 and RCW 15.36.560; amending section 2, chapter 253, Laws of 1957 and RCW 18.20.020; amending section 10, chapter 253, Laws of 1957 and RCW 18.20.100; amending section 1, chapter 183, Laws of 1951 and RCW 18.45.010; amending section 2, chapter 183, Laws of 1951 and RCW 18.45.020; amending section 46, chapter 183, Laws of 1951 and RCW 18.45.440; amending section 47, chapter 183, Laws of 1951 and RCW 18.45.450; amending section 49, chapter 183, Laws of 1951 and RCW 18.45.470; amending section 2, chapter 168, Laws of 1951 and RCW 18.46.010; amending section 45, chapter 139, Laws of 1959 and RCW 20.01.450; amending section 1, chapter 279, Laws of 1969 ex. sess. and RCW 26.04.165; amending section 6, chapter 272, Laws of 1955 and RCW 26.40.060; amending section 28A.47.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.090; amending section 28A.47.690, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.690; amending section 28A.47.744, chapter 223, Laws of 1969 ex. sess. and RCW

28A.47.744; amending section 8, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.807; amending section 35.88-.080, chapter 7, Laws of 1965 and RCW 35.88.080; amending section 35.88.090, chapter 7, Laws of 1965 and RCW 35.88.090; amending section 35A.70.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.70.070; amending section 36.39.040, chapter 4, Laws of 1963 and RCW 36.39.040; amending section 36.62.240, chapter 4, Laws of 1963 and RCW 36.62.240; amending section 43.19.450, chapter 8, Laws of 1965 and RCW 43.19-.450; amending section 43.20.010, chapter 8, Laws of 1965 as amended by section 1, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.010; amending section 2, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.015; amending section 43.20.040, chapter 8, Laws of 1965 as amended by section 8, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.040; amending section 43.20.050, chapter 8, Laws of 1965 as amended by section 9, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.050; amending section 43.20.060, chapter 8, Laws of 1965 as amended by section 10, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.060; amending section 43.20.070, chapter 8, Laws of 1965 as amended by section 1, chapter 26, Laws of 1967 and RCW 43.20.070; amending section 43.20.130, chapter 8, Laws of 1965 and RCW 43.20.130; amending section 3, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.150; amending section 4, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.160; amending section 5, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.170; amending section 6, chapter 102, Laws of 1967 ex. sess. and RCW 43-.20.180; amending section 7, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.190; amending section 43.20.140, chapter 8, Laws of 1965 and RCW 43.20.140; amending section 14, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.210; amending section 1, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.010; amending section 2, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.020; amending section 3, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.030; amending section 5, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.050; amending section 6, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.060; amending section 42, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.310; amending section 66, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A-.550; amending section 14, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.140; amending section 17, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.170; amending section 1, chapter 111, Laws of 1963 as amended by section 3, chapter 135, Laws of 1967 ex. sess. and RCW 57.08.065; amending section 1, chapter 144, Laws of 1955 and RCW 69.30.010; amending section 8, chapter 144, Laws of 1955 and RCW 69.30.080; amending section 9, chapter 144, Laws of 1955 and RCW 69.30.090; amending section 10, chapter 144, Laws of 1955 and RCW 69.30.100; amending section 11, chapter 144, Laws of 1955 and RCW 69.30.110; amending section 2, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.051; amending section 3, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.053; amending section 4, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.054; amending section 5, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.055; amending section 10, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.060; amending section 12, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.070; amending section 13, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.080; amending section 14, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.090; amending section 15, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.100; amending section 18, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.130; amending section 8, chapter 46, Laws of 1949 and RCW 70.08.050; amending section 2, chapter 191, Laws of 1939 and RCW 70.12.015; amending section 5, chapter 190, Laws of 1943 and RCW 70.12.070; amending section 2, chapter 283, Laws of 1961 and RCW 70.22.020; amending section 3, chapter 283, Laws of 1961 and RCW 70.22-.030; amending section 4, chapter 283, Laws of 1961 and RCW 70.22.040; amending section 5, chapter 283, Laws of 1961 and RCW 70.22.050; amending section 6, chapter 283, Laws of 1961 and RCW 70.22.060; amending section 2, chapter 114, Laws of 1919 and RCW 70.24.020; amending section 7, chapter 114, Laws of 1919 and RCW 70.24.060; amending section 2, chapter 165, Laws of 1939 and RCW 70.24.100; amending section 2, chapter 197, Laws of 1949 as amended by section 2, chapter 252, Laws of 1959 and RCW 70.40.020; amending section 3, chapter 197, Laws of 1949 as amended by section 3, chapter 252, Laws of 1959 and RCW 70.40.030; amending section 4, chapter 197, Laws of 1949 as last amended by section 83, chapter 75, Laws of 1977 and RCW 70.40.040; amending section 6, chapter 197, Laws of 1949 as amended by section 6, chapter 252, Laws of 1959 and RCW 70.40.060; amending section 8, chapter 197, Laws of 1949 and RCW 70.40.080; amending section 9, chapter 197, Laws of 1949 as amended by section 8,

chapter 252, Laws of 1959 and RCW 70.40.090; amending section 10, chapter 197, Laws of 1949 as amended by section 9, chapter 252, Laws of 1959 and RCW 70.40.110; amending section 12, chapter 197, Laws of 1949 as amended by section 10, chapter 252, Laws of 1959 and RCW 70.40.120; amending section 13, chapter 197, Laws of 1949 and RCW 70.40.130; amending section 14, chapter 197, Laws of 1949 and RCW 70.40.140; amending section 1, chapter 267, Laws of 1955 and RCW 70.41.010; amending section 8, chapter 264, Laws of 1945 and RCW 70.44.100; amending section 1, chapter 23, Laws of 1945 and RCW 70.50.010; amending section 3, chapter 208, Laws of 1909 and RCW 70.54.040; amending section 2, chapter 177, Laws of 1959 and RCW 70.58.310; amending section 3, chapter 177, Laws of 1959 and RCW 70.58.320; amending section 5, chapter 177, Laws of 1959 and RCW 70.58.340; amending section 3, chapter 82, Laws of 1967 and RCW 70.83.030; amending section 4, chapter 82, Laws of 1967 and RCW 70.83.040; amending section 1, chapter 57, Laws of 1957 and RCW 70.90.010; amending section 2, chapter 57, Laws of 1957 and RCW 70.90.020; amending section 3, chapter 57, Laws of 1957 and RCW 70.90.030; amending section 4, chapter 57, Laws of 1957 and RCW 70.90.040; amending section 3, chapter 232, Laws of 1957 as last amended by section 2, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.030; amending section 4, chapter 238, Laws of 1967 and RCW 70.94.053; amending section 20, chapter 232, Laws of 1957 as amended by section 32, chapter 238, Laws of 1967 and RCW 70.94.200; amending section 6, chapter 188, Laws of 1961 as amended by section 45, chapter 238, Laws of 1967 and RCW 70.94.350; amending section 8, chapter 188, Laws of 1961 as amended by section 59, chapter 238, Laws of 1967 and RCW 70.94.370; amending section 1, chapter 143, Laws of 1965 ex. sess. and RCW 70.96.085; amending section 3, chapter 207, Laws of 1961 as amended by section 2, chapter 88, Laws of 1965 and RCW 70.98.030; amending section 5, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.412; amending section 7, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.414; amending section 9, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.416; amending section 71.06.060, chapter 25, Laws of 1959 as amended by section 2, chapter 104, Laws of 1967 and RCW 71.06.060; amending section 3, chapter 104, Laws of 1967 and RCW 71.06.091; amending section 71.06.140, chapter 25, Laws of 1959 as amended by section 6, chapter 104, Laws of 1967 and RCW 71.06.140; amending section 71.06.260, chapter 25, Laws of 1959 and RCW 71.06.260; amending section 71.12.460, chapter 25, Laws of 1959 and RCW 71.12.460; amending section 71.12.480, chapter 25, Laws of 1959 and RCW 71.12.480; amending section 1, chapter 224, Laws of 1959 and RCW 71.12.485; amending section 71.12.500, chapter 25, Laws of 1959 and RCW 71.12.500; amending section 71.12.520, chapter 25, Laws of 1959 and RCW 71.12.520; amending section 71.12.530, chapter 25, Laws of 1959 and RCW 71.12.530; amending section 71.12.540, chapter 25, Laws of 1959 and RCW 71.12.540; amending section 71.12.640, chapter 25, Laws of 1959 and RCW 71.12.640; amending section 1, chapter 61, Laws of 1969 and RCW 71.24.165; amending section 72.01.010, chapter 28, Laws of 1959 as amended by section 56, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.010; amending section 1, chapter 169, Laws of 1953 as amended by section 60, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.042; amending section 2, chapter 169, Laws of 1953 as amended by section 61, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.043; amending section 72.01.050, chapter 28, Laws of 1959 as amended by section 1, chapter 31, Laws of 1977 and RCW 72.01.050; amending section 72.01.060, chapter 28, Laws of 1959 and RCW 72.01.060; amending section 72.01.100, chapter 28, Laws of 1959 and RCW 72.01.100; amending section 72.01.120, chapter 28, Laws of 1959 and RCW 72.01.120; amending section 72.01.140, chapter 28, Laws of 1959 and RCW 72.01.140; amending section 72.01.150, chapter 28, Laws of 1959 and RCW 72.01.150; amending section 72.01.160, chapter 28, Laws of 1959 and RCW 72.01.160; amending section 72.01.180, chapter 28, Laws of 1959 as last amended by section 166, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 72.01.180; amending section 72.01.190, chapter 28, Laws of 1959 and RCW 72.01.190; amending section 72.01.210, chapter 28, Laws of 1959 as last amended by section 1, chapter 58, Laws of 1967 and RCW 72.01.210; amending section 72.01.240, chapter 28, Laws of 1959 and RCW 72.01.240; amending section 72.01.260, chapter 28, Laws of 1959 and RCW 72.01.260; amending section 72.01.270, chapter 28, Laws of 1959 and RCW 72.01.270; amending section 72.01.280, chapter 28, Laws of 1959 as last amended by section 3, chapter 39, Laws of 1959 and RCW 72.01.280; amending section 1, chapter 210, Laws of 1959 and RCW 72.01.282; amending section 72.01.290, chapter 28, Laws of 1959 and RCW 72.01.290; amending

section 72.01.300, chapter 28, Laws of 1959 and RCW 72.01.300; amending section 72.01.310, chapter 28, Laws of 1959 and RCW 72.01.310; amending section 72.01.320, chapter 28, Laws of 1959 as last amended by section 84, chapter 75, Laws of 1977 and RCW 72.01.320; amending section 1, chapter 40, Laws of 1959 and RCW 72.01.370; amending section 2, chapter 40, Laws of 1959 and RCW 72.01.380; amending section 1, chapter 140, Laws of 1959 and RCW 72.01.410; amending section 1, chapter 193, Laws of 1961 as amended by section 1, chapter 23, Laws of 1967 and RCW 72.01.430; amending section 1, chapter 46, Laws of 1967 as amended by section 2, chapter 50, Laws of 1970 ex. sess. and RCW 72.01.450; amending section 3, chapter 50, Laws of 1970 ex. sess. and RCW 72.01.452; amending section 5, chapter 50, Laws of 1970 ex. sess. and RCW 72.01.454; amending section 2, chapter 46, Laws of 1969 ex. sess. and RCW 72.01.460; amending section 1, chapter 50, Laws of 1970 ex. sess. and RCW 72.01.480; amending section 7, chapter 134, Laws of 1967 and RCW 72.04A.050; amending section 9, chapter 134, Laws of 1967 and RCW 72.04A.070; amending section 10, chapter 134, Laws of 1967 and RCW 72.04A.080; amending section 11, chapter 134, Laws of 1967 as amended by section 1, chapter 98, Laws of 1969 and RCW 72.04A.090; amending section 72.05.010, chapter 28, Laws of 1959 and RCW 72.05.010; amending section 72.05.020, chapter 28, Laws of 1959 as amended by section 58, chapter 18, Laws of 1970 ex. sess. and RCW 72.05.020; amending section 72.05.130, chapter 28, Laws of 1959 and RCW 72.05.130; amending section 72.05.140, chapter 28, Laws of 1959 and RCW 72.05.140; amending section 72.05.150, chapter 28, Laws of 1959 and RCW 72.05.150; amending section 72.05.160, chapter 28, Laws of 1959 and RCW 72.05.160; amending section 72.05.300, chapter 28, Laws of 1959 and RCW 72.05.300; amending section 72.05.310, chapter 28, Laws of 1959 and RCW 72.05.310; amending section 72.06.060, chapter 28, Laws of 1959 as last amended by section 47, chapter 80, Laws of 1977 ex. sess. and RCW 72.06.060; amending section 72.08.020, chapter 28, Laws of 1959 and RCW 72.08.020; amending section 72.08.045, chapter 28, Laws of 1959 and RCW 72.08.045; amending section 3, chapter 9, Laws of 1965 ex. sess. and RCW 72.08.101; amending section 4, chapter 9, Laws of 1965 ex. sess. and RCW 72.08.102; amending section 72.08.120, chapter 28, Laws of 1959 and RCW 72.08.120; amending section 72.08.130, chapter 28, Laws of 1959 and RCW 72.08.130; amending section 72.08.380, chapter 28, Laws of 1959 and RCW 72.08.380; amending section 72.12.020, chapter 28, Laws of 1959 and RCW 72.12.020; amending section 72.12.050, chapter 28, Laws of 1959 as amended by section 1, chapter 251, Laws of 1959 and RCW 72.12.050; amending section 72.12.070, chapter 28, Laws of 1959 and RCW 72.12.070; amending section 72.12.090, chapter 28, Laws of 1959 and RCW 72.12.090; amending section 72.12.100, chapter 28, Laws of 1959 and RCW 72.12.100; amending section 72.12.140, chapter 28, Laws of 1959 and RCW 72.12.140; amending section 1, chapter 214, Laws of 1959 and RCW 72.13.010; amending section 4, chapter 214, Laws of 1959 and RCW 72.13.040; amending section 5, chapter 214, Laws of 1959 and RCW 72.13.050; amending section 6, chapter 214, Laws of 1959 and RCW 72.13.060; amending section 7, chapter 214, Laws of 1959 and RCW 72.13.070; amending section 8, chapter 214, Laws of 1959 and RCW 72.13.080; amending section 10, chapter 214, Laws of 1959 and RCW 72.13.100; amending section 12, chapter 214, Laws of 1959 and RCW 72.13.120; amending section 14, chapter 214, Laws of 1959 and RCW 72.13.140; amending section 15, chapter 214, Laws of 1959 and RCW 72.13.150; amending section 16, chapter 214, Laws of 1959 and RCW 72.13.160; amending section 17, chapter 214, Laws of 1959 and RCW 72.13.170; amending section 1, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.010; amending section 4, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.020; amending section 5, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.030; amending section 7, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.050; amending section 9, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.070; amending section 1, chapter 277, Laws of 1959 and RCW 72.18.010; amending section 4, chapter 277, Laws of 1959 and RCW 72.18.040; amending section 5, chapter 277, Laws of 1959 and RCW 72.18.050; amending section 6, chapter 277, Laws of 1959 and RCW 72.18.060; amending section 7, chapter 277, Laws of 1959 and RCW 72.18.070; amending section 8, chapter 277, Laws of 1959 and RCW 72.18.080; amending section 1, chapter 183, Laws of 1961 as amended by section 1, chapter 165, Laws of 1963 and RCW 72.19.010; amending section 4, chapter 183, Laws of 1961 and RCW 72.19.020; amending section 3, chapter 165, Laws of 1963 and RCW 72.19.030; amending section 4, chapter 165, Laws of 1963 and RCW 72.19.040; amending section 5, chapter 165, Laws of 1963 and RCW 72.19.050; amending section 7, chapter 165, Laws of 1963 and RCW 72.19.060; amending

section 72.20.020, chapter 28, Laws of 1959 as amended by section 1, chapter 39, Laws of 1959 and RCW 72.20.020; amending section 72.20.040, chapter 28, Laws of 1959 as amended by section 2, chapter 39, Laws of 1959 and RCW 72.20.040; amending section 72.20.060, chapter 28, Laws of 1959 and RCW 72.20.060; amending section 72.20.080, chapter 28, Laws of 1959 and RCW 72.20.080; amending section 72.20.090, chapter 28, Laws of 1959 and RCW 72.20.090; amending section 2, chapter 26, Laws of 1965 ex. sess. and RCW 72.27.020; amending section 7, chapter 26, Laws of 1965 ex. sess. and RCW 72.27.070; amending section 4, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.040; amending section 5, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.050; amending section 1, chapter 141, Laws of 1967 and RCW 72.33.650; amending section 3, chapter 141, Laws of 1967 and RCW 72.33.660; amending section 5, chapter 141, Laws of 1967 as amended by section 1, chapter 75, Laws of 1970 ex. sess. and RCW 72.33.670; amending section 7, chapter 141, Laws of 1967 and RCW 72.33.680; amending section 8, chapter 141, Laws of 1967 and RCW 72.33.685; amending section 9, chapter 141, Laws of 1967 and RCW 72.33.690; amending section 12, chapter 141, Laws of 1967 and RCW 72.33.700; amending section 1, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.830; amending section 2, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.840; amending section 3, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.850; amending section 72.40.020, chapter 28, Laws of 1959 and RCW 72.40.020; amending section 6, chapter 50, Laws of 1970 ex. sess. and RCW 72.40.031; amending section 72.40.050, chapter 28, Laws of 1959 and RCW 72.40.050; amending section 72.40.070, chapter 28, Laws of 1959 as last amended by section 152, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.070; amending section 72.56.010, chapter 28, Laws of 1959 and RCW 72.56.010; amending section 72.56.040, chapter 28, Laws of 1959 and RCW 72.56.040; amending section 72.56.050, chapter 28, Laws of 1959 and RCW 72.56.050; amending section 72.60.010, chapter 28, Laws of 1959 and RCW 72.60.010; amending section 72.60.020, chapter 28, Laws of 1959 and RCW 72.60.020; amending section 72.60.030, chapter 28, Laws of 1959 and RCW 72.60.030; amending section 72.60.040, chapter 28, Laws of 1959 and RCW 72.60.040; amending section 72.60.090, chapter 28, Laws of 1959 and RCW 72.60.090; amending section 72.60.130, chapter 28, Laws of 1959 and RCW 72.60.130; amending section 72.60.160, chapter 28, Laws of 1959 and RCW 72.60.160; amending section 72.60.200, chapter 28, Laws of 1959 and RCW 72.60.200; amending section 2, chapter 273, Laws of 1959 and RCW 72.60.250; amending section 1, chapter 273, Laws of 1959 and RCW 72.60.240; amending section 3, chapter 273, Laws of 1959 and RCW 72.60.260; amending section 72.64.010, chapter 28, Laws of 1959 and RCW 72.64.010; amending section 72.64.020, chapter 28, Laws of 1959 and RCW 72.64.020; amending section 72.64.030, chapter 28, Laws of 1959 as amended by section 1, chapter 171, Laws of 1961 and RCW 72.64.030; amending section 72.64.050, chapter 28, Laws of 1959 as amended by section 2, chapter 171, Laws of 1961 and RCW 72.64.050; amending section 72.64.060, chapter 28, Laws of 1959 as amended by section 3, chapter 171, Laws of 1961 and RCW 72.64.060; amending section 72.64.070, chapter 28, Laws of 1959 and RCW 72.64.070; amending section 72.64.080, chapter 28, Laws of 1959 and RCW 72.64.080; amending section 4, chapter 171, Laws of 1961 and RCW 72.64.100; amending section 5, chapter 171, Laws of 1961 and RCW 72.64.110; amending section 1, chapter 17, Laws of 1967 and RCW 72.65.010; amending section 2, chapter 17, Laws of 1967 and RCW 72.65.020; amending section 3, chapter 17, Laws of 1967 and RCW 72.65.030; amending section 4, chapter 17, Laws of 1967 and RCW 72.65.040; amending section 5, chapter 17, Laws of 1967 and RCW 72.65.050; amending section 8, chapter 17, Laws of 1967 as amended by section 1, chapter 109, Laws of 1969 and RCW 72.65.080; amending section 10, chapter 17, Laws of 1967 and RCW 72.65.100; amending section 11, chapter 17, Laws of 1967 and RCW 72.65.110; amending section 72.68.010, chapter 28, Laws of 1959 and RCW 72.68.010; amending section 72.68.020, chapter 28, Laws of 1959 and RCW 72.68.020; amending section 72.68.040, chapter 28, Laws of 1959 as last amended by section 1, chapter 60, Laws of 1967 and RCW 72.68.040; amending section 72.68.060, chapter 28, Laws of 1959 as last amended by section 3, chapter 60, Laws of 1967 and RCW 72.68.060; amending section 72.68.070, chapter 28, Laws of 1959 as last amended by section 4, chapter 60, Laws of 1967 and RCW 72.68.070; amending section 12, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.075; amending section 72.68.090, chapter 28, Laws of 1959 and RCW 72.68.090; amending section 72.68.100, chapter 28, Laws of 1959 as amended by section 11, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.100; amending section 2, chapter 287, Laws of 1959 and RCW 72.70.020; amending section 4,

chapter 287, Laws of 1959 and RCW 72.70.040; amending section 5, chapter 287, Laws of 1959 and RCW 72.70.050; amending section 6, chapter 287, Laws of 1959 and RCW 72.70.060; amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.005; amending section 74.04.011, chapter 26, Laws of 1959 as amended by section 4, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.011; amending section 74.04.015, chapter 26, Laws of 1959 as amended by section 2, chapter 228, laws of 1963 and RCW 74.04.015; amending section 74.04.017, chapter 26, Laws of 1959 and RCW 74.04.017; amending section 74.04.055, chapter 26, Laws of 1959 as amended by section 4, chapter 228, Laws of 1963 and RCW 74.04.055; amending section 74.04.070, chapter 26, Laws of 1959 and RCW 74.04.070; amending section 74.04.080, chapter 26, Laws of 1959 and RCW 74.04.080; amending section 74.04.120, chapter 26, Laws of 1959 and RCW 74.04.120; amending section 74.04.200, chapter 26, Laws of 1959 and RCW 74.04.200; amending section 74.04.265, chapter 26, Laws of 1959 as amended by section 1, chapter 35, Laws of 1965 ex. sess. and RCW 74.04.265; amending section 74.04.270, chapter 26, Laws of 1959 and RCW 74.04.270; amending section 74.04.290, chapter 26, Laws of 1959 as amended by section 2, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.290; amending section 74.04.300, chapter 26, Laws of 1959 as last amended by section 1, chapter 49, Laws of 1973 1st ex. sess. and RCW 74.04.300; amending section 1, chapter 91, Laws of 1965 ex. sess. and RCW 74.04.305; amending section 2, chapter 91, Laws of 1965 ex. sess. and RCW 74.04.306; amending section 74.04.310, chapter 26, Laws of 1959 and RCW 74.04.310; amending section 74.04.330, chapter 26, Laws of 1959 as amended by section 5, chapter 228, Laws of 1963 and RCW 74.04.330; amending section 74.04.340, chapter 26, Laws of 1959 and RCW 74.04.340; amending section 74.04.360, chapter 26, Laws of 1959 and RCW 74.04.360; amending section 1, chapter 112, Laws of 1961 as amended by section 1, chapter 219, Laws of 1963 and RCW 74.04.380; amending section 2, chapter 219, Laws of 1963 and RCW 74.04.385; amending section 2, chapter 269, Laws of 1961 as amended by section 6, chapter 228, Laws of 1963 and RCW 74.04.390; amending section 3, chapter 269, Laws of 1961 as amended by section 7, chapter 228, Laws of 1963 and RCW 74.04.400; amending section 4, chapter 269, Laws of 1961 as amended by section 8, chapter 228, Laws of 1963 and RCW 74.04.410; amending section 5, chapter 269, Laws of 1961 as amended by section 9, chapter 228, Laws of 1963 and RCW 74.04.420; amending section 6, chapter 269, Laws of 1961 as amended by section 10, chapter 228, Laws of 1963 and RCW 74.04.430; amending section 14, chapter 228, Laws of 1963 and RCW 74.04.470; amending section 15, chapter 228, Laws of 1963 and RCW 74.04.480; amending section 4, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.500; amending section 74.08.055, chapter 26, Laws of 1959 and RCW 74.08.055; amending section 74.08.070, chapter 26, Laws of 1959 as amended by section 1, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.070; amending section 74.08.105, chapter 26, Laws of 1959 and RCW 74.08.105; amending section 74.08.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 259, Laws of 1969 ex. sess. and RCW 74.08.120; amending section 74.08.278, chapter 26, Laws of 1959 and RCW 74.08.278; amending section 74.08.280, chapter 26, Laws of 1959 and RCW 74.08.280; amending section 1, chapter 34, Laws of 1965 ex. sess. and RCW 74.08.331; amending section 74.08.335, chapter 26, Laws of 1959 and RCW 74.08.335; amending section 74.08.338, chapter 26, Laws of 1959 and RCW 74.08.338; amending section 17, chapter 228, Laws of 1963 as amended by section 7, chapter 173, Laws of 1969 ex. sess. and RCW 74.08.390; amending section 74.09.010, chapter 26, Laws of 1959 and RCW 74.09.010; amending section 74.09.030, chapter 26, Laws of 1959 and RCW 74.09.030; amending section 74.09.050, chapter 26, Laws of 1959 and RCW 74.09.050; amending section 74.09.070, chapter 26, Laws of 1959 and RCW 74.09.070; amending section 2, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.075; amending section 74.09.080, chapter 26, Laws of 1959 and RCW 74.09.080; amending section 74.09.110, chapter 26, Laws of 1959 and RCW 74.09.110; amending section 74.09.170, chapter 26, Laws of 1959 and RCW 74.09.170; amending section 9, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.182; amending section 74.09.190, chapter 26, Laws of 1959 and RCW 74.09.190; amending section 3, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.500; amending section 5, chapter 30, Laws of 1967 ex. sess. as amended by section 11, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.520; amending section 6, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.530; amending section 74.10.010, chapter 26, Laws of 1959 and RCW 74.10.010; amending section 74.10.030, chapter 26, Laws of 1959 and RCW 74.10.030; amending section 74.10.070, chapter 26,

Laws of 1959 and RCW 74.10.070; amending section 1, chapter 60, Laws of 1967 ex. sess. and RCW 74.10.090; amending section 74.12.010, chapter 26, Laws of 1959 as last amended by section 1, chapter 31, Laws of 1973 2nd ex. sess. and RCW 74.12.010; amending section 22, chapter 228, Laws of 1963 and RCW 74.12.260; amending section 25, chapter 228, Laws of 1963 and RCW 74.12.290; amending section 26, chapter 228, Laws of 1963 and RCW 74.12.300; amending section 1, chapter 226, Laws of 1963 and RCW 74.12.350; amending section 3, chapter 172, Laws of 1967 as amended by section 72, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.030; amending section 4, chapter 172, Laws of 1967 and RCW 74.15.040; amending section 5, chapter 172, Laws of 1967 and RCW 74.15.050; amending section 7, chapter 172, Laws of 1967 and RCW 74.15.070; amending section 8, chapter 172, Laws of 1967 and RCW 74.15.080; amending section 10, chapter 172, Laws of 1967 and RCW 74.15.100; amending section 12, chapter 172, Laws of 1967 and RCW 74.15.120; amending section 13, chapter 172, Laws of 1967 and RCW 74.15.130; amending section 14, chapter 172, Laws of 1967 and RCW 74.15.140; amending section 2, chapter 322, Laws of 1959 as amended by section 1, chapter 206, Laws of 1963 and RCW 74.20.010; amending section 7, chapter 322, Laws of 1959 and RCW 74.20.060; amending section 17, chapter 322, Laws of 1959 as amended by section 5, chapter 206, Laws of 1963 and RCW 74.20.160; amending section 7, chapter 206, Laws of 1963 as last amended by section 112, chapter 154, Laws of 1973 1st ex. sess. and RCW 74.20.220; amending section 11, chapter 206, Laws of 1963 and RCW 74.20.260; amending section 12, chapter 206, Laws of 1963 and RCW 74.20.270; amending section 13, chapter 206, Laws of 1963 and RCW 74.20.280; amending section 3, chapter 164, Laws of 1971 ex. sess. as amended by section 4, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.030; amending section 2, chapter 14, Laws of 1969 and RCW 74.22.020; amending section 5, chapter 14, Laws of 1969 and RCW 74.22.050; amending section 7, chapter 14, Laws of 1969 and RCW 74.22.070; amending section 10, chapter 14, Laws of 1969 and RCW 74.22.100; amending section 11, chapter 14, Laws of 1969 and RCW 74.22.110; amending section 3, chapter 15, Laws of 1969 and RCW 74.23.020; amending section 5, chapter 15, Laws of 1969 and RCW 74.23.040; amending section 8, chapter 15, Laws of 1969 and RCW 74.23.070; amending section 12, chapter 15, Laws of 1969 and RCW 74.23.110; amending section 13, chapter 15, Laws of 1969 and RCW 74.23.120; amending section 75.12.130, chapter 12, Laws of 1955 as last amended by section 2, chapter 16, Laws of 1969 ex. sess. and RCW 75.12.130; amending section 5, chapter 221, Laws of 1963 and RCW 87.84.061; recodifying in chapter 43.20A RCW: RCW 43.20.010, 43.20.015, 43.20.040, 43.20.060, 43.20.070, 43.20.080, 43.20.090, 43.20.130, 43.20.150, 43.20.160, 43.20.170, 43.20.180, 43.20.190, 43.20.210; decodifying RCW 43.20.005, 43.20A.120, 43.20A.180, 43.20A.190, 43.20A.200, 43.20A.210, 43.20A.220, 43.20A.500, 43.20A.505, 43.20A.510, 43.20A.515, 43.20A.520, 43.20A.525, 43.20A.900, 43.20A.910, 43.20A.920, 72.01.005, 72.02.005, 72.04A.060, 72.04A.065, 72.04A.100, 72.04A.110, 72.05.045, 72.06.015, 72.13.020, 72.13.030, 72.18.020, 72.18.030, 72.56.010, 72.56.020, 72.56.030, 74.04.003, 74.04.013, 74.09.041, and 74.16.430; repealing section 43.20.120, chapter 8, Laws of 1965 and RCW 43.20.120; repealing section 1, chapter 75, Laws of 1965 and RCW 71.16.010; repealing section 2, chapter 75, Laws of 1965 and RCW 71.16.020; repealing section 3, chapter 75, Laws of 1965 and RCW 71.16.030; repealing section 4, chapter 75, Laws of 1965 and RCW 71.16.040; repealing section 72.01.170, chapter 28, Laws of 1959 and RCW 72.01.170; repealing section 74.09.040, chapter 26, Laws of 1959 and RCW 74.09.040; repealing section 74.09.060, chapter 26, Laws of 1959 and RCW 74.09.060; repealing section 74.09.130, chapter 26, Laws of 1959 and RCW 74.09.130; repealing section 74.09.170, chapter 26, Laws of 1959 and RCW 74.09.170; and declaring an emergency.

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

Section 1. Section 7, chapter 133, Laws of 1955 as last amended by section 46, chapter 81, Laws of 1971 and RCW 9.95.060 are each amended to read as follows:

When a convicted person appeals from his conviction and is at liberty on bond pending the determination of the appeal by the supreme court or the

court of appeals, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified to the department of ((institutions)) social and health services, the Washington state board of prison terms and paroles, and the prosecuting attorney of the county in which such convicted person was convicted and sentenced, by the sheriff of such county. If such convicted person does not appeal from his conviction, but is at liberty for a period of time subsequent to the signing of the judgment and sentence, or becomes a fugitive, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified as provided in this section. In all other cases, credit on a sentence will begin from the date the judgment and sentence is signed by the court.

Sec. 2. Section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 98, Laws of 1969 and RCW 9.95.120 are each amended to read as follows:

Whenever the board of prison terms and paroles or a probation and parole officer of this state has reason to believe a convicted person has breached a condition of his parole or violated the law of any state where he may then be or the rules and regulations of the board of prison terms and paroles, any probation and parole officer of this state may arrest or cause the arrest and detention and suspension of parole of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board of prison terms and paroles by the probation and parole officer, with recommendations. The board of prison terms and paroles, after consultation with the ((director)) secretary of the department of ((institutions)) social and health services, shall make all rules and regulations concerning procedural matters, which shall include the time when state probation and parole officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board to perform its functions under this section. On the basis of the report by the probation and parole officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board of prison terms and paroles for his return to a state correctional institution for convicted felons. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

Any parolee arrested and detained in physical custody by the authority of a state probation and parole officer, or upon the written order of the board of prison terms and paroles, shall not be released from custody on

bail or personal recognizance, except upon approval of the board of prison terms and paroles and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he may then be, he shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he is served with charges of the violation of conditions of his parole after his arrest and detention. The hearing shall be held before one or more members of the parole board at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

In the event that the board of prison terms and paroles suspends a parole by reason of an alleged parole violation or in the event that a parole is suspended pending the disposition of a new criminal charge, the board of prison terms and paroles shall have the power to nullify the order of suspension and reinstate the individual to parole under previous conditions or any new conditions that the board of prison terms and paroles may determine advisable. Before the board of prison terms and paroles shall nullify an order of suspension and reinstate a parole they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a penal institution.

Sec. 3. Section 3, chapter 98, Laws of 1969 and RCW 9.95.121 are each amended to read as follows:

Within fifteen days from the date of notice to the (~~(division of probation and parole of the)~~) department of (~~(institutions)~~) social and health services of the arrest and detention of the alleged parole violator, he shall be personally served by a state probation and parole officer with a copy of the factual allegations of the violation of the conditions of parole, and, at the same time shall be advised of his right to an on-site parole revocation hearing and of his rights and privileges as provided in RCW 9.95.120 through 9.95.126. The alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights may waive the on-site parole revocation hearing as provided in RCW 9.95.120, and admit one or more of the alleged violations of the conditions of parole. If the board accepts the waiver it shall either, (1) reinstate the parolee on parole under the same or modified conditions, or (2) revoke the parole of the parolee and enter an order of parole revocation and return to state custody. A determination of a new minimum sentence shall be made within thirty days of return to state custody which shall not exceed the maximum

sentence as provided by law for the crime of which the parolee was originally convicted or the maximum fixed by the court.

If the waiver made by the parolee is rejected by the board it shall hold an on-site parole revocation hearing under the provisions of RCW 9.95.120 through 9.95.126.

Sec. 4. Section 6, chapter 98, Laws of 1969 and RCW 9.95.124 are each amended to read as follows:

At all on-site parole revocation hearings the probation and parole officers of the department of ((institutions)) social and health services, having made the allegations of the violations of the conditions of parole, may be represented by the attorney general. Only such persons as are reasonably necessary to the conducting of such hearings shall be permitted to be present: PROVIDED, That other persons may be admitted to such hearings at the discretion of the board and with the consent of the alleged parole violator. The hearings shall be recorded either manually or by a mechanical recording device. An alleged parole violator may be requested to testify and any such testimony shall not be used against him in any criminal prosecution. The board of prison terms and paroles shall adopt rules governing the formal and informal procedures authorized by this chapter and make rules of practice before the board in on-site parole revocation hearings, together with forms and instructions.

Sec. 5. Section 3, chapter 114, Laws of 1935 as amended by section 13, chapter 134, Laws of 1967 and RCW 9.95.170 are each amended to read as follows:

To assist it in fixing the duration of a convicted person's term of confinement, and in fixing the condition for release from custody on parole, it shall not only be the duty of the board of prison terms and paroles to thoroughly inform itself as to the facts of such convicted person's crime but also to inform itself as thoroughly as possible as to such convict as a personality. The department of ((institutions)) social and health services and the institutions under its control shall make available to the board of prison terms and paroles on request its case investigations, any file or other record, in order to assist the board in developing information for carrying out the purpose of this section.

Sec. 6. Section 3, chapter 227, Laws of 1957 as amended by section 15, chapter 134, Laws of 1967 and RCW 9.95.200 are each amended to read as follows:

After conviction by plea or verdict of guilty of any crime, the court upon application or its own motion, may summarily grant or deny probation, or at a subsequent time fixed may hear and determine, in the presence of the defendant, the matter of probation of the defendant, and the conditions of such probation, if granted. The court may, in its discretion, prior to the hearing on the granting of probation, refer the matter to the ((director of

~~institutions~~) secretary of social and health services or such officers as the ~~((director))~~ secretary may designate for investigation and report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant, his prior record, and his family surroundings and environment.

Sec. 7. Section 4, chapter 227, Laws of 1957 as last amended by section 1, chapter 29, Laws of 1969 and RCW 9.95.210 are each amended to read as follows:

The court in granting probation, may 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.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine the 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 ~~((supervisor of the division of probation and parole of the department of institutions))~~ secretary of social and health services or such officer as the ~~((supervisor))~~ secretary may designate and as a condition of said probation to follow implicitly the instructions of the ~~((supervisor of probation and parole))~~ secretary. The ~~((supervisor of probation and parole with the approval of the director of institutions))~~ secretary of social and health services will promulgate rules and regulations for the conduct of such person during the term of his probation: PROVIDED, That for defendants found guilty in justice court, like functions as the ~~((supervisor of probation and parole))~~ secretary performs in regard to probation may be performed by probation officers employed for that purpose by the board of county commissioners of the county wherein the court is located.

Sec. 8. Section 8, chapter 227, Laws of 1957 as amended by section 17, chapter 134, Laws of 1967 and RCW 9.95.250 are each amended to read as follows:

In order to carry out the provisions of this chapter 9.95 RCW the parole officers working under the supervision of the (~~director of institutions~~) secretary of social and health services shall be known as probation and parole officers.

Sec. 9. Section 7, chapter 114, Laws of 1935 as amended by section 14, chapter 134, Laws of 1967 and RCW 9.95.260 are each amended to read as follows:

It shall be the duty of the board of prison terms and paroles, when requested by the governor, to pass on the representations made in support of applications for pardons for convicted persons and to make recommendations thereon to the governor.

It will be the duty of the (~~director of institutions through the division of probation and parole~~) secretary of social and health services to exercise supervision over such convicted persons as have been conditionally pardoned by the governor, to the end that such persons shall faithfully comply with the conditions of such pardons. The board of prison terms and paroles shall also pass on any representations made in support of applications for restoration of civil rights of convicted persons, and make recommendations to the governor. The department of (~~institutions and the division of probation and parole and the officers and employees thereof~~) social and health services shall prepare materials and make investigations requested by the board of prison terms and paroles in order to assist the board in passing on the representations made in support of applications for pardon or for the restoration of civil rights.

Sec. 10. Section 11.08.101, chapter 145, Laws of 1965 and RCW 11.08.101 are each amended to read as follows:

Where, upon the expiration of two years after the death of any inmate of any state institution, there remains in the custody of the superintendent of such institution, money or property belonging to said deceased inmate, the superintendent shall forward such money to the state treasurer for deposit in the general fund of the state, and shall report such transfer and any remaining property to the department of (~~institutions~~) social and health services, which department shall cause the sale of such property and proceeds thereof shall be forwarded to the state treasurer for deposit in the general fund.

Sec. 11. Section 11.08.120, chapter 145, Laws of 1965 and RCW 11.08.120 are each amended to read as follows:

The property, other than money, of such deceased inmate remaining in the custody of a superintendent of a state institution after the expiration of the above two-year period may be forwarded to the department of (~~institutions~~) social and health services at its request and may be appraised and sold at public auction to the highest bidder in the manner and form as provided for public sales of personal property, and all moneys realized upon

such sale, after deducting the expenses thereof, shall be paid into the general fund of the state treasury.

Sec. 12. Section 2, chapter 175, Laws of 1967 and RCW 11.66.010 are each amended to read as follows:

(1) If not less than thirty days after the death of an individual entitled at the time of death to a monthly benefit or benefits under Title II of the Social Security Act, all or part of the amount of such benefit or benefits, not in excess of one thousand dollars, is paid by the United States to (a) the surviving spouse, (b) one or more of the deceased's children, or descendants of his deceased children, (c) the ~~((director of the department of institutions))~~ secretary of social and health services if the decedent was a resident of a state institution at the date of death and liable for the cost of his care in an amount at least as large as the amount of such benefits, (d) the deceased's father or mother, or (e) the deceased's brother or sister, preference being given in the order named if more than one request for payment shall have been made by or for such individuals, such payment shall be deemed to be a payment to the legal representative of the decedent and shall constitute a full discharge and release from any further claim for such payment to the same extent as if such payment had been made to an executor or administrator of the decedent's estate.

(2) The provisions of subsection (1) hereof shall apply only if an affidavit has been made and filed with the United States Department of Health, Education, and Welfare by the surviving spouse or other relative by whom or on whose behalf request for payment is made and such affidavit shows (a) the date of death of the deceased, (b) the relationship of the alliant to the deceased, (c) that no executor or administrator for the deceased has qualified or been appointed, nor to the alliant's knowledge is administration of the deceased's estate contemplated, and (d) that, to the alliant's knowledge, there exists at the time of the filing of such affidavit, no relative of a closer degree of kindred to the deceased than the alliant: PROVIDED, That the affidavit filed by the ~~((director of the department of institutions))~~ secretary of social and health services shall meet the requirements of parts (a) and (c) of this subsection and, in addition, show that the decedent left no known surviving spouse or children and died while a resident of a state institution at the date of death and liable for the cost of his care in an amount at least as large as the amount of such benefits.

Sec. 13. Section 2, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.020 are each amended to read as follows:

From any state moneys made available for such purpose, the state of Washington, through the department of ~~((institutions))~~ social and health services, shall, in accordance with this chapter, share in the cost of supervising probationers who could otherwise be committed by the juvenile courts to the custody of the ~~((director of the department of institutions))~~ secretary

of social and health services, and who are granted probation and placed in "special supervision programs".

Sec. 14. Section 3, chapter 165, Laws of 1969 ex. sess. and RCW 13-06.030 are each amended to read as follows:

The department of (~~(institutions)~~) social and health services shall adopt rules prescribing minimum standards for the operation of "special supervision programs" and such other rules as may be necessary for the administration of the provisions of this chapter. A "special supervision program" is one embodying a degree of supervision substantially above the usual or the use of new techniques in addition to, or instead of, routine supervision techniques, and which meets the standards prescribed pursuant to this section. Such standards shall be sufficiently flexible to foster the development of new and improved supervision practices. The (~~(director of institutions)~~) secretary of social and health services shall seek advice from appropriate county officials in developing standards and procedures for the operation of "special supervision programs".

Sec. 15. Section 4, chapter 165, Laws of 1969 ex. sess. and RCW 13-06.040 are each amended to read as follows:

Any county may make application to the department of (~~(institutions)~~) social and health services in the manner and form prescribed by the department for financial aid for the cost of "special supervision programs". Any such application must include a plan or plans for providing special supervision of juveniles on probation and a method for certifying that moneys received are spent only for these "special supervision programs".

Sec. 16. Section 6, chapter 165, Laws of 1969 ex. sess. and RCW 13-06.060 are each amended to read as follows:

The (~~(director of institutions)~~) secretary of social and health services may make pro rata payments to eligible counties for periods of less than one year, but for periods of not less than six months, upon satisfactory demonstration of a reduction in commitments in accordance with the provisions of this chapter and the regulations of the department of (~~(institutions)~~) social and health services.

Sec. 17. Section 1, chapter 331, Laws of 1959 and RCW 13.07.010 are each amended to read as follows:

As used in RCW 13.07.010 through 13.07.060:

(1) (~~("Director")~~) "Secretary" means the (~~(director of the department of institutions)~~) secretary of social and health services;

(2) "County" means any county of the third class or lower classification;

(3) "Probation counselor" includes probation officers and persons performing similar duties relative to probation services.

Sec. 18. Section 4, chapter 331, Laws of 1959 as amended by section 2, chapter 137, Laws of 1965 ex. sess. and RCW 13.07.030 are each amended to read as follows:

State aid shall be granted by the ((~~director~~)) secretary in an amount he deems advisable for reimbursement of expenditures incurred by counties in employing the necessary probation counselors (1) to establish and maintain probation services in counties in which such services have not heretofore existed, and (2) to increase the number of probation counselors of any county and maintain such additional counselors: PROVIDED, That probation counselors so employed shall conform to the personnel standards and qualifications as provided in RCW 13.07.040 before such funds shall be available.

Sec. 19. Section 7, chapter 331, Laws of 1959 and RCW 13.07.050 are each amended to read as follows:

Applications from counties for state aid under this chapter shall be made prior to July 1st of each year by the presiding judge of the county or judicial district to the ((~~director~~)) secretary in conformity with rules and regulations prescribed by him. The application shall include (1) detailed plans and cost estimates covering probation services for the fiscal year, or portion thereof, for which aid is requested, (2) estimated clerical, maintenance, and operation costs, (3) educational qualifications and salaries of probation counselors, (4) designation of all items for which reimbursement is requested, and (5) such other information as the ((~~director~~)) secretary deems pertinent.

Upon approval by the ((~~director~~)) secretary the plan shall be adopted and the county declared eligible not later than August 1st of each year.

Sec. 20. Section 8, chapter 331, Laws of 1959 and RCW 13.07.060 are each amended to read as follows:

Each county approved as eligible for reimbursement under this chapter shall submit to the ((~~director~~)) secretary at the end of each quarterly period, in such form as required by the ((~~director~~)) secretary, a verified accounting of all expenditures made by the county in providing probation services. The accounting shall designate those items for which reimbursement is claimed and shall be presented together with a claim for reimbursement. The ((~~director~~)) secretary shall thereupon certify to the state treasurer the amount to be paid to such county and the state treasurer shall thereupon pay such amount to the county from the probation services account.

The ((~~director~~)) secretary may deny, or direct the state treasurer to withhold, payment of state aid to any county if such county (1) fails to conform to the minimum educational qualifications for probation counselors provided for in this chapter, or (2) discontinues an approved plan, or (3) fails to enforce in a satisfactory manner any rules promulgated pursuant to this chapter or any law now in effect or hereafter enacted which relate in any manner to the administration of probation services.

Sec. 21. Section 15.36.130, chapter 11, Laws of 1961 and RCW 15.36-.130 are each amended to read as follows:

Certified milk—raw is raw milk which conforms with requirements of the American association of medical milk commissions in force at the time of production and is produced under the supervision of a medical milk commission reporting monthly to the director and the state department of ~~((health))~~ social and health services.

Sec. 22. Section 15.36.425, chapter 11, Laws of 1961 and RCW 15.36-.425 are each amended to read as follows:

The health officer or a physician authorized by him shall examine and take careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state department of social and health services for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

Sec. 23. Section 15.36.550, chapter 11, Laws of 1961 and RCW 15.36-.550 are each amended to read as follows:

The director shall have the power and duty (1) to adopt, issue and promulgate from time to time necessary rules, regulations and orders for the enforcement of this chapter; (2) with the approval of the ~~((state director of health))~~ secretary of social and health services to adopt standards of requirements necessary for approval of local milk inspection service units hereinafter provided for, the basic standards in this connection being a sufficient force of qualified personnel under the general direction of a health officer, and sufficient laboratory facilities to insure compliance with the provisions of this chapter and the rules and regulations promulgated thereunder; and (3) to cancel, and with the consent of the ~~((director of health))~~ secretary of social and health services, to approve the issuance of certificates of approval for such local milk inspection service units.

Sec. 24. Section 15.36.560, chapter 11, Laws of 1961 and RCW 15.36-.560 are each amended to read as follows:

Any city, township, or county desiring to maintain and operate a local milk inspection service unit shall make application in writing to the director for a certificate of approval. Upon receipt of such application the director

shall investigate and determine whether the city, township, or county is entitled to approval in the maintenance and operation of a local milk inspection service unit, and if so the director, with the consent and approval of the ~~((director of health))~~ secretary of social and health services, shall issue the certificate applied for. The boundaries of jurisdiction of the local milk inspection service unit shall be defined by the director after investigation and consultation with the health officer of the local milk inspection service unit taking into consideration among other things the geographical convenience of the area and the amount of fluid milk and fluid milk products sold or delivered within the area. Upon receipt of such certificate of approval the local milk inspection service unit shall have full authority through the health officer to perform all of the duties relative to the enforcement of the provisions of this chapter and to the issuing, suspension and revocation of permits within the defined jurisdiction of such local milk inspection service unit. Any certificate of approval may be canceled by the director after thirty days notice in writing to the holder of the certificate of approval should the local milk inspection service unit be found incompetent, inadequate, improper or remiss in any particular.

Sec. 25. Section 2, chapter 253, Laws of 1957 and RCW 18.20.020 are each amended to read as follows:

As used in this chapter:

(1) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(2) "Boarding home" means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) ~~(("Director"))~~ "Secretary" means the ~~((state director of health))~~ secretary of social and health services.

(5) "Board" means the state board of health.

(6) "Department" means the state department of ~~((health))~~ social and health services.

(7) "Authorized department" means any city, county, city-county health department or health district authorized by the ~~((director of the state department of health))~~ secretary of social and health services to carry out the provisions of this chapter.

Sec. 26. Section 10, chapter 253, Laws of 1957 and RCW 18.20.100 are each amended to read as follows:

Where it is determined by the ((~~director~~)) secretary together with the jurisdictional health officer, that a city, county, city-county health department or health district is qualified to carry out the provisions of this chapter, he shall authorize such political subdivision or agency to administer and enforce this chapter, and the rules and regulations promulgated hereunder.

Any such authorization may be withdrawn by the ((~~director~~)) secretary after thirty days' notice in writing to the authorized department should the ((~~director~~)) secretary determine that the authorized department is unwilling or unable to carry out the duties and responsibilities hereunder.

Sec. 27. Section 1, chapter 183, Laws of 1951 and RCW 18.45.010 are each amended to read as follows:

When used in this chapter, the following terms, words or phrases shall have the following meanings:

"Person" includes individual, copartnership, association, firm, auctioneer, trust and corporation and the agents, employees and servants of any of them.

"Sell" or any of its variants includes any of, or any combination of, the following: Sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess with an intent to sell or dispose of in any other commercial manner. Merchandise found on sales floors or in places from which sales or deliveries are made, shall be assumed to be for sale.

"Department" refers to department of social and health services.

((~~"Director"~~)) "Secretary" refers to the ((~~director of health~~)) secretary of social and health services or his authorized representatives.

"Annually," or any of its variants, means that period beginning July first of each year and ending June thirtieth of the succeeding year, or any unexpired portion of that period.

"Certificate" means any registration certificate issued by the department of social and health services.

"Upholstered furniture" includes any furniture, including children's furniture, movable or stationary, which

(1) is made or sold with cushions or pillows, loose or attached, or

(2) is itself stuffed or filled in whole or in part with any material, hidden or concealed by fabrics or any other covering, including cushions or pillows belonging to or forming a part thereof, together with the structural units, the filling material and its covering and its container, that can be used as a support for the body of a human being, or his limbs and feet when sitting or resting in an upright or reclining position.

"Bedding" means any quilted pad, packing pad, mattress pad, hammock pad, mattress, comforter, bunk quilt, sleeping bag, box spring, studio couch, pillow, cushion, hassock or any bag or container made of leather, cloth or any other material or any other device that is stuffed or filled in whole or in part with concealed material in addition to the structural units, all of which

may be used by any human being for sleeping, resting, or reclining purposes.

"Bedding" also includes pillows which are hereby defined as a bag or a case of cloth filled or stuffed with feathers, down, kapok, cotton, hair, wool, or other sanitary filling not prohibited by the regulations of this chapter to be used, or that may be used, as a rest or a support for the head in reclining, resting, or sleeping.

"Filling material" means cotton, wool, kapok, feathers, down, or any other material, or any combination thereof, loose or in batting, pads, or any other prefabricated form, concealed or not concealed, to be used, or that may be used, in articles of bedding or upholstered furniture.

"Second-hand" means any material or article of which prior use has been made, and includes used defabricated material, thread, and yarn, not otherwise classed as new by the regulations of this chapter.

Any article of upholstered furniture or bedding is second-hand if it contains any second-hand material in whole or in part.

Any article of upholstered furniture or bedding on sales floors in a private residence or room, which is not separated from living quarters, is second-hand furniture or bedding.

"Manufacturer" means a person who, either by himself or through employees or agents, makes any article of upholstered furniture or bedding in whole or in part, or who does the upholstery or covering of any structural unit or part thereof, using either new or second-hand material.

A "wholesaler" is a person who sells any article of upholstered furniture or bedding or filling material to another for purpose of resale.

A "retailer" is a person who sells any article of upholstered furniture or bedding or filling material to a consumer or user of the article purchased.

"Repairer" or "renovator" means a person who repairs, makes over, recovers, restores, renovates, or renews upholstered furniture or bedding.

"Transient repairer or renovator" means any person who travels from place to place and repairs upholstered furniture or renovates bedding with or without benefit of mobile facilities but who has no permanent shop or address.

"Sterilizer" means any person certified by the department to sterilize any upholstered furniture, bedding, or filling material relating thereto.

"Fumigator" means any person certified by the department to fumigate any article of upholstered furniture or bedding or filling material relating thereto.

"Supply dealer" means any person certified by the department to manufacture, process, or sell at wholesale any felt, padding, pads, or loose material in bags or containers, concealed or not concealed, to be used, or that could be used in articles of bedding or upholstered furniture.

"Supply depot" means any warehouse or storeroom used as a merchandising center or supply outlet, to supply, or for the purpose of supplying,

merchandise subject to this chapter, either directly or indirectly at wholesale or retail, which merchandise is sold or held for the purpose of sale to any person regardless of whether the purchaser is in business or in the employ of any person.

"Auctioneer" means any person who sells at auction to the highest bidder, either for himself or another party, at public or private sale, any article or material regulated by this chapter.

"Residence dealer" means any person who sells any new or used article of upholstered furniture or bedding from his own or another person's place of abode or from any salesroom not having a recognized and ordinary store entrance.

"Slip cover" means any casing or cover without any filling material and meeting any of the following requirements:

- (1) Which is for use or is to be placed on or over any manufactured article or upholstered furniture or bedding;
- (2) Which covers or conceals the upholstered furniture or bedding in whole or in part;
- (3) Which is closed or held in place by snaps or hooks and eyes or lacing so that it may be removed without the use of tools or instruments;
- (4) Which is not permanently attached by tacking, sewing, or in any other manner.

Any person engaged exclusively in the manufacture of slip covers shall not be required to have a certificate under the provisions of this chapter.

"Branch" means any subordinate establishment situated apart from the parent house, maintaining a separate service to the trade.

"Owner's own material" means any article or material belonging to any person for his own or his tenant's use that is sent to any manufacturer, repairer or renovator to be repaired or renovated or used in repairing or renovating.

Sec. 28. Section 2, chapter 183, Laws of 1951 and RCW 18.45.020 are each amended to read as follows:

The ((~~director~~)) secretary shall administer this chapter.

Sec. 29. Section 46, chapter 183, Laws of 1951 and RCW 18.45.440 are each amended to read as follows:

The ((~~director~~)) secretary shall have access to any premises or to any records held by any person containing any information pertaining to any materials or articles affected by and subject to the provisions of this chapter. They may inspect materials and structural parts intended to be used in the manufacture of upholstered furniture or bedding, may open such articles or parts thereof for the purpose of inspecting concealed filling material and may take either the entire article or samples of filling material in such quantities as may be necessary for laboratory analysis.

Sec. 30. Section 47, chapter 183, Laws of 1951 and RCW 18.45.450 are each amended to read as follows:

When the ((director)) secretary determines that any second-hand or damaged article of upholstered furniture or bedding for sale, or any materials intended to be used in the manufacture of any article or articles of upholstered furniture or bedding are detrimental to public health, he may condemn, withhold from sale, seize, or destroy any such article or articles.

Sec. 31. Section 49, chapter 183, Laws of 1951 and RCW 18.45.470 are each amended to read as follows:

The failure of any person to produce upon demand of the ((director)) secretary any article or material that has been condemned or ordered held on an inspection notice is a violation of this chapter.

Sec. 32. Section 2, chapter 168, Laws of 1951 and RCW 18.46.010 are each amended to read as follows:

(1) "Maternity home" means any home, place, hospital or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: PROVIDED, HOWEVER, That this chapter shall not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(2) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

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

(4) "Board" means the state board of health.

Sec. 33. Section 45, chapter 139, Laws of 1959 and RCW 20.01.450 are each amended to read as follows:

No claim may be made as against the seller of agricultural products by a dealer or cash buyer under this chapter, and no credit may be allowed to such dealer or cash buyer as against a consignor of agricultural products by reason of damage to, or loss, dumping, or disposal of agricultural products sold to said dealer or cash buyer, in any payment, accounting or settlement made by said dealer or cash buyer to said consignor, unless said dealer or cash buyer has secured and is in possession of a certificate, issued by an agricultural inspector, county health officer, director, a duly authorized officer of the state department of social and health services, or by some other official now or hereafter authorized by law, to the effect that the agricultural products involved have been damaged, dumped, destroyed or otherwise disposed of as unfit for the purpose intended. Such certificate will not be valid as proof of proper claim, credit or offset unless issued within twenty-four hours, or a reasonable time as prescribed by the director, of the receipt by the dealer or cash buyer of the agricultural products involved.

Sec. 34. Section 1, chapter 279, Laws of 1969 ex. sess. and RCW 26-04.165 are each amended to read as follows:

In addition to the application provided for in RCW 26.04.160, the county auditor for the county wherein the license is issued shall submit to each applicant at the time for application for a license the Washington state department of social and health services marriage certificate form prescribed by RCW 70.58.200 to be completed by the applicants and returned to the county auditor for the files of the state registrar of vital statistics: PROVIDED, That after the execution of the application for, and the issuance of a license, no county shall require the persons authorized to solemnize marriages to obtain any further information from the persons to be married except the names and county of residence of the persons to be married.

Sec. 35. Section 6, chapter 272, Laws of 1955 and RCW 26.40.060 are each amended to read as follows:

Upon the issuance of an order for the commitment of a child to custody, the court shall transmit copies thereof to the co-custodians named therein. For the state as co-custodian the copy of such order shall be filed with the secretary of state whose duty it shall be to notify the state superintendent of public instruction, the state department of social and health services, and such other state departments or agencies as may have services for the child, of the filing of such order, which notice shall be given by the secretary of state at the time commitment to custody becomes effective under the order.

Sec. 36. Section 28A.47.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.090 are each amended to read as follows:

It shall be the duty of the superintendent of public instruction, in consultation with the Washington state department of social and health services, to prepare, and so often as he deems necessary revise, a manual for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the common schools. In the preparation and revision of the aforesaid manual due consideration shall be given to the presentation of information regarding (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.050 through 28A.47.120; (2) procedures in inaugurating and conducting a school plant planning program for a school district; (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (4) the planning of readily expandable and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (5) an acceptable school

building maintenance program and the necessity therefor; (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (7) any other matters regarded by the aforesaid officer as pertinent or related to the purposes and requirements of RCW 28A.47.050 through 28A.47.120.

Sec. 37. Section 28A.47.690, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.690 are each amended to read as follows:

It shall be the duty of the state board of education, in consultation with the Washington state department of social and health services, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.570 through 28A.47.710; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW 28A.47.570 through 28A.47.710.

Sec. 38. Section 28A.47.744, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.744 are each amended to read as follows:

It shall be the duty of the state board of education, in consultation with the Washington state department of social and health services, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.720 through 28A.47.750; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health,

safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW 28A.47.720 through 28A.47.750.

Sec. 39. Section 8, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.807 are each amended to read as follows:

It shall be the duty of the state board of education, in consultation with the Washington state department of social and health services, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.800 through 28A.47.811; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW 28A.47.800 through 28A.47.811.

Sec. 40. Section 35.88.080, chapter 7, Laws of 1965 and RCW 35.88-.080 are each amended to read as follows:

Any city not located on tidewater, having a population of one hundred thousand or more, is hereby prohibited from discharging, draining or depositing, or causing to be discharged, drained or deposited, any sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, offensive, injurious or dangerous to health, into any springs, streams, rivers, lakes, tributaries thereof, wells, or into any subterranean or other waters used or intended to be used for human or animal consumption or for domestic purposes.

Anything done, maintained, or suffered, in violation of any of the provisions of this section, shall be deemed to be a public nuisance, and may be summarily abated as such by any court of competent jurisdiction at the suit of the (~~director of health~~) secretary of social and health services or any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected.

Sec. 41. Section 35.88.090, chapter 7, Laws of 1965 and RCW 35.88-.090 are each amended to read as follows:

The (~~director of health~~) secretary of social and health services shall have the power, and it shall be his duty, to investigate the system of disposal of sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, by cities not located on tidewater, having a population of one hundred thousand or more, and if he shall determine upon investigation that any such system or systems of disposal is or may be injurious or dangerous to health, he shall have the power, and it shall be his duty, to order such city or cities to provide for, construct, and maintain a system or systems of disposal which will not be injurious or dangerous to health.

Sec. 42. Section 35A.70.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.70.070 are each amended to read as follows:

Every code city may exercise the powers authorized and shall perform the duties imposed upon cities of like population relating to the public health and safety as provided by Title 70 RCW and, without limiting the generality of the foregoing, shall: (1) Organize boards of health and appoint a health officer with the authority, duties and functions as provided in chapter (~~70.04~~) 70.05 RCW, or provide for combined city-county health departments as provided and in accordance with the provisions of chapter 70.08 RCW; (2) contribute and participate in public health pooling funds as authorized by chapter 70.12 RCW; (3) perform the functions and provide health precautions at seaports as required by chapter 70.16 RCW; (4) procure pesthouses and to provide quarantines and miscellaneous other health precautions as authorized by chapter 70.20 RCW; (5) control and provide for treatment of venereal diseases as authorized by chapter 70.24 RCW; (6) provide for the care and control of tuberculosis as provided in chapters 70.28, 70.30, 70.32, and 70.54 RCW; (7) participate in health districts as authorized by chapter 70.46 RCW; (8) exercise control over water pollution as provided in chapter 35.88 RCW; (9) for all code cities having a population of more than twenty thousand serve as a primary district for registration of vital statistics in accordance with the provisions of chapter 70.58 RCW and RCW 43.20.090; (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 social and health services in mosquito control as authorized by RCW 70.22.060; and (16) inspect nursing homes as authorized by RCW 18.51.020.

Sec. 43. Section 36.39.040, chapter 4, Laws of 1963 and RCW 36.39-.040 are each amended to read as follows:

The county commissioners of any county may expend from the county general fund for the purpose of receiving, warehousing and distributing federal surplus commodities for the use of or assistance to recipients of public assistance or other needy families and individuals when such recipients, families or individuals are certified as eligible to obtain such commodities by the state department of ~~((public assistance))~~ social and health services. The county commissioners may expend county general fund moneys to carry out any such program as a sole county operation or in conjunction or cooperation with any similar program of distribution by private individuals or organizations, any department of the state, or any political subdivision of the state.

Sec. 44. Section 36.62.240, chapter 4, Laws of 1963 and RCW 36.62-.240 are each amended to read as follows:

Any institution maintained and operated under the provisions of RCW 36.62.110 through 36.62.230 shall be subject to inspection by a duly authorized representative of the state department of social and health services and any member of the board of county commissioners of the county or counties and governing officials of the cities by which the hospital has been established.

Sec. 45. Section 43.19.450, chapter 8, Laws of 1965 and RCW 43.19-.450 are each amended to read as follows:

The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director he may appoint and employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he is, and for the last five years prior to his appointment has been, licensed to practice the profession of engineering or the profession of architecture in the state of Washington.

The director of general administration, through the division of engineering and architecture shall:

(1) Establish a systematic building program for the grouping of buildings at the state capital, at institutions under the control of the department of ~~((institutions))~~ social and health services, and for state agencies which have no architectural staff, and prepare preliminary layouts, site studies,

programs and topographical plans to accompany the estimates for the biennial budgets.

(2) Contract for professional architectural, engineering and related services for the design of buildings and major alterations to existing buildings at the state capital, at institutions under the control of the department of ~~((institutions))~~ social and health services, and for all state-owned buildings for agencies which have no architectural staff.

(3) Prepare estimates for the biennial budget and prepare plans and specifications for all necessary maintenance, repairs, and minor alterations to the state capitol buildings, all buildings required at the institutions under the control of the department of ~~((institutions))~~ social and health services, and for all other state-owned buildings for agencies which have no architectural staff.

(4) Supervise the erection, repairing and betterment of all capitol buildings, all buildings required for the institutions under the control of the department of ~~((institutions))~~ social and health services, and all other state-owned buildings for agencies which have no architectural staff.

(5) Negotiate and/or call for bids and execute all contracts on behalf of the state for the preceding.

Sec. 46. Section 43.20.010, chapter 8, Laws of 1965 as amended by section 1, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.010 are each amended to read as follows:

The ~~((director of health))~~ secretary of social and health services 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 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 social and health services;

(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 social and health services. The ((~~director~~)) secretary is also authorized 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.

Sec. 47. Section 2, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.015 are each amended to read as follows:

The ((~~director~~)) secretary 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 RCW 34.04.105 shall apply to subpoenas issued hereunder.

Sec. 48. Section 43.20.040, chapter 8, Laws of 1965 as amended by section 8, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.040 are each amended to read as follows:

The ((~~director~~)) secretary may appoint and employ such deputies, scientific experts, physicians, nurses, sanitary engineers, and other personnel including consultants, and such clerical and other assistants as may be necessary to carry on the work of the department of social and health services.

Sec. 49. Section 43.20.050, chapter 8, Laws of 1965 as amended by section 9, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.050 are each amended to read as follows:

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.

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 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 noninfectious 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))~~ secretary of social and health services 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))~~ secretary of social and health services 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. 50. Section 43.20.060, chapter 8, Laws of 1965 as amended by section 10, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.060 are each amended to read as follows:

In order to receive the assistance and advice of local health officers in carrying out his duties and responsibilities, the ~~((director of health))~~ secretary of social and health services 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))~~ secretary deems necessary.

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))~~ secretary of social and health services attesting the attendance of the claimant.

Sec. 51. Section 43.20.070, chapter 8, Laws of 1965 as amended by section 1, chapter 26, Laws of 1967 and RCW 43.20.070 are each amended to read as follows:

The ~~((director of health))~~ secretary of social and health services shall have charge of the state system of registration of births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance, and shall prepare the necessary rules, forms, and blanks for obtaining records, and insure the faithful registration thereof.

Sec. 52. Section 43.20.130, chapter 8, Laws of 1965 and RCW 43.20.130 are each amended to read as follows:

It shall be the duty of the ~~((director of health))~~ secretary of social and health services and he shall have the power to establish and administer a program of services for children who are crippled or who are suffering from physical conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and after care; to supervise the administration of those services, included in the program, which are not administered directly by it; to extend and improve any such services, including those in existence on April 1, 1941; to cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and to receive and expend all

funds made available to the department by the federal government, the state or its political subdivisions or from other sources, for such purposes.

Sec. 53. Section 3, chapter 102, Laws of 1967 ex. sess. and RCW 43-.20.150 are each amended to read as follows:

The ~~((director))~~ secretary 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))~~ secretary 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))~~ secretary 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))~~ secretary may also, for the purposes of such investigation, issue subpoenas to compel the attendance of witnesses, as provided for in ~~((RCW 43.20.015))~~ RCW 43.20A.... (RCW 43.20.015 as recodified by section 384 of this 1979 act), and/or the production of books and documents anywhere in the state.

Sec. 54. Section 4, chapter 102, Laws of 1967 ex. sess. and RCW 43-.20.160 are each amended to read as follows:

Pending the results of an investigation provided for under ~~((RCW 43-.20.150))~~ RCW 43.20A.... (RCW 43.20.150 as recodified by section 384 of this 1979 act), the ~~((director))~~ secretary 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))~~ secretary shall not be effective for more than fifteen days without the commencement of a legal action as provided for under RCW ~~((43.20.170))~~ 43.20A.... (RCW 43.20.170 as recodified by section 384 of this 1979 act).

Sec. 55. Section 5, chapter 102, Laws of 1967 ex. sess. and RCW 43-.20.170 are each amended to read as follows:

The ~~((director))~~ secretary of social and health services 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 of social and health services 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 or is about to occur, or in the superior court of Thurston county.

Sec. 56. Section 6, chapter 102, Laws of 1967 ex. sess. and RCW 43-20.180 are each amended to read as follows:

Upon the request of a local health officer, the ~~((state director of health))~~ secretary of social and health services 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.

Sec. 57. Section 7, chapter 102, Laws of 1967 ex. sess. and RCW 43-20.190 are each amended to read as follows:

(1) It shall be the duty of each assistant attorney general, prosecuting attorney, or city attorney to whom the ~~((director))~~ secretary reports any violation of this chapter or chapter 43.20A RCW, or regulations promulgated under ~~((it))~~ them, 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 or chapter 43.20A RCW is reported by the ~~((director))~~ secretary 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))~~ secretary, either orally or in writing, with regard to such contemplated proceeding.

Sec. 58. Section 43.20.140, chapter 8, Laws of 1965 and RCW 43.20.140 are each amended to read as follows:

The director of the state board of health shall be empowered to promulgate such rules and regulations as shall be necessary to effectuate and carry out the purposes of ~~((RCW 43.20.130))~~ RCW 43.20A.____ (RCW 43.20.130 as recodified by section 384 of this 1979 act).

Sec. 59. Section 14, chapter 102, Laws of 1967 ex. sess. and RCW 43-20.210 are each amended to read as follows:

Nothing in ~~((RCW 43.20.010, 43.20.015, 43.20.040 through 43.20.060, 43.20.150 through 43.20.210;))~~ chapters 43.20 and 43.20A RCW and RCW 70.01.010 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 ~~((RCW 43.20.010, 43.20.015, 43.20.040 through 43.20.060, 43.20.150 through 43.20.210;))~~ chapters 43.20 and 43.20A RCW and RCW 70.01.010 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.

Sec. 60. Section 1, chapter 18, Laws of 1970 ex. sess. and RCW 43-.20A.010 are each amended to read as follows:

~~((The purpose of this 1970 amendatory act is to create a single department which will unify the related social and health services of state government.))~~ The department of social and health services is designed to integrate and coordinate all those activities involving provision of care for individuals who, as a result of their economic, social or health condition, require financial assistance, institutional care, rehabilitation or other social and health services. In order to provide for maximum efficiency of operation consistent with meeting the needs of those served or affected, the department will encompass substantially all of the powers, duties and functions ~~((presently))~~ vested by law on June 30, 1970, in the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council and the division of vocational rehabilitation of the coordinating council on occupational education. The department will concern itself with changing social needs, and will expedite the development and implementation of programs designed to achieve its goals. In furtherance of this policy, it is the legislative intent to set forth ~~((in this 1970 amendatory act))~~ only the broad outline of the structure of the department, leaving specific details of its internal organization and management to those charged ~~((by this 1970 amendatory act))~~ with its administration.

Sec. 61. Section 2, chapter 18, Laws of 1970 ex. sess. and RCW 43-.20A.020 are each amended to read as follows:

As used in this ~~((1970 amendatory act))~~ chapter, unless the context indicates otherwise:

- (1) "Department" means the department of social and health services.
- (2) "Secretary" means the secretary of the department of social and health services.
- (3) "Deputy secretary" means the deputy secretary of the department of social and health services.

Sec. 62. Section 3, chapter 18, Laws of 1970 ex. sess. and RCW 43-.20A.030 are each amended to read as follows:

There is hereby created a department of state government to be known as the department of social and health services. All powers, duties and functions ~~((now or through action of this 1970 legislature))~~ vested by law on June 30, 1970, in the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education are transferred to the department ~~((except those powers, duties and functions which are expressly directed elsewhere in this~~

or in any concurrent act of this 1970 legislature)). Powers, duties and functions to be transferred shall include, but not be limited to, all those powers, duties and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs.

Sec. 63. Section 5, chapter 18, Laws of 1970 ex. sess. and RCW 43-20A.050 are each amended to read as follows:

It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the secretary in order that he may institute therein the flexible, alert and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever his authority is not specifically limited by law, he shall have complete charge and supervisory powers over the department. (~~In the performance of duties and functions previously performed through the divisions of the departments affected by this 1970 amendatory act,~~) He is authorized to create such administrative structures as he may deem appropriate, except as otherwise specified (~~in this or any concurrent act of this 1970 legislature~~) by law. The secretary shall have the power to employ such assistants and personnel as may be necessary for the general administration of the department: PROVIDED, That, except as elsewhere specified (~~in this 1970 amendatory act~~), such employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW.

Sec. 64. Section 6, chapter 18, Laws of 1970 ex. sess. and RCW 43-20A.060 are each amended to read as follows:

The department of social and health services shall be subdivided into divisions, including a division of vocational rehabilitation(~~(, with an assistant secretary thereof as provided in RCW 43.20A.090, such secretary hereafter in RCW 43.20A.310 and 43.20A.320 referred to as "his designee"~~). Except as otherwise specified (~~in this 1970 amendatory act,~~) or as federal requirements may differently require, these divisions shall be established and organized in accordance with plans to be prepared by the secretary and approved by the governor. In preparing such plans, the secretary shall endeavor to promote efficient public management, to improve programs, and to take full advantage of the economies, both fiscal and administrative, to be gained from the consolidation of the departments of health, public assistance, institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education.

Sec. 65. Section 42, chapter 18, Laws of 1970 ex. sess. and RCW 43-20A.310 are each amended to read as follows:

In addition to his other powers and duties, the secretary or his designee, shall have the following powers and duties:

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

(2) With respect to vocational rehabilitation, to adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the ~~((provisions of this 1970 amendatory act))~~ duties imposed by state law and the federal acts;

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

Sec. 66. Section 66, chapter 18, Laws of 1970 ex. sess. and RCW 43-.20A.550 are each amended to read as follows:

In furtherance of the policy of the state to cooperate with the federal government in all of the programs ~~((included in this 1970 amendatory act))~~ under the jurisdiction of the department, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by ~~((this 1970 amendatory act))~~ law. Any internal reorganization carried out under the terms of this ~~((1970 amendatory act))~~ chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of ~~((the 1970 amendatory act))~~ law dealing with the department which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any ~~((part of this 1970 amendatory act))~~ law dealing with the department is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this act is declared to be inoperative solely to the extent of the conflict.

Sec. 67. Section 14, chapter 62, Laws of 1970 ex. sess. and RCW 43-.21A.140 are each amended to read as follows:

The director in carrying out his powers and duties under this chapter shall consult with the department of social and health services and the state board of health, or their successors, insofar as necessary to assure that those agencies concerned with the preservation of life and health may integrate their efforts to the fullest extent possible and endorse policies in common.

Sec. 68. Section 17, chapter 62, Laws of 1970 ex. sess. and RCW 43-.21A.170 are each amended to read as follows:

There is hereby created an ecological commission. The commission shall consist of seven members to be appointed by the governor from the electors of the state who shall have a general knowledge of and interest in environmental matters. No persons shall be eligible for appointment who hold any other state, county or municipal elective or appointive office.

(a) One public member shall be a representative of organized labor.

(b) One public member shall be a representative of the business community.

(c) One public member shall be a representative of the agricultural community.

(d) Four persons representing the public at large.

The members of the initial commission shall be appointed within thirty days after July 1, 1970. Of the members of the initial commission, two shall be appointed for terms ending June 30, 1974, two shall be appointed for terms ending on June 30, 1973, two shall be appointed for terms ending on June 30, 1972, and one shall be appointed for a term ending June 30, 1971. Thereafter, each member of the commission shall be appointed for a term of four years. Vacancies shall be filled within ninety days for the remainder of the unexpired term by appointment of the governor in the same manner as the original appointments. Each member of the commission shall continue in office until his successor is appointed. No member shall be appointed for more than two consecutive terms. The chairman of the commission shall be appointed from the members by the governor.

The governor may remove any commission member for cause giving him a copy of the charges against him, and an opportunity of being publicly heard in person, or by counsel in his own defense. There shall be no right of review in any court whatsoever. The director or administrator, or a designated representative, of each of the following state agencies:

- (1) The department of agriculture;
- (2) The department of commerce and economic development;
- (3) The department of fisheries;
- (4) The department of game;
- (5) The department of social and health services;
- (6) The department of natural resources; and

(7) The state parks and recreation commission shall be given notice of and may attend all meetings of the commission and shall be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations.

Sec. 69. Section 1, chapter 111, Laws of 1963 as amended by section 3, chapter 135, Laws of 1967 ex. sess. and RCW 57.08.065 are each amended to read as follows:

In addition to the powers now given water districts by law, they shall also have power to establish, 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 Title 56 RCW, 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~~) department of ecology and department of social and health services. 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.

Sec. 70. Section 1, chapter 144, Laws of 1955 and RCW 69.30.010 are each amended to read as follows:

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

(1) "Shellfish" means all varieties of fresh and frozen oysters and clams, either shucked or in the shell, and any fresh or frozen edible products thereof.

(2) "Sale" means to sell, offer for sale, barter, trade, deliver, consign, hold for sale, consignment, barter, trade, or delivery, and/or possess with intent to sell or dispose of in any commercial manner.

(3) "Shellfish growing areas" means the lands and waters in and upon which shellfish are grown for harvesting for sale for human consumption.

(4) "Establishment" means the buildings together with the necessary equipment and appurtenances used for the storage, culling, shucking, packing and/or shipping of shellfish for sale for human consumption.

(5) "Person" means any individual, partnership, firm, company, corporation and/or association.

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

(7) (~~"Director"~~) "Secretary" means the (~~state director of health~~) secretary of social and health services or his authorized representatives.

Sec. 71. Section 8, chapter 144, Laws of 1955 and RCW 69.30.080 are each amended to read as follows:

Any order issued by the department which denies or revokes a certificate of approval for a shellfish growing area or establishment shall be in writing and shall contain a statement of the grounds upon which said denial or revocation is based. A copy of the department's order shall be sent by registered mail to the person whose name appears on the certificate of approval or application therefor. Said order shall become final fifteen days after the date of mailing, provided the person aggrieved by such order does not, within ten days of the date of mailing of such order, apply in writing to the (~~director~~) secretary for a fair hearing. Upon such application, the department shall fix a time for such hearing and shall give the person aggrieved a

notice of the time fixed for such a hearing. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the state board of health (~~after consultation with the shellfish sanitation advisory committee~~). The ~~((director))~~ secretary shall render his decision affirming, modifying or setting aside the order of the department which decision in the absence of an appeal therefrom as provided by this chapter, shall become final fifteen days after the date of mailing.

Sec. 72. Section 9, chapter 144, Laws of 1955 and RCW 69.30.090 are each amended to read as follows:

Within ten days after the date of mailing of the decision of the ~~((director))~~ secretary, the person aggrieved may appeal to the superior court of the county in which the shellfish growing area or establishment is located or to be located and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearings before the ~~((director))~~ secretary. Proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the department and by filing the notice of appeal together with proof of service thereof with the clerk of the court. The service and filing, together with proof of service of the notice of appeal, all within ten days shall be jurisdictional. The department shall within ten days after receipt of such notice of appeal serve and file a notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The department shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of the complete record of the administrative proceedings which shall, upon being so filed, become the record in such case. The cost of transcribing the record shall be borne by the appellant in the event the ~~((director's))~~ secretary's decision is affirmed by the court. In the event of modification or reversal, such cost shall be borne by the department.

Sec. 73. Section 10, chapter 144, Laws of 1955 and RCW 69.30.100 are each amended to read as follows:

Any order or decision issued by the department or ~~((director))~~ secretary from which an appeal is taken, as provided in this chapter, shall have full force and effect during the appellate procedure.

Sec. 74. Section 11, chapter 144, Laws of 1955 and RCW 69.30.110 are each amended to read as follows:

Any shellfish sold or offered for sale in the state, which have not been grown, shucked, packed, or shipped in accordance with the provisions of this chapter, shall upon order of the ~~((director))~~ secretary be immediately withdrawn from sale, use, or consumption. In the event of failure or refusal to comply with said order, the ~~((director))~~ secretary may apply to the superior court of the county wherein the shellfish were found for an order directing

that the person having control of said shellfish withdraw said shellfish from sale, use, or consumption, in compliance with the order of the ~~((director))~~ secretary.

Sec. 75. Section 2, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.051 are each amended to read as follows:

The following persons holding licenses as required by RCW 70.05.050 shall be deemed qualified to hold the position of local health officer:

(1) Persons holding the degree of master of public health or its equivalent;

(2) Persons not meeting the requirements of subsection (1) of this section, who upon August 11, 1969 are currently employed in this state as a local health officer and whom the ~~((state director of health))~~ secretary of social and health services recommends in writing to the local board of health as qualified; and

(3) Persons qualified by virtue of completing three years of service as a provisionally qualified officer pursuant to RCW 70.05.053 through 70.05.055.

Sec. 76. Section 3, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.053 are each amended to read as follows:

Persons holding licenses required by RCW 70.05.050 but not meeting any of the requirements for qualification prescribed by RCW 70.05.051 may be appointed by local health boards as provisionally qualified local health officers for a maximum period of three years upon the following conditions and in accordance with the following procedure:

(1) He shall participate in an in-service orientation to the field of public health as provided in RCW 70.05.054, and

(2) He shall satisfy the ~~((director))~~ secretary of social and health services pursuant to the periodic interviews prescribed by RCW 70.05.055 that he has successfully completed such in-service orientation and is conducting such program of good health practices as may be required by the jurisdictional area concerned.

Sec. 77. Section 4, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.054 are each amended to read as follows:

The ~~((director of health))~~ secretary of social and health services shall provide an in-service public health orientation program for the benefit of provisionally qualified local health officers.

Such program shall consist of—

(1) A three months course in public health training conducted by the ~~((director))~~ secretary either in the state department of social and health services, in a county and/or city health department, in a local health district, or in an institution of higher education; or

(2) An on-the-job, self-training program pursuant to a standardized syllabus setting forth the major duties of a local health officer including the

techniques and practices of public health principles expected of qualified local health officers: PROVIDED, That each provisionally qualified local health officer may choose which type of training he shall pursue.

Sec. 78. Section 5, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.055 are each amended to read as follows:

Each year, on a date which shall be as near as possible to the anniversary date of appointment as provisional local health officer, the (~~state director of health~~) secretary of social and health services or his designee shall personally visit such provisional officer's office for a personal review and discussion of the activity, plans, and study being carried on relative to the provisional officer's jurisdictional area: PROVIDED, That the third such interview shall occur three months prior to the end of the three year provisional term. A standardized checklist shall be used for all such interviews, but such checklist shall not constitute a grading sheet or evaluation form for use in the ultimate decision of qualification of the provisional appointee as a public health officer.

Copies of the results of each interview shall be supplied to the provisional officer within two weeks following each such interview.

Following the third such interview, the (~~state director of health~~) secretary of social and health services shall evaluate the provisional local health officer's in-service performance and shall notify such officer by certified mail of his decision whether or not to qualify such officer as a local public health officer. Such notice shall be mailed at least sixty days prior to the third anniversary date of provisional appointment. Failure to so mail such notice shall constitute a decision that such provisional officer is qualified.

Sec. 79. Section 10, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.060 are each amended to read as follows:

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:

- (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~~) secretary of social and health services;
- (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. 80. Section 12, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.070 are each amended to read as follows:

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))~~ secretary of social and health services, 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))~~ secretary of social and health services 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. 81. Section 13, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.080 are each amended to read as follows:

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))~~ secretary of social and health services 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 chapter 70.05 RCW and RCW 70.46.020 through 70.46.090.

Sec. 82. Section 14, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.090 are each amended to read as follows:

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 social and health services in Olympia.

Sec. 83. Section 15, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.100 are each amended to read as follows:

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 social and health services can be notified, and then the opinion of the executive officer of the state department of social and health services, or any physician he may appoint to examine such case, shall be final.

Sec. 84. Section 18, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.130 are each amended to read as follows:

All expenses incurred by the state, health district, or county in carrying out the provisions of chapter 70.05 RCW and RCW 70.46.020 through 70-.46.090 or any other public health law, or the rules and regulations of the state department of social and health services 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.

Sec. 85. Section 8, chapter 46, Laws of 1949 and RCW 70.08.050 are each amended to read as follows:

Nothing in this chapter shall prohibit the director of public health as provided herein from acting as health officer for any other city or town within the county, nor from acting as health officer in any adjoining county or any city or town within such county having a contract or agreement as provided in RCW 70.08.090: PROVIDED, HOWEVER, That before being appointed health officer for such adjoining county, the (~~state director of health~~) secretary of social and health services shall first give his approval thereto.

Sec. 86. Section 2, chapter 191, Laws of 1939 and RCW 70.12.015 are each amended to read as follows:

The (~~director of the state department of health~~) secretary of social and health services is hereby authorized to apportion and expend such sums as he shall deem necessary for public health work in the counties of the

state, from the appropriations made to the state department of social and health services for county public health work.

Sec. 87. Section 5, chapter 190, Laws of 1943 and RCW 70.12.070 are each amended to read as follows:

The public health pool fund shall be subject to audit by the division of departmental audits and shall be subject to check by the state department of social and health services.

Sec. 88. Section 2, chapter 283, Laws of 1961 and RCW 70.22.020 are each amended to read as follows:

The (~~director of the state department of health~~) secretary of social and health services is hereby authorized and empowered to make or cause to be made such inspections, investigations, studies and determinations as he may from time to time deem advisable in order to ascertain the effect of mosquitoes as a health hazard, and, to the extent to which funds are available, to provide for the control or elimination thereof in any or all parts of the state.

Sec. 89. Section 3, chapter 283, Laws of 1961 and RCW 70.22.030 are each amended to read as follows:

The (~~director of health~~) secretary of social and health services shall coordinate plans for mosquito control work which may be projected by any county, city or town, municipal corporation, taxing district, state department or agency, federal government agency, or any person, group or organization, and arrange for cooperation between any such districts, departments, agencies, persons, groups or organizations.

Sec. 90. Section 4, chapter 283, Laws of 1961 and RCW 70.22.040 are each amended to read as follows:

The (~~director of health~~) secretary of social and health services is authorized and empowered to receive funds from any county, city or town, municipal corporation, taxing district, the federal government, or any person, group or organization to carry out the purpose of this chapter. In connection therewith the (~~director~~) secretary is authorized and empowered to contract with any such county, city, or town, municipal corporation, taxing district, the federal government, person, group or organization with respect to the construction and maintenance of facilities and other work for the purpose of effecting mosquito control or elimination, and any such county, city or town, municipal corporation, or taxing district obligated to carry out the provisions of any such contract entered into with the (~~director of health~~) secretary of social and health services is authorized, empowered and directed to appropriate, and if necessary, to levy taxes for and pay over such funds as its contract with the (~~director~~) secretary may from time to time require.

Sec. 91. Section 5, chapter 283, Laws of 1961 and RCW 70.22.050 are each amended to read as follows:

To carry out the purpose of this chapter, the (~~director of health~~) secretary of social and health services may

(2) abate as nuisances breeding places for mosquitoes as defined in RCW 17.28.170;

(3) acquire by gift, devise, bequest, lease, or purchase, real and personal property necessary or convenient for carrying out the purpose of this chapter;

(4) make contracts, employ engineers, health officers, sanitarians, physicians, laboratory personnel, attorneys, and other technical or professional assistants;

(5) publish information or literature;

(6) do any and all other things necessary to carry out the purpose of this chapter: PROVIDED, That no program shall be permitted nor any action taken in pursuance thereof which may be injurious to the life or health of game or fish.

Sec. 92. Section 6, chapter 283, Laws of 1961 and RCW 70.22.060 are each amended to read as follows:

Each state department, agency, and political subdivision shall cooperate with the (~~director of health~~) secretary of social and health services in carrying out the purposes of this chapter.

Sec. 93. Section 2, chapter 114, Laws of 1919 and RCW 70.24.020 are each amended to read as follows:

State, county and municipal health officers, or their authorized deputies, who are licensed physicians, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examination of persons reasonably suspected of being infected with venereal disease of a communicable nature, and to require persons infected with venereal disease of such communicable nature to report for treatment to a reputable physician and continue treatment until cured, or to submit to treatment provided at public expense until cured, and also, when in the judgment of the (~~state commissioner of health~~) secretary of social and health services, it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease of such communicable nature. It shall be the duty of all local and state health officers to investigate sources of infection of venereal diseases, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution: PROVIDED, That any person suspected as herein set out may have present at the time of taking the blood sample or smear a physician of his or her choosing, who may satisfy himself that the blood or smear taken is that of the suspected person, and that the same shall be forwarded to the proper state authorities for laboratory tests, and: PROVIDED, FURTHER, That the suspected person shall be informed by the health officer of his or her rights under (~~this act~~) RCW 70.24.010 through 70.24.080.

Sec. 94. Section 7, chapter 114, Laws of 1919 and RCW 70.24.060 are each amended to read as follows:

Any person committed to quarantine under the provisions of ~~((this act)) RCW 70.24.010 through 70.24.080~~, feeling aggrieved at the finding of any health officer that he or she is infected, or at the finding of any quarantine officer that he or she has not been cured of infection, shall have the right of appeal from such finding to the ~~((state commissioner of health))~~ secretary of social and health services; and it shall be the duty of every health officer making an examination, and of every quarantine officer, to notify all persons examined or quarantined of their rights in that regard, and to supply them with the forms necessary for that purpose, upon which to make such appeals, to be provided by the ~~((state commissioner of health))~~ secretary of social and health services, and to immediately transmit any such appeals by mail to the ~~((state commissioner of health))~~ secretary of social and health services; and the ~~((state commissioner of health))~~ secretary of social and health services shall, within five days after receiving any such appeal, either in person or by regular or special physician deputy appointed for that purpose, and skilled in the diagnosis of contagious venereal diseases, examine or cause to be examined the person taking the appeal, and the finding and conclusion of the ~~((commissioner of health))~~ secretary of social and health services or his deputy so making such examination shall be final and conclusive.

Sec. 95. Section 2, chapter 165, Laws of 1939 and RCW 70.24.100 are each amended to read as follows:

A standard serological test shall be a laboratory test for syphilis approved by the ~~((state director of health))~~ secretary of social and health services and shall be performed either by a laboratory approved by the ~~((state director of health))~~ secretary of social and health services for the performance of the particular serological test used or by the state department of social and health services, on request of the physician free of charge.

Sec. 96. Section 2, chapter 197, Laws of 1949 as amended by section 2, chapter 252, Laws of 1959 and RCW 70.40.020 are each amended to read as follows:

As used in this chapter:

(1) ~~(("Director"))~~ "Secretary" means the ~~((director))~~ secretary of the state department of social and health services;

(2) "The federal act" means Title VI of the public health service act, as amended, or as hereafter amended by congress;

(3) "The surgeon general" means the surgeon general of the public health service of the United States;

(4) "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals;

(5) "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers;

(6) "Nonprofit hospital" and "nonprofit medical facility" means any hospital or medical facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(7) "Medical facilities" means diagnostic or diagnostic and treatment centers, rehabilitation facilities and nursing homes as those terms are defined in the federal act.

Sec. 97. Section 3, chapter 197, Laws of 1949 as amended by section 3, chapter 252, Laws of 1959 and RCW 70.40.030 are each amended to read as follows:

There is hereby established in the state department of social and health services a "section of hospital and medical facility survey and construction" which shall be administered by a full time salaried head under the supervision and direction of the ((~~director~~)) secretary. The state department of social and health services, through such section, shall constitute the sole agency of the state for the purpose of:

(1) Making an inventory of existing hospitals and medical facilities, surveying the need for construction of hospitals and medical facilities, and developing a program of hospital and medical facility construction; and

(2) Developing and administering a state plan for the construction of public and other nonprofit hospitals and medical facilities as provided in this chapter.

Sec. 98. Section 4, chapter 197, Laws of 1949 as last amended by section 83, chapter 75, Laws of 1977 and RCW 70.40.040 are each amended to read as follows:

In carrying out the purposes of the chapter the ((~~director~~)) secretary is authorized and directed:

(1) To require such reports, make such inspections and investigations and prescribe such regulations as he deems necessary;

(2) To provide such methods of administration, appoint a head and other personnel of the section and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

(3) To procure in his discretion the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee for service basis and do not involve the performance of administrative duties;

(4) To the extent that he considers desirable to effectuate the purposes of this chapter, to enter into agreements for the utilization of the facilities

and services of other departments, agencies, and institutions public or private;

(5) To accept on behalf of the state and to deposit with the state treasurer, any grant, gift, or contribution made to assist in meeting the cost of carrying out the purposes of this chapter, and to expend the same for such purpose; and

(6) To make an annual report to the governor on activities pursuant to this chapter, including recommendations for such additional legislation as the ((director)) secretary considers appropriate to furnish adequate hospital and medical facilities to the people of this state.

Sec. 99. Section 6, chapter 197, Laws of 1949 as amended by section 6, chapter 252, Laws of 1959 and RCW 70.40.060 are each amended to read as follows:

The ((director)) secretary is authorized and directed to make an inventory of existing hospitals and medical facilities, including public nonprofit and proprietary hospitals and medical facilities, to survey the need for construction of hospitals and medical facilities, and, on the basis of such inventory and survey, to develop a program for the construction of such public and other nonprofit hospitals and medical facilities as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital and medical facility services to all the people of the state.

Sec. 100. Section 8, chapter 197, Laws of 1949 and RCW 70.40.080 are each amended to read as follows:

The ((director)) secretary is authorized to make application to the surgeon general for federal funds to assist in carrying out the survey and planning activities herein provided. Such funds shall be deposited with the state treasurer and shall be available to the ((director)) secretary for expenditure in carrying out the purposes of this part. Any such funds received and not expended for such purposes shall be repaid to the treasurer of the United States.

Sec. 101. Section 9, chapter 197, Laws of 1949 as amended by section 8, chapter 252, Laws of 1959 and RCW 70.40.090 are each amended to read as follows:

The ((director)) secretary shall prepare and submit to the surgeon general a state plan which shall include the hospital and medical facility construction program developed under this chapter and which shall provide for the establishment, administration, and operation of hospital and medical facility construction activities in accordance with the requirements of the federal act and the regulations thereunder. The ((director)) secretary shall, prior to the submission of such plan to the surgeon general, give adequate publicity to a general description of all the provisions proposed to be included therein, and hold a public hearing at which all persons or organizations with a legitimate interest in such plan may be given an opportunity to

express their views. After approval of the plan by the surgeon general, the ((director)) secretary shall publish a general description of the provisions thereof in at least one newspaper having general circulation in the state, and shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The ((director)) secretary shall from time to time review the hospital and medical facility construction program and submit to the surgeon general any modifications thereof which he may find necessary and may submit to the surgeon general such modifications of the state plan, not inconsistent with the requirements of the federal act, as he may deem advisable.

Sec. 102. Section 10, chapter 197, Laws of 1949 as amended by section 9, chapter 252, Laws of 1959 and RCW 70.40.110 are each amended to read as follows:

The ((director)) secretary shall by regulation prescribe minimum standards for the maintenance and operation of hospitals and medical facilities which receive federal aid for construction under the state plan.

Sec. 103. Section 12, chapter 197, Laws of 1949 as amended by section 10, chapter 252, Laws of 1959 and RCW 70.40.120 are each amended to read as follows:

Applications for hospital and medical facility construction projects for which federal funds are requested shall be submitted to the ((director)) secretary and may be submitted by the state or any political subdivision thereof or by any public or nonprofit agency authorized to construct and operate a hospital or medical facility: PROVIDED, That except as may be permitted by federal law no application for a diagnostic or treatment center shall be approved unless the applicant is (1) a state, political subdivision, or public agency, or (2) a corporation or association which owns and operates a nonprofit hospital. Each application for a construction project shall conform to federal and state requirements.

Sec. 104. Section 13, chapter 197, Laws of 1949 and RCW 70.40.130 are each amended to read as follows:

The ((director)) secretary shall afford to every applicant for a construction project an opportunity for a fair hearing. If the ((director)) secretary, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of RCW 70.40.120 and is otherwise in conformity with the state plan, he shall approve such application and shall recommend and forward it to the surgeon general.

Sec. 105. Section 14, chapter 197, Laws of 1949 and RCW 70.40.140 are each amended to read as follows:

From time to time the ((director)) secretary shall inspect each construction project approved by the surgeon general, and, if the inspection so warrants, the ((director)) secretary shall certify to the surgeon general that

work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of federal funds is due to the applicant.

Sec. 106. Section 1, chapter 267, Laws of 1955 and RCW 70.41.010 are each amended to read as follows:

The primary purpose of this chapter is to promote safe and adequate care of individuals in hospitals through the development, establishment and enforcement of minimum hospital standards for maintenance and operation. To accomplish these purposes, this chapter provides for:

- (1) The licensing and inspection of hospitals;
- (2) The establishment of a Washington state hospital advisory council;
- (3) The establishment by the state board of health of standards, rules and regulations for the construction, maintenance and operation of hospitals;
- (4) The enforcement by the Washington state department of social and health services of the standards, rules and regulations established by the board.

Sec. 107. Section 8, chapter 264, Laws of 1945 and RCW 70.44.100 are each amended to read as follows:

The Washington state department of social and health services shall be authorized to inspect all premises maintained or operated by any hospital district created hereunder. No district shall construct any building or make any alteration therein without first having obtained the approval of the Washington state board of health as to plans of such construction and the site thereof.

Sec. 108. Section 1, chapter 23, Laws of 1945 and RCW 70.50.010 are each amended to read as follows:

The (~~state director of health~~) secretary of social and health services shall appoint and employ an otologist skilled in diagnosis of diseases of the ear and defects in hearing, especially for school children with an impaired sense of hearing, and shall fix the salary of such otologist in a sum not exceeding the salary of the (~~director~~) secretary.

Sec. 109. Section 3, chapter 208, Laws of 1909 and RCW 70.54.040 are each amended to read as follows:

The commissioners of any county or the mayor of any city may call upon the (~~state commissioner of health~~) secretary of social and health services for advice relative to improving sanitary conditions or disposing of garbage and sewage or obtaining a pure water supply, and when so called upon the (~~state commissioner of health~~) secretary of social and health services shall either personally or by an assistant make a careful examination into the conditions existing and shall make a full report containing his advice thereon to the county or city making such request.

Sec. 110. Section 2, chapter 177, Laws of 1959 and RCW 70.58.310 are each amended to read as follows:

The (~~director of the department of health~~) secretary of social and health services, through the state registrar of vital statistics, shall establish and maintain a registry for handicapped children.

Sec. 111. Section 3, chapter 177, Laws of 1959 and RCW 70.58.320 are each amended to read as follows:

Whenever the attending physician discovers that a newborn child has a congenital defect, and whenever a physician discovers upon treating a child under the age of fourteen years that such child has a partial or complete disability or a condition which may lead to partial or complete disability, such fact shall be reported to the local registrar upon a form to be provided by the (~~director of health~~) secretary of social and health services. No report shall be required if the disabling condition has been previously reported or the condition is not one required to be reported by the (~~director of health~~) secretary of social and health services. Congenital defects shall be reported at the same time as birth certificates are required to be filed. Each physician shall make a report as to disabling conditions within thirty days after discovery thereof.

The forms to be provided by the (~~director of health~~) secretary of social and health services for this purpose shall require such information as the (~~director~~) secretary deems necessary to carry out the purpose of RCW 70.58.300 through 70.58.350.

Sec. 112. Section 5, chapter 177, Laws of 1959 and RCW 70.58.340 are each amended to read as follows:

The (~~director of health~~) secretary of social and health services and any local health officer is authorized to cooperate with and to promote the aid of any medical, health, nursing, welfare, or other private groups or organizations, and with any state agency or political subdivision to furnish statistical data in furtherance of the purpose of RCW 70.58.300 through 70.58.350. The (~~director~~) secretary or any local health officer may accept contributions or gifts in cash or otherwise from any person, group, or governmental agency to further the purpose of RCW 70.58.300 through 70.58.350.

Sec. 113. Section 3, chapter 82, Laws of 1967 and RCW 70.83.030 are each amended to read as follows:

Laboratories, attending physicians, hospital administrators, or other persons performing or requesting the performance of tests for phenylketonuria shall report to the department of social and health services all positive tests. The state board of health by rule and regulation shall, when it deems appropriate, require that positive tests for other heritable and metabolic disorders covered by this chapter be reported to the state department of social and health services by such persons or agencies requesting or performing such tests.

Sec. 114. Section 4, chapter 82, Laws of 1967 and RCW 70.83.040 are each amended to read as follows:

When notified of positive screening tests, the state department of social and health services shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the state department of social and health services, and other state and local agencies cooperating with the department of social and health services in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds.

Sec. 115. Section 1, chapter 57, Laws of 1957 and RCW 70.90.010 are each amended to read as follows:

(1) The term "swimming pool" as used in this chapter shall mean an artificial pool of water used for swimming or recreational bathing, together with buildings and appurtenances in connection therewith, and shall be construed as including all pools of water used for swimming or recreational bathing in which it is necessary to employ such measures as the addition of clean water or disinfectant or both for the purpose of maintaining water quality standards.

(2) The term "wading pool" shall mean any artificial pool of water for wading purposes.

(3) The term "spray pool" shall mean a pool or artificially constructed depression for use by children, into which water is sprayed but is not allowed to pond in the bottom of the pool.

(4) The term "health officer" shall mean the city, county or district health officer.

(5) The term (~~("director")~~) "secretary" shall mean the (~~(director of health)~~) secretary of social and health services of the state of Washington.

(6) The term "public pool" shall include any swimming pool owned or operated by the state of Washington or any of its political subdivisions or is a pool generally available to the general public upon the payment of a specific admission charge for the use of the same, and shall include pools maintained by hotels, motels or private clubs as an additional facility for members or guests where the same is fifteen hundred square feet or more in surface area.

(7) The term "semipublic pool" shall mean a pool provided by a hotel, motel or private club as an additional facility for members or guests where the same is less than fifteen hundred square feet in surface area.

(8) The term "private pool" shall mean a swimming pool, wading pool or spray pool maintained by an individual for the use of his family and friends.

Sec. 116. Section 2, chapter 57, Laws of 1957 and RCW 70.90.020 are each amended to read as follows:

No municipality, person, firm or corporation shall construct a public or semipublic swimming pool, nor make changes in any public or semipublic swimming pool already built, or in the appurtenances thereof, until the plans and specifications therefor shall first have been submitted to and received the approval of the ~~((director))~~ secretary. The ~~((director))~~ secretary may stipulate as a condition of such approval such modifications or conditions not inconsistent with this chapter as the public health or safety may require.

Sec. 117. Section 3, chapter 57, Laws of 1957 and RCW 70.90.030 are each amended to read as follows:

The ~~((director))~~ secretary is authorized and empowered to make any rules and regulations not inconsistent herewith relative to water quality, disinfection, sanitation and sanitary control of public and semipublic swimming pools, wading pools and spray pools as are reasonably necessary to the protection of the public health and safety: PROVIDED, That such regulations shall not require the installation of overflow troughs or scum gutters in semipublic pools provided other suitable devices of suitable number, type and location, as prescribed by the ~~((director))~~ secretary, shall be provided therefor, nor shall said regulations require recirculation equipment producing a complete turnover of the contents of semipublic pools at a greater rate than once every twelve hours.

Sec. 118. Section 4, chapter 57, Laws of 1957 and RCW 70.90.040 are each amended to read as follows:

The health officer of every city, county or district is empowered to enforce the provisions of this chapter and the needful rules and regulations promulgated by the ~~((director))~~ secretary pursuant hereto, and the violation of any such rules or regulations shall be a misdemeanor punishable by a fine of not more than three hundred dollars.

Sec. 119. Section 3, chapter 232, Laws of 1957 as last amended by section 2, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.030 are each amended to read as follows:

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.

(6) "Control officer" means the air pollution control officer of any authority.

(7) "State board" means the state air pollution control board, or any department or agency which by law shall succeed to its powers, duties and functions.

(8) "Emission" means a release into the outdoor atmosphere of air contaminants.

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

(10) "Ambient air" means the surrounding outside air.

(11) "Multicounty authority" means an authority which consists of two or more counties.

(12) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants into the ambient air.

(13) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(14) "Air quality objective" means the concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which undesirable effects will not occur.

Sec. 120. Section 4, chapter 238, Laws of 1967 and RCW 70.94.053 are each amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties of the first class, class A or class AA, are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or county commissioners as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The state board and the department of social and health services are directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

The state board and the department are directed to report to the 1969 and succeeding legislative sessions with respect to the further need for activating or combining air pollution control authorities.

Sec. 121. Section 20, chapter 232, Laws of 1957 as amended by section 32, chapter 238, Laws of 1967 and RCW 70.94.200 are each amended to read as follows:

For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, a control officer, the ~~((director of the state department of health))~~ secretary of social and health services or their duly authorized representatives, shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing two families or less. No person shall refuse entry or access to any control officer, the ~~((director of health))~~ secretary of social and health services, or their duly authorized representatives, who requests entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection.

Sec. 122. Section 6, chapter 188, Laws of 1961 as amended by section 45, chapter 238, Laws of 1967 and RCW 70.94.350 are each amended to read as follows:

The ~~((director of health))~~ secretary of social and health services is authorized to contract for or otherwise agree to the use of personnel of municipal corporations or other agencies or private persons; and the ~~((director of health))~~ secretary of social and health services is further authorized to reimburse such municipal corporations or agencies for the employment of such personnel. Merit system regulations or standards for the employment of personnel may be waived for personnel hired under contract as provided for in this section. The ~~((director of health))~~ secretary of social and health services shall provide, within available appropriations, for the scientific, technical, legal, administrative, and other necessary services and facilities

for the functioning of the state board. The necessary staff, services, and facilities shall be administered through an appropriate organizational unit of the department of social and health services under the direction of the executive director of the state board.

Sec. 123. Section 8, chapter 188, Laws of 1961 as amended by section 59, chapter 238, Laws of 1967 and RCW 70.94.370 are each amended to read as follows:

No provision of this chapter or any recommendation of the state board or of any local or regional air pollution program is a limitation:

(1) On the power of any city, town or county to declare, prohibit and abate nuisances.

(2) On the power of the (~~director of the state department of health~~) secretary of social and health services to provide for the protection of the public health under any authority presently vested in that office or which may be hereafter prescribed by law.

(3) On the power of a state agency in the enforcement, or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(4) On the right of any person to maintain at any time any appropriate action for relief against any air pollution.

Sec. 124. Section 1, chapter 143, Laws of 1965 ex. sess. and RCW 70.96.085 are each amended to read as follows:

The department of social and health services is authorized to provide financial assistance and consultative services to assist in the development, establishment, construction, maintenance, and operation of community, public, or private nonprofit facilities throughout the state for the referral, care, custody, treatment, recovery and rehabilitation of alcoholics.

Sec. 125. Section 3, chapter 207, Laws of 1961 as amended by section 2, chapter 88, Laws of 1965 and RCW 70.98.030 are each amended to read as follows:

(1) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(3) (a) "General license" means a license effective pursuant to regulations promulgated by the state radiation control agency, without the filing of an application, to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(b) "Specific license" means a license, issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially.

(4) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(5) "Source material" means (a) uranium, thorium, or any other material which the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (b) ores containing one or more of the foregoing materials, in such concentration as the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(6) "Special nuclear material" means (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.

(7) "Registration" means registration with the state department of social and health services by any person possessing a source of ionizing radiation in accordance with rules, regulations and standards adopted by the department of social and health services.

(8) "Radiation source" means any type of device or substance which is capable of producing or emitting ionizing radiation.

Sec. 126. Section 5, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.412 are each amended to read as follows:

The department of (~~institutions~~) social and health services is authorized to investigate the financial condition of each person liable under the provisions of RCW (~~(71.02.230,)~~) 71.02.320(;) and 71.02.410 through 71.02.417, 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 RCW (~~(71.02.230,)~~) 71.02.320(;) and 71.02.410 through 71.02.417, 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 RCW 71.02.410, and such other rules and regulations as are deemed necessary to administer the provisions of RCW (~~(71.02.230,)~~) 71.02.320(;) and 71.02.410 through 71.02.417.

Sec. 127. Section 7, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.414 are each amended to read as follows:

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)~~) secretary of social and health services 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.

Sec. 128. Section 9, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.416 are each amended to read as follows:

The provisions of RCW (~~(71.02.230,)~~) 71.02.320(;) and 71.02.410 through 71.02.417 shall not be construed as prohibiting or preventing the department of (~~(institutions)~~) social and health services from obtaining reimbursement from any person liable under RCW (~~(71.02.230,)~~) 71.02.320(;) and 71.02.410 through 71.02.417 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 chapter, from any property acquired subsequent to and regardless of the initial findings of responsibility.

Sec. 129. Section 71.06.060, chapter 25, Laws of 1959 as amended by section 2, chapter 104, Laws of 1967 and RCW 71.06.060 are each amended to read as follows:

After the superintendent's report has been filed, the court shall determine whether or not the defendant is a sexual psychopath. If said defendant is found to be a sexual psychopath, the court shall commit him to the (~~(director of the department of institutions)~~) secretary of social and health services for designation of the facility for detention, care, and treatment of the sexual psychopath. If the defendant is found not to be a sexual psychopath, the court shall order the sentence to be executed, or may discharge the defendant as the case may merit.

Sec. 130. Section 3, chapter 104, Laws of 1967 and RCW 71.06.091 are each amended to read as follows:

A sexual psychopath committed pursuant to RCW 71.06.060 shall be retained by the superintendent of the institution involved until in the superintendent's opinion he is safe to be at large, or until he has received the maximum benefit of treatment, or is not amenable to treatment, but the superintendent is unable to render an opinion that he is safe to be at large. Thereupon, the superintendent of the institution involved shall so inform whatever court committed the sexual psychopath. The court then may order such further examination and investigation of such person as seems necessary, and may at its discretion, summon such person before it for further hearing, together with any witnesses whose testimony may be pertinent, and together with any relevant documents and other evidence. On the basis of such reports, investigation, and possible hearing, the court shall determine whether the person before it shall be released unconditionally from custody as a sexual psychopath, released conditionally, returned to the custody of the institution as a sexual psychopath, or returned to the department of ~~((institutions))~~ social and health services to serve the original sentence imposed upon him. The power of the court to grant conditional release for any such person before it shall be the same as its power to grant, amend and revoke probation as provided by chapter 9.95 RCW. When the sexual psychopath has entered upon the conditional release, the state board of prison terms and paroles shall supervise such person pursuant to the terms and conditions of the conditional release, as set by the court: PROVIDED, That the superintendent of the institution involved shall never release the sexual psychopath from custody without a court release as herein set forth.

Sec. 131. Section 71.06.140, chapter 25, Laws of 1959 as amended by section 6, chapter 104, Laws of 1967 and RCW 71.06.140 are each amended to read as follows:

The department may designate one or more state hospitals for the care and treatment of sexual psychopaths: PROVIDED, That a committed sexual psychopath who has been determined by the superintendent of such mental hospital to be a custodial risk, or a hazard to other patients may be transferred by the ~~((director of the department of institutions))~~ secretary of social and health services to one of the correctional institutions within the department of ~~((institutions))~~ social and health services which has psychiatric care facilities. A committed sexual psychopath who has been transferred to a correctional institution shall be observed and treated at the psychiatric facilities provided by the correctional institution. A complete psychiatric examination shall be given to each sexual psychopath so transferred at least twice annually. The examinations may be conducted at the correctional institution or at one of the mental hospitals. The examiners shall report in writing the results of said examinations, including recommendations as to future treatment and custody, to the superintendent of the

mental hospital from which the sexual psychopath was transferred, and to the committing court, with copies of such reports and recommendations to the superintendent of the correctional institution.

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

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

Sec. 133. Section 71.12.460, chapter 25, Laws of 1959 and RCW 71.12.460 are each amended to read as follows:

No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment as defined in this chapter without first having obtained a license therefor from the department of social and health services, and having paid the license fee provided in this chapter. Any person who carries on, conducts, or attempts to carry on or conduct an establishment as defined in this chapter without first having obtained a license from the department of social and health services, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this chapter shall be liable under the provisions of this chapter in the same manner and to the same effect as a private individual violating the same.

Sec. 134. Section 71.12.480, chapter 25, Laws of 1959 and RCW 71.12.480 are each amended to read as follows:

The department of social and health services shall not grant any such license until it has made an examination of the premises proposed to be licensed and is satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

Sec. 135. Section 1, chapter 224, Laws of 1959 and RCW 71.12.485 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all establishments to be licensed hereunder, shall be the responsibility of the state fire marshal, who shall adopt such recognized standards as may be applicable to such establishments for the protection of life against the cause and spread of fire and fire hazards. The department of social and health services, upon receipt of an application for a license, or renewal of a license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the state fire marshal or his deputy shall make an inspection of the establishment to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the state fire marshal, he shall promptly make a written report to the establishment and the department of social and health services as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department of social and health services, applicant or licensee shall notify the state fire marshal upon completion of any requirements made by him, and the state fire marshal or his deputy shall make a reinspection of such premises. Whenever the establishment to be licensed meets with the approval of the state fire marshal, he shall submit to the department of social and health services a written report approving same with respect to fire protection before a full license can be issued. The state fire marshal shall make or cause to be made inspections of such establishments at least annually. The department of social and health services shall not license or continue the license of any establishment unless and until it shall be approved by the state fire marshal as herein provided.

In cities which have in force a comprehensive building code, the provisions of which are determined by the state fire marshal to be equal to the minimum standards of the state fire marshal for such establishments, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the state fire marshal or his deputy, and they shall jointly approve the premises before a full license can be issued.

Sec. 136. Section 71.12.500, chapter 25, Laws of 1959 and RCW 71-12.500 are each amended to read as follows:

The department of social and health services may at any time examine and ascertain how far a licensed establishment is conducted in compliance with the license therefor. If the interests of the patients of the establishment so demand, the department may, for just and reasonable cause, suspend or revoke any such license after notice and hearing.

Sec. 137. Section 71.12.520, chapter 25, Laws of 1959 and RCW 71-12.520 are each amended to read as follows:

Each such visit may include an inspection of every part of each establishment. The representatives of the department of social and health services

may make an examination of all records, methods of administration, the general and special dietary, the stores and methods of supply, and may cause an examination and diagnosis to be made of any person confined therein. The representatives of the department may examine to determine their fitness for their duties the officers, attendants, and other employees, and may talk with any of the patients apart from the officers and attendants.

Sec. 138. Section 71.12.530, chapter 25, Laws of 1959 and RCW 71.12.530 are each amended to read as follows:

The representatives of the department of social and health services may, from time to time, at times and places designated by the department, meet the managers or responsible authorities of such establishments in conference, and consider in detail all questions of management and improvement of the establishments, and may send to them, from time to time, written recommendations in regard thereto.

Sec. 139. Section 71.12.540, chapter 25, Laws of 1959 and RCW 71.12.540 are each amended to read as follows:

The authorities of each establishment as defined in this chapter shall place on file in the office of the establishment the recommendations made by the department of social and health services as a result of such visits, for the purpose of consultation by such authorities, and for reference by the department representatives upon their visits. Every such establishment shall keep records of every person admitted thereto as follows and shall furnish to the department, when required, the following data: Name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician, diagnosis, and date of discharge.

Sec. 140. Section 71.12.640, chapter 25, Laws of 1959 and RCW 71.12.640 are each amended to read as follows:

The prosecuting attorney of every county shall, upon application by the department of social and health services or its authorized representatives, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this chapter.

Sec. 141. Section 1, chapter 61, Laws of 1969 and RCW 71.24.165 are each amended to read as follows:

The department of ((~~institutions~~)) social and health services in making payments of state funds in accordance with the provisions of chapter 71.24 RCW, to counties for the support of community mental health programs which were financially supported by the state prior to July 1, 1967 shall pay to the counties not less than the amounts paid by the state to such preexisting programs immediately prior to July 1, 1967: PROVIDED, That in the event appropriated funds to the department of ((~~institutions~~)) social and health services for the support of community mental health programs are insufficient to maintain community mental health programs of eligible

counties at the same level prevailing during the previous biennium, then the department of (~~institutions~~) social and health services shall make pro rata reductions in the payment of state funds to all counties.

Sec. 142. Section 72.01.010, chapter 28, Laws of 1959 as amended by section 56, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.010 are each amended to read as follows:

As used in this title:

~~((The word))~~ "Department" ~~((after July 1, 1970))~~ means the department of social and health services; and

~~((The word "director" after July 1, 1970))~~ "Secretary" means the secretary of social and health services.

Sec. 143. Section 1, chapter 169, Laws of 1953 as amended by section 60, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.042 are each amended to read as follows:

The hours of labor for each full time employee ~~((transferred under the provisions of this 1970 amendatory act from the department of institutions))~~ shall be a maximum of eight hours in any work day and forty hours in any work week.

Employees ~~((transferred under the provisions of this 1970 amendatory act from the department of institutions and))~~ required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-hundred and seventy-sixth of the employee's gross monthly salary: PROVIDED, That in the event that an employee is granted compensatory time off, such time off should be given within the calendar year and in the event that such an arrangement is not possible the employee shall be given a premium rate of pay: PROVIDED FURTHER, That compensatory time and/or payment thereof shall be allowed only for overtime as is duly authorized and accounted for under rules and regulations established by the ~~((director of institutions prior to July 1, 1970 or as the same are hereinafter amended under rules and regulations promulgated hereunder))~~ secretary of social and health services.

Sec. 144. Section 2, chapter 169, Laws of 1953 as amended by section 61, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.043 are each amended to read as follows:

RCW 72.01.042 shall not be applicable to the following designated personnel ~~((transferred from the department of institutions under the provisions of this 1970 amendatory act))~~: Administrative officers of the department; institutional superintendents, medical staff other than nurses, and business managers; and such professional, administrative and supervisory personnel as designated prior to July 1, 1970 by the department of

~~((institutions))~~ social and health services with the concurrence of the merit system board having jurisdiction.

Sec. 145. Section 72.01.050, chapter 28, Laws of 1959 as amended by section 1, chapter 31, Laws of 1977 and RCW 72.01.050 are each amended to read as follows:

The ~~((director))~~ secretary shall have full power to manage and govern the following public institutions.

The western state hospital, the eastern state hospital, the northern state hospital, the state penitentiary, the state reformatory, the state training school, the state school for girls, Lakeland Village, the Rainier school, the state school for the deaf, the state school for the blind, ~~((the state narcotic farm colony, the Fort Worden school for the care and custody of children and youth))~~ and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions.

Sec. 146. Section 72.01.060, chapter 28, Laws of 1959 and RCW 72.01.060 are each amended to read as follows:

It shall be the duty of the ~~((director))~~ secretary to appoint a chief executive officer for each public institution under his control, who shall devote his entire time to the duties of his office and whose title shall be "superintendent". Said appointment shall be for a term of four years, but the appointee may be removed by the ~~((director))~~ secretary in his discretion.

No person shall be eligible for appointment as superintendent of a hospital for the mentally ill unless he has had three or more years experience as a practicing physician after receiving his diploma or license.

Except as otherwise provided in this title, the superintendent of each institution may appoint all assistants and employees required for the management of the institution placed in his charge, the number of such assistants and employees to be determined and fixed by the ~~((director))~~ secretary. The superintendent of any institution may, at his pleasure, discharge any person therein employed. The ~~((director))~~ secretary shall investigate all complaints made against the superintendent of any institution and also any complaint against any other officer or employee thereof, if it has not been investigated and reported upon by the superintendent.

The ~~((director))~~ secretary may, after investigation, for good and sufficient reasons, order the discharge of any subordinate officer or employee of an institution.

Each superintendent shall receive such salary as is fixed by the ~~((director))~~ secretary, who shall also fix the compensation of other officers and the employees of each institution. Such latter compensation shall be fixed on or before the first day of April of each year and no change shall be made in the compensation, so fixed, during the twelve months period commencing April 1st.

Sec. 147. Section 72.01.100, chapter 28, Laws of 1959 and RCW 72-01.100 are each amended to read as follows:

The ((director)) secretary shall:

- (1) Prepare topographic and architectural plans for the state institutions under his control;
- (2) Establish a systematic building program providing for the grouping of buildings at the institutions;
- (3) Prepare plans, specifications, and estimates of cost for all necessary repairs or betterments to buildings at the institutions, to accompany the estimates for the biennial budget;
- (4) Supervise the erection, repair, and betterment of all such buildings.

Sec. 148. Section 72.01.120, chapter 28, Laws of 1959 and RCW 72-01.120 are each amended to read as follows:

When improvements are to be made under contract, notice of the call for the same shall be published in at least two newspapers of general circulation in the state for two weeks prior to the award being made. The contract shall be awarded to the lowest responsible bidder. The ((director)) secretary is authorized to require such security as he may deem proper to accompany the bids submitted, and shall also fix the amount of the bond or other security that shall be furnished by the person or firm to whom the contract is awarded. The ((director)) secretary shall have the power to reject any or all bids submitted, if for any reason it is deemed for the best interest of the state to do so, and to readvertise in accordance with the provisions hereof. The ((director)) secretary shall also have the power to reject the bid of any person or firm who has had a prior contract, and who did not, in the opinion of the ((director)) secretary, faithfully comply with the same.

Sec. 149. Section 72.01.140, chapter 28, Laws of 1959 and RCW 72-01.140 are each amended to read as follows:

The ((director)) secretary shall:

- (1) Make a survey, investigation, and classification of the lands connected with the state institutions under his control, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the costs of making them ready for cultivation, the character of the soil, its depth and fertility, the number of kinds of crops to which it is adapted, the local climatic conditions, the local annual rainfall, the water supply upon the land or available, the needs of all state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions;
- (2) Establish and carry on suitable farming operations at the several institutions under his control;
- (3) Supply the several institutions with the necessary food products produced thereat;

- (4) Exchange with, or furnish to, other institutions, food products at the cost of production;
- (5) Sell and dispose of surplus food products produced.

Sec. 150. Section 72.01.150, chapter 28, Laws of 1959 and RCW 72-.01.150 are each amended to read as follows:

The ((~~director~~)) secretary shall:

(1) Establish, install and operate, at the several state institutions under his control, such industries and industrial plants as may be most suitable and beneficial to the inmates thereof, and as can be operated at the least relative cost and the greatest relative benefit to the state, taking into consideration the needs of the state institutions for industrial products, and the amount and character of labor of inmates available at the several institutions;

(2) Supply the several institutions with the necessary industrial products produced thereat;

(3) Exchange with, or furnish to, other state institutions industrial products at prices to be fixed by the department, not to exceed in any case the price of such products in the open market;

(4) Sell and dispose of surplus industrial products produced, to such persons and under such rules, regulations, terms, and prices as may be in his judgment for the best interest of the state;

(5) Sell products of the plate mill to any department, to any state, county, or other public institution and to any governmental agency, of this or any other state under such rules, regulations, terms, and prices as may be in his judgment for the best interests of the state.

Sec. 151. Section 72.01.160, chapter 28, Laws of 1959 and RCW 72-.01.160 are each amended to read as follows:

The ((~~director~~)) secretary shall have the power, and it shall be his duty, to cause all moneys or credits received from the sale or exchange of farm or industrial products produced or manufactured at the several institutions under the control of the department to be paid into the state treasury to the credit of a revolving account, to be known as the state institutional revolving account, from which account there shall be biennially appropriated for the benefit of the several institutions under the control of the department sufficient moneys to cover the estimated biennial contribution to such account of each of the said institutions.

Sec. 152. Section 72.01.180, chapter 28, Laws of 1959 as last amended by section 166, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 72-.01.180 are each amended to read as follows:

The ((~~director~~)) secretary shall have the power to select a member of the faculty of the University of Washington, or the Washington State University, skilled in scientific food analysis and dietetics, to be known as the state dietitian, who shall make and furnish to the department food analyses

showing the relative food value, in respect to cost, of food products, and advise the department as to the quantity, comparative cost, and food values, of proper diets for the inmates of the state institutions under the control of the department. The state dietitian shall receive travel expenses while engaged in the performance of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 153. Section 72.01.190, chapter 28, Laws of 1959 and RCW 72-01.190 are each amended to read as follows:

The ((~~director~~)) secretary may enter into an agreement with a city or town adjacent to any state institution for fire protection for such institution.

Sec. 154. Section 72.01.210, chapter 28, Laws of 1959 as last amended by section 1, chapter 58, Laws of 1967 and RCW 72.01.210 are each amended to read as follows:

The ((~~director~~)) secretary is hereby directed and empowered to appoint chaplains for the state correctional institutions for convicted felons; and chaplains for the correctional institutions for juveniles found delinquent by the juvenile courts, and one chaplain, or more chaplains as may be approved by the ((~~director~~)) secretary for other custodial, correctional and mental institutions. The chaplains so appointed shall have the qualifications and shall be compensated in an amount, as shall hereafter be recommended by the department and approved by the state personnel board.

Sec. 155. Section 72.01.240, chapter 28, Laws of 1959 and RCW 72-01.240 are each amended to read as follows:

The ((~~director~~)) secretary is hereby empowered to appoint one of the chaplains, authorized by RCW 72.01.210, to act as supervisor of chaplains for the department, in addition to his duties at one of the institutions designated in RCW 72.01.210.

Sec. 156. Section 72.01.260, chapter 28, Laws of 1959 and RCW 72-01.260 are each amended to read as follows:

Nothing contained in RCW 72.01.210 through 72.01.250 shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instruction to prisoners under such reasonable rules and regulations as the ((~~director~~)) secretary may prescribe.

Sec. 157. Section 72.01.270, chapter 28, Laws of 1959 and RCW 72-01.270 are each amended to read as follows:

The ((~~director~~)) secretary shall have the power to receive, hold and manage all real and personal property made over to the department by gift, devise or bequest, and the proceeds and increase thereof shall be used for the benefit of the institution for which it is received.

Sec. 158. Section 72.01.280, chapter 28, Laws of 1959 as last amended by section 3, chapter 39, Laws of 1959 and RCW 72.01.280 are each amended to read as follows:

The superintendent of each public institution and the assistant physicians, steward, accountant and chief engineer of each hospital for the mentally ill may be furnished with quarters, household furniture, board, fuel, and lights for themselves and their families, and the ((~~director~~)) secretary may, when in his opinion any public institution would be benefited by so doing, extend this privilege to any officer at any of the public institutions under his control. The words "family" or "families" used in this section shall be construed to mean only the spouse and dependent children of an officer. Employees may be furnished with quarters and board for themselves. The ((~~director~~)) secretary shall charge and collect from such officers and employees the full cost of the items so furnished, including an appropriate charge for depreciation of capital items.

Sec. 159. Section 1, chapter 210, Laws of 1959 and RCW 72.01.282 are each amended to read as follows:

All moneys received by the ((~~director of institutions~~)) secretary of social and health services from charges made pursuant to RCW 72.01.280 shall be deposited by him in the state general fund.

Sec. 160. Section 72.01.290, chapter 28, Laws of 1959 and RCW 72.01.290 are each amended to read as follows:

The department shall keep at its office, accessible only to the ((~~director~~)) secretary and to proper officers and employees, and to other persons authorized by the ((~~director~~)) secretary, a record showing the residence, sex, age, nativity, occupation, civil condition and date of entrance, or commitment of every person, patient, inmate or convict, in the several public institutions governed by the department, the date of discharge of every person from the institution, and whether such discharge is final: PROVIDED, That in addition to this information the superintendents for the hospitals for the mentally ill shall also state the condition of the person at the time of leaving the institution. The record shall also state if the person is transferred from one institution to another and to what institution; and if dead the date and cause of death. This information shall be furnished to the department by the several institutions, and also such other obtainable facts as the department may from time to time require, not later than the fifth day of each month for the month preceding, by the chief executive officer of each public institution, upon blank forms which the department may prescribe.

Sec. 161. Section 72.01.300, chapter 28, Laws of 1959 and RCW 72.01.300 are each amended to read as follows:

The ((~~director~~)) secretary shall have the power, and it shall be his duty, to install and maintain in the department a proper cost accounting system of accounts for each of the institutions under the control of the department, for the purpose of detecting and avoiding unprofitable expenditures and operations.

Sec. 162. Section 72.01.310, chapter 28, Laws of 1959 and RCW 72.01.310 are each amended to read as follows:

Any officer, including the (~~(director)~~) secretary, or employee of the department or of the institutions under the control of the department, who, by solicitation or otherwise, exercises his influence, directly or indirectly, to influence other officers or employees of the state to adopt his political views or to favor any particular person or candidate for office, shall be removed from his office or position by the proper authority.

Sec. 163. Section 72.01.320, chapter 28, Laws of 1959 as last amended by section 84, chapter 75, Laws of 1977 and RCW 72.01.320 are each amended to read as follows:

The (~~(director)~~) secretary shall examine into the conditions and needs of the several state institutions under his control and report in writing to the governor the condition of each institution.

The (~~(director)~~) secretary shall also provide the governor and legislature a full report of the activities of his department each fiscal year, incorporating therein suggestions respecting legislation for the benefit of the several institutions under his control and in the interests of improved administration generally.

Sec. 164. Section 1, chapter 40, Laws of 1959 and RCW 72.01.370 are each amended to read as follows:

The superintendents of the state penitentiary, the state reformatory, the state honor camps and such other penal institutions as may hereafter be established, may, subject to the approval of the (~~(director of the department of institutions)~~) secretary of social and health services, grant leaves of absence to inmates confined in such institutions to:

- (1) Go to the bedside of the inmate's wife, husband, child, mother or father, or other member of the inmate's immediate family who is seriously ill;
- (2) Attend the funeral of a member of the inmate's immediate family listed in subsection (1) of this section;
- (3) Participate in athletic contests, and;
- (4) Perform labor in connection with the industrial or agricultural programs of such institutions.

Sec. 165. Section 2, chapter 40, Laws of 1959 and RCW 72.01.380 are each amended to read as follows:

The (~~(director of the department of institutions)~~) secretary of social and health services is authorized to make rules and regulations providing for the conditions under which inmates will be granted leaves of absence, and providing for safeguards to prevent escapes while on leave of absence: PROVIDED, That leaves of absence granted to inmates under RCW 72.01.370 shall not allow or permit any inmate to go beyond the boundaries of this state. The (~~(director of the department of institutions)~~) secretary of social

and health services shall also make rules and regulations requiring the reimbursement of the state from the inmate granted leave of absence, or his family, for the actual costs incurred arising from any leave of absence granted under the authority of RCW 72.01.370, subsections (1) and (2): PROVIDED FURTHER, That no state funds shall be expended in connection with leaves of absence granted under RCW 72.01.370, subsections (1) and (2), unless such inmate and his immediate family are indigent and without resources sufficient to reimburse the state for the expenses of such leaves of absence.

Sec. 166. Section 1, chapter 140, Laws of 1959 and RCW 72.01.410 are each amended to read as follows:

Whenever any child under the age of sixteen is convicted in the courts of this state of a crime amounting to a felony, and is committed for a term of confinement in a correctional institution wherein adults are confined, the ~~((director of the department of institutions))~~ secretary of social and health services may transfer such child to a juvenile correctional institution ~~((under the supervision of the division of children and youth services of the department of institutions))~~, or to such other institution as is now, or may hereafter be authorized by law to receive such child, until such time as the child arrives at the age of eighteen years, whereupon the child shall be returned to the institution of original commitment. Notice of such transfers shall be given to the clerk of the committing court and the parents, guardian, or next of kin of such child, if known.

Sec. 167. Section 1, chapter 193, Laws of 1961 as amended by section 1, chapter 23, Laws of 1967 and RCW 72.01.430 are each amended to read as follows:

The ~~((director of the department of institutions))~~ secretary of social and health services, notwithstanding any provision of law to the contrary, is hereby authorized to transfer equipment, livestock and supplies between the several institutions within the department without reimbursement to the transferring institution excepting, however, any such equipment donated by organizations for the sole use of such transferring institutions. Whenever transfers of capital items are made between institutions of the department, notice thereof shall be given to the director of the department of general administration accompanied by a full description of such items with inventory numbers, if any.

Sec. 168. Section 1, chapter 46, Laws of 1967 as amended by section 2, chapter 50, Laws of 1970 ex. sess. and RCW 72.01.450 are each amended to read as follows:

The ~~((director of institutions))~~ secretary of social and health services of the state of Washington is authorized to enter into agreements with any school district or any institution of higher learning for the use of the facilities, equipment and personnel of any state institution of the department, for

the purpose of conducting courses of education, instruction or training in the professions and skills utilized by one or more of the institutions, at such times and under such circumstances and with such terms and conditions as may be deemed appropriate.

Sec. 169. Section 3, chapter 50, Laws of 1970 ex. sess. and RCW 72-.01.452 are each amended to read as follows:

The ((director)) secretary is authorized to enter into an agreement with any agency of the state, a county, city or political subdivision of the state for the use of the facilities, equipment and personnel of any institution of the department for the purpose of conducting courses of education, instruction or training in any professional skill having a relationship to one or more of the functions or programs of the department.

Sec. 170. Section 5, chapter 50, Laws of 1970 ex. sess. and RCW 72-.01.454 are each amended to read as follows:

The ((director)) secretary may permit the use of the facilities of any state institution by any community service organization, nonprofit corporation, group or association for the purpose of conducting a program of education, training, entertainment or other purpose, for the residents of such institutions, if determined by the ((director)) secretary to be beneficial to such residents or a portion thereof.

Sec. 171. Section 2, chapter 46, Laws of 1969 ex. sess. and RCW 72-.01.460 are each amended to read as follows:

(1) Any lease of public lands with outdoor recreation potential authorized by the department of ((institutions)) social and health services shall be open and available to the public for compatible recreational use unless the department of ((institutions)) social and health services determines that the leased land should be closed in order to prevent damage to crops or other land cover, to improvements on the land, to the lessee, or to the general public or is necessary to avoid undue interference with carrying forward a departmental program. Any lessee may file an application with the department of ((institutions)) social and health services to close the leased land to any public use. The department shall cause written notice of the impending closure to be posted in a conspicuous place in the department's Olympia office, at the principal office of the institution administering the land, and in the office of the county auditor in which the land is located thirty days prior to the public hearing. This notice shall state the parcel or parcels involved and shall indicate the time and place of the public hearing. Upon a determination by the department that posting is not necessary, the lessee shall desist from posting. Upon a determination by the department that posting is necessary, the lessee shall post his leased premises so as to prohibit recreational uses thereon. In the event any such lands are so posted, it shall be unlawful for any person to hunt or fish, or for any person other than the

lessee or his immediate family to use any such posted land for recreational purposes.

(2) The department of (~~institutions~~) social and health services may insert the provisions of subsection (1) of this section in all leases hereafter issued.

Sec. 172. Section 1, chapter 50, Laws of 1970 ex. sess. and RCW 72-.01.480 are each amended to read as follows:

The (~~director of the department of institutions~~) secretary of social and health services is authorized to enter into agreements with any nonprofit corporation or association for the purpose of providing and coordinating voluntary and community based services for the treatment or rehabilitation of persons admitted or committed to any institution under the supervision of the department of (~~institutions~~) social and health services.

Sec. 173. Section 7, chapter 134, Laws of 1967 and RCW 72.04A.050 are each amended to read as follows:

The powers and duties of the state board of prison terms and paroles, relating to (1) the supervision of parolees of any of the state penal institutions, (2) the supervision of persons placed on probation by the courts, and (3) duties with respect to persons conditionally pardoned by the governor, are transferred to the (~~director of institutions who shall hereafter exercise such powers and perform such duties through the division of probation and parole of the department of institutions~~) secretary of social and health services.

This section shall not be construed as affecting any of the remaining powers and duties of the board of prison terms and paroles including, but not limited to, the following:

(1) The fixing of minimum terms of confinement of convicted persons, or the reconsideration of its determination of minimum terms of confinement;

(2) Determining when and under what conditions a convicted person may be released from custody on parole, and the revocation or suspension of parole or the modification or revision of the conditions of the parole, of any convicted person.

Sec. 174. Section 9, chapter 134, Laws of 1967 and RCW 72.04A.070 are each amended to read as follows:

The (~~director of institutions through the supervisor of the division of probation and parole of the department of institutions~~) secretary of social and health services shall cause to be prepared plans and recommendations for the conditions of supervision under which each inmate of any state penal institutions who is eligible for parole may be released from custody. Such plans and recommendations shall be submitted to the board of prison terms and paroles which may, at its discretion, approve, reject, or revise or amend such plans and recommendations for the conditions of supervision of release

of inmates on parole, and, in addition, the board may stipulate any special conditions of supervision to be carried out by a probation and parole officer.

Sec. 175. Section 10, chapter 134, Laws of 1967 and RCW 72.04A.080 are each amended to read as follows:

Each inmate hereafter released on parole shall be subject to the supervision of the ~~((division of probation and parole of the))~~ department of ~~((institutions))~~ social and health services, and the probation and parole officers of the ~~((division))~~ department shall be charged with the preparation of progress reports of parolees and to give guidance and supervision to such parolees within the conditions of a parolee's release from custody. Copies of all progress reports prepared by the probation and parole officers shall be supplied to the board of prison terms and paroles for their files and records.

Sec. 176. Section 11, chapter 134, Laws of 1967 as amended by section 1, chapter 98, Laws of 1969 and RCW 72.04A.090 are each amended to read as follows:

Whenever a parolee breaches a condition or conditions under which he was granted parole, or violates any law of the state or rules and regulations of the board of prison terms and paroles, any probation and parole officer may arrest, or cause the arrest and suspension of parole of, such parolee without a warrant, pending a determination by the board. The facts and circumstances of such conduct of the parolee shall be reported by the probation and parole officer, with recommendations, to the board of prison terms and paroles, who may order the revocation or suspension of parole, revise or modify the conditions of parole or take such other action as may be deemed appropriate in accordance with RCW 9.95.120. The board of prison terms and paroles, after consultation with the ~~((director of the department of institutions))~~ secretary of social and health services, shall make all rules and regulations concerning procedural matters, which shall include the time when state probation and parole officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board of prison terms and paroles to perform its functions under this section.

The probation and parole officers shall have like authority and power regarding the arrest and detention of a probationer who has breached a condition or conditions under which he was granted probation by the superior court, or violates any law of the state, pending a determination by the superior court.

In the event a probation and parole officer shall arrest or cause the arrest and suspension of parole of a parolee or probationer in accordance with the provisions of this section, such parolee or probationer shall be confined and detained in the county jail of the county in which the parolee or probationer was taken into custody, and the sheriff of such county shall receive and keep in the county jail, where room is available, all prisoners delivered thereto by the probation and parole officer, and such parolees shall not be

released from custody on bail or personal recognizance, except upon approval of the board of prison terms and paroles and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

Sec. 177. Section 72.05.010, chapter 28, Laws of 1959 and RCW 72.05.010 are each amended to read as follows:

The purposes of RCW 72.05.010 through 72.05.210 are: To provide for every child with behaviour problems, defective and feeble-minded person, and deaf and blind children, within the purview of RCW 72.05.010 through 72.05.210, such care, guidance and instruction, control and treatment as will best serve the welfare of the child or person and society; to insure non-political and qualified operation, supervision, management, and control of the Green Hill school, the Maple Lane school, Lakeland Village, Rainier school, the state school for the blind, and the state school for the deaf, and to place them under the ~~((division of children and youth services in the))~~ department of ~~((institutions))~~ social and health services; and to provide for the persons committed or admitted to those schools that type of care, instruction, and treatment most likely to accomplish their rehabilitation and restoration to normal citizenship.

Sec. 178. Section 72.05.020, chapter 28, Laws of 1959 as amended by section 58, chapter 18, Laws of 1970 ex. sess. and RCW 72.05.020 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

~~((1)) "Council" means the state council for children and youth.~~

~~((2)) "Division" after July 1, 1970 means the department of social and health services.~~

~~((3)) "Department" ((after July 1, 1970)) means the department of social and health services.~~

Sec. 179. Section 72.05.130, chapter 28, Laws of 1959 and RCW 72.05.130 are each amended to read as follows:

The ~~((division of children and youth services))~~ department shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled and operated by the ~~((division))~~ department and in order to accomplish these purposes, the powers and duties of the ~~((supervisor of the division of children and youth services))~~ secretary shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and

population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the ~~((director, supervisor,))~~ governor~~((, council,))~~ and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of defective, feeble-minded, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the ~~((division))~~ department, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the ~~((director))~~ secretary. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the ~~((division))~~ department, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility: PROVIDED, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution shall be made only with the consent and approval of such court. This shall not apply to the state school for the deaf or the state school for the blind.

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the ~~((division))~~ department. Green Hill school and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

Sec. 180. Section 72.05.140, chapter 28, Laws of 1959 and RCW 72.05.140 are each amended to read as follows:

The ~~((division of children and youth services))~~ department, in order to provide educational facilities for persons admitted or committed to any of the institutions, schools or facilities herein provided, is authorized either to:

(1) Enter into an agreement with the local school district within which the institution is situated or with any other local school district conveniently located in the region, or

(2) Provide a comprehensive school program in connection with any institution as if that institution were itself a local school system.

In the event that either option is exercised, all teachers shall meet all certification requirements and the program shall conform to the usual

standards defined by law or by regulations of the state board of education or the office of the state superintendent of public instruction and/or other recognized national certificating agencies.

Sec. 181. Section 72.05.150, chapter 28, Laws of 1959 and RCW 72.05.150 are each amended to read as follows:

The department(~~(, through the division,)~~) shall have power to acquire, establish, maintain, and operate "minimum security" facilities for the care, custody, education, and treatment of children with less serious behavior problems. Such facilities may include parental schools or homes, farm units, and forest camps. Admission to such minimum security facilities shall be by juvenile court commitment or by transfer as herein otherwise provided. In carrying out the purposes of this section, the department may establish or acquire the use of such facilities by gift, purchase, lease, contract, or other arrangement with existing public entities, and to that end the ~~((director))~~ secretary may execute necessary leases, contracts, or other agreements. In establishing forest camps, the department may contract with other divisions of the state and the federal government; including, but not limited to, the state division of forestry, the state parks and recreation commission, the U.S. forest service, and the national park service, on a basis whereby such camps may be made as nearly as possible self-sustaining. Under any such arrangement the contracting agency shall reimburse the department for the value of services which may be rendered by the inmates of a camp and all such reimbursements shall be credited to a "forest camp revolving fund", which fund is hereby created, and out of which funds may be disbursed towards the cost of operation and maintenance of the camp.

Sec. 182. Section 72.05.160, chapter 28, Laws of 1959 and RCW 72.05.160 are each amended to read as follows:

In carrying out the provisions of RCW 72.05.010 through 72.05.210, the department(~~(, through the division,)~~) shall have power to contract with other divisions or departments of the state or its political subdivisions, with any agency of the federal government, or with any private social agency.

Sec. 183. Section 72.05.300, chapter 28, Laws of 1959 and RCW 72.05.300 are each amended to read as follows:

The department(~~(, through the division,)~~) may execute leases, with options to purchase, of parental school facilities now or hereafter owned and operated by school districts, and such leases with options to purchase shall include such terms and conditions as the ~~((director of institutions))~~ secretary of social and health services deems reasonable and necessary to acquire such facilities. Notwithstanding any provisions of the law to the contrary, the board of directors of each school district now or hereafter owning and operating parental school facilities may, without submission for approval to the voters of the school district, execute leases, with options to purchase, of such parental school facilities, and such leases with options to purchase shall

include such terms and conditions as the board of directors deems reasonable and necessary to dispose of such facilities in a manner beneficial to the school district. The department(~~(, through the division,)~~) if it enters into a lease, with an option to purchase, of parental school facilities, may exercise its option and purchase such parental school facilities; and a school district may, if it enters into a lease, with an option to purchase, of parental school facilities, upon exercise of the option to purchase by the department, sell such parental school facilities and such sale may be accomplished without first obtaining a vote of approval from the electorate of the school district.

Sec. 184. Section 72.05.310, chapter 28, Laws of 1959 and RCW 72.05.310 are each amended to read as follows:

The department(~~(, through the division,)~~) may employ personnel, including but not limited to, superintendents and all other officers, agents, and teachers necessary to the operation of parental schools.

Sec. 185. Section 72.06.060, chapter 28, Laws of 1959 as last amended by section 47, chapter 80, Laws of 1977 ex. sess. and RCW 72.06.060 are each amended to read as follows:

The department is hereby authorized to establish and maintain psychiatric outpatient clinics at such of the several state mental institutions as the ~~((director))~~ secretary shall designate for the prevention, diagnosis and treatment of mental illnesses, and the services of such clinics shall be available to any citizen of the state in need thereof, when determined by a physician that such services are not otherwise available, subject to the rules of the department.

Sec. 186. Section 72.08.020, chapter 28, Laws of 1959 and RCW 72.08.020 are each amended to read as follows:

It shall be the duty of the ~~((director))~~ secretary to have an officer of the department visit the penitentiary once in each month and oftener if necessary.

Sec. 187. Section 72.08.045, chapter 28, Laws of 1959 and RCW 72.08.045 are each amended to read as follows:

When in his opinion an emergency exists, the superintendent may promulgate temporary rules for the governance of the penitentiary, which shall remain in effect until terminated by the ~~((director))~~ secretary.

Sec. 188. Section 3, chapter 9, Laws of 1965 ex. sess. and RCW 72.08.101 are each amended to read as follows:

The ~~((director of institutions))~~ secretary of social and health services shall provide for the establishment of programs and procedures for convicted persons at the state penitentiary, which are designed to be corrective, rehabilitative and reformatory of the undesirable behavior problems of such persons, as distinguished from programs and procedures essentially penal in nature.

Sec. 189. Section 4, chapter 9, Laws of 1965 ex. sess. and RCW 72.08-.102 are each amended to read as follows:

The ~~((director of institutions))~~ secretary of social and health services is authorized to make rules and regulations for the administration, supervision, security and disciplinary measures inflicted upon convicted persons at the state penitentiary.

Sec. 190. Section 72.08.120, chapter 28, Laws of 1959 and RCW 72-.08.120 are each amended to read as follows:

The ~~((director))~~ secretary shall have power to make rules and regulations for the discipline, employment, instruction, education and compensation of prisoners in the Washington state penitentiary.

Sec. 191. Section 72.08.130, chapter 28, Laws of 1959 and RCW 72-.08.130 are each amended to read as follows:

The ~~((director))~~ secretary shall have power to contract for the supply of water for said penitentiary, upon such terms as he shall deem to be for the best interests of the state, or furnish water themselves, at their option. The department shall have full power to erect any building or structure deemed necessary, or to alter or improve the same, and to pay for the same from the fund appropriated for the use or support of the penitentiary, or from the earnings thereof, without advertising or contracting therefor: PROVIDED, That no buildings or structure, the cost of which will exceed three thousand dollars, shall be erected or constructed without first obtaining the consent of the governor: PROVIDED FURTHER, That such expenditure shall in no instance exceed ten thousand dollars without a special appropriation therefor by the state legislature.

Sec. 192. Section 72.08.380, chapter 28, Laws of 1959 and RCW 72-.08.380 are each amended to read as follows:

Whenever the superintendent of the state penitentiary withholds from mailing letters written by inmates of such institution, the superintendent shall forward such letters to the ~~((director of institutions))~~ secretary of social and health services for study and the inmate shall be forthwith notified that such letter has been withheld from mailing and the reason for so doing. Letters forwarded to the ~~((director))~~ secretary for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the ~~((director))~~ secretary, retained in a separate file for two years and then destroyed.

Sec. 193. Section 72.12.020, chapter 28, Laws of 1959 and RCW 72-.12.020 are each amended to read as follows:

The government and control of the Washington state reformatory and of the prisoners sentenced thereto shall be vested in the ~~((director of institutions))~~ secretary of social and health services.

Sec. 194. Section 72.12.050, chapter 28, Laws of 1959 as amended by section 1, chapter 251, Laws of 1959 and RCW 72.12.050 are each amended to read as follows:

The ~~((director))~~ secretary, through the superintendent of the reformatory shall receive all males between the ages of sixteen and thirty years who are sentenced to the reformatory on conviction of any criminal offense in any court having jurisdiction thereof(;) and all male prisoners who may be removed from any other penal institution of the state as provided by law (;~~and such persons over the age of sixteen years who may be placed at the reformatory at the direction of the supervisor of the division of children and youth services with the approval of the department of institutions, in accordance with RCW 13.08.190, as amended~~). All such persons shall be subject to the rules and regulations of the reformatory and the laws relating to the administration of such institution to the same extent as the other inmates of such institution.

Sec. 195. Section 72.12.070, chapter 28, Laws of 1959 and RCW 72.12.070 are each amended to read as follows:

The ~~((director))~~ secretary shall have power to make rules and regulations for the discipline, employment, instruction, education and removal of prisoners in the reformatory. The discipline imposed shall be reformatory in character.

Sec. 196. Section 72.12.090, chapter 28, Laws of 1959 and RCW 72.12.090 are each amended to read as follows:

The business management, sale of products and manufactures, and the auditing and keeping of accounts pertaining thereto shall be vested in the ~~((director))~~ secretary under such regulations as may be prescribed by the director of ~~((budget))~~ financial management.

Sec. 197. Section 72.12.100, chapter 28, Laws of 1959 and RCW 72.12.100 are each amended to read as follows:

It shall be the duty of the ~~((director))~~ secretary to maintain such control over prisoners committed to the reformatory as shall prevent them from committing crime, best secure their self-support, and accomplish their reformation. When any prisoner shall be received into the reformatory under sentence thereto, the ~~((director))~~ secretary shall cause to be entered in a register the date of such admission, the name, age, nativity and nationality, with such facts as can be ascertained of parentage, or early education and social influences as seem to indicate the constitutional defects and social tendencies of the prisoner and the best probable plan of treatment. In such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to the knowledge of the ~~((director))~~ secretary or superintendent.

Sec. 198. Section 72.12.140, chapter 28, Laws of 1959 and RCW 72-12.140 are each amended to read as follows:

Whenever the superintendent of the state reformatory withholds from mailing letters written by inmates of such institution, the superintendent shall forward such letters to the ~~((director of institutions))~~ secretary of social and health services for study and the inmate shall be forthwith notified that such letter has been withheld from mailing and the reason for so doing. Letters forwarded to the ~~((director))~~ secretary for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the ~~((director))~~ secretary, retained in a separate file for two years and then destroyed.

Sec. 199. Section 1, chapter 214, Laws of 1959 and RCW 72.13.010 are each amended to read as follows:

There is hereby established under the supervision and control of the ~~((director of the department of institutions))~~ secretary of social and health services a correctional institution for the confinement and rehabilitation of male persons convicted of a felony and such other persons transferred to such institution as hereinafter provided. ~~((Such institution shall be situated upon lands within the state, to be selected by the director of institutions under conditions as herein provided. Such institution shall be designed to be of an expandable type, enabling complete construction of the institution over an extended period. The director shall cause preliminary plans, specifications and estimates of cost to be made and for this purpose may retain architectural and engineering services.))~~

Sec. 200. Section 4, chapter 214, Laws of 1959 and RCW 72.13.040 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the ~~((director))~~ secretary. The superintendent shall have such administrative experience and possess such qualifications as shall be fixed by the personnel board, or such merit system board as shall be established by law having jurisdiction of personnel within the department of ~~((institutions))~~ social and health services, with the advice and approval of the ~~((director))~~ secretary.

Sec. 201. Section 5, chapter 214, Laws of 1959 and RCW 72.13.050 are each amended to read as follows:

The superintendents, subject to the approval of the ~~((director))~~ secretary, shall appoint such associate superintendents as shall be deemed necessary. 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, he shall appoint one of the officers of the institution to act as superintendent during such period of absence, illness or incapacity, subject to the approval of the ~~((director))~~ secretary.

Sec. 202. Section 6, chapter 214, Laws of 1959 and RCW 72.13.060 are each amended to read as follows:

The superintendent and all subordinate officers and employees of such institution shall be under the jurisdiction of the state personnel board or such merit system board as shall be hereafter established by law having jurisdiction within the department of ~~((institutions))~~ social and health services.

Sec. 203. Section 7, chapter 214, Laws of 1959 and RCW 72.13.070 are each amended to read as follows:

The ~~((supervisor of the division of children and youth services of the department of institutions, upon the approval of the director,))~~ secretary shall have authority to transfer to the correctional institution male juvenile delinquents or male juveniles convicted of a crime, who may hereafter be committed to the ~~((division of children and youth services))~~ department, or who are now confined at facilities under the ~~((division of children and youth services))~~ department for the custody of juvenile delinquents: PROVIDED, That such juveniles shall not be retained in such institution after eighteen years of age: PROVIDED FURTHER, That the ~~((supervisor of the division of children and youth services))~~ secretary shall retain custody of such juveniles for the purpose of returning, in his discretion, such juveniles to the transferring institution or such other facilities of the ~~((division))~~ department as he shall deem appropriate.

Sec. 204. Section 8, chapter 214, Laws of 1959 and RCW 72.13.080 are each amended to read as follows:

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

(1) Subject to the rules and regulations of the department, the superintendent shall have supervision and management of the institution, the grounds and buildings, subordinate officers and employees, and the prisoners committed or transferred to such institution and the custody of such persons until released as provided by law.

(2) Subject to the approval of the ~~((director))~~ secretary, appoint all subordinate officers and employees, who shall be removable from employment by the superintendent, subject to the merit system rules of the state personnel board as may be established by law having jurisdiction of the officers and employees of the department of ~~((institutions))~~ social and health services.

(3) The superintendent shall be the custodian of the personal property of all inmates in the institution and shall make rules and regulations governing the accounting and disposition of all moneys received and earned by the inmates, not inconsistent with law, and subject to the approval of the ~~((director))~~ secretary.

Sec. 205. Section 10, chapter 214, Laws of 1959 and RCW 72.13.100 are each amended to read as follows:

The superintendent, subject to the approval of the ~~((director))~~ secretary and the institutional industries commission, shall be authorized to establish such industrial, vocational and agricultural programs as will be most beneficial to the inmates of such institution.

Sec. 206. Section 12, chapter 214, Laws of 1959 and RCW 72.13.120 are each amended to read as follows:

Any male offender convicted of an offense punishable by imprisonment in the state penitentiary or the state reformatory, except an offender sentenced to death, shall, notwithstanding any inconsistent provision of law, be sentenced to imprisonment in a penal institution under the jurisdiction of the department of ~~((institutions))~~ social and health services without designating the name of such institution, and be committed to the reception center for classification, confinement and placement in such correctional facility under the supervision of the department of ~~((institutions))~~ social and health services as the ~~((director of institutions))~~ secretary of social and health services shall deem appropriate(~~(: PROVIDED, That the provisions of this section shall become effective upon the certification of the director of institutions to the superior courts and prosecuting attorneys of each county and the chief justice of the supreme court that facilities and personnel for the implementation of commitments as above provided are ready to receive persons committed under the provisions of this section))~~).

Sec. 207. Section 14, chapter 214, Laws of 1959 and RCW 72.13.140 are each amended to read as follows:

The ~~((director))~~ secretary shall appoint a staff for the reception center to interview, test, classify, and supervise offenders committed to the center. Such staff shall consist of such employees as the ~~((director))~~ secretary shall determine to be adequate for prompt and effective classification. There shall be within the reception center a classification board, which should be composed of such members of the staff of the reception center as the ~~((director))~~ secretary may require. After making a study and investigation of the facts of the cases of the persons committed to the reception center as the ~~((director))~~ secretary may require, the board shall make and file in the department a certificate in writing, recommending the state correctional institution best suited to receive the offender during the term of his confinement, the type of program to be followed and the approximate length of such treatment. The state board of prison terms and paroles and other state agencies shall cooperate with the department in obtaining necessary investigative materials concerning offenders committed to the reception center and supply the reception center with necessary information regarding social histories and community background.

Sec. 208. Section 15, chapter 214, Laws of 1959 and RCW 72.13.150 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall receive all male persons convicted of a felony by the superior court and committed by the superior court to the reception center for classification and placement in such facility as the ~~((director))~~ secretary shall designate, and all persons transferred thereto by the ~~((director))~~ secretary from the state reformatory and state penitentiary, and other correctional facilities of the department. The superintendent shall only receive prisoners for classification and study in the institution upon presentation of certified copies of a judgment, sentence and order of commitment of the superior court, along with other reports as may have been made in reference to each individual prisoner.

Sec. 209. Section 16, chapter 214, Laws of 1959 and RCW 72.13.160 are each amended to read as follows:

The ~~((director))~~ secretary shall determine the state correctional institution in which the offender shall be confined during his term of imprisonment. The confinement of any offender shall be governed by the laws applicable to the institution to which he is certified for confinement, but his parole and discharge shall be governed by the laws applicable to the sentence imposed by the court.

Sec. 210. Section 17, chapter 214, Laws of 1959 and RCW 72.13.170 are each amended to read as follows:

The ~~((director))~~ secretary may make, amend and repeal rules consistent with and in furtherance of the provisions of this chapter.

Sec. 211. Section 1, chapter 122, Laws of 1967 ex. sess. and RCW 72-.15.010 are each amended to read as follows:

There is hereby established under the supervision and control of the ~~((director of the department of institutions;))~~ secretary of social and health services 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.

Sec. 212. Section 4, chapter 122, Laws of 1967 ex. sess. and RCW 72-.15.020 are each amended to read as follows:

The superintendent of the Washington correctional institution for women shall be appointed by the ~~((director))~~ secretary, 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))~~ secretary.

Sec. 213. Section 5, chapter 122, Laws of 1967 ex. sess. and RCW 72-.15.030 are each amended to read as follows:

The superintendent, subject to the approval of the ~~((director))~~ secretary, 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))~~ secretary. 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))~~ secretary shall act as superintendent during such period of absence, illness or incapacity.

Sec. 214. Section 7, chapter 122, Laws of 1967 ex. sess. and RCW 72-15.050 are each amended to read as follows:

The superintendent, subject to the approval of the ~~((director))~~ secretary 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.

Sec. 215. Section 9, chapter 122, Laws of 1967 ex. sess. and RCW 72-15.070 are each amended to read as follows:

~~The ((supervisor of the division of adult corrections and the))~~ superintendent, subject to the approval of the ~~((director))~~ secretary, shall make, amend, and repeal rules and regulations for the administration, supervision, discipline, and security of the Washington correctional institution for women.

Sec. 216. Section 1, chapter 277, Laws of 1959 and RCW 72.18.010 are each amended to read as follows:

There is hereby established under the supervision and control of the ~~((director of the department of institutions))~~ secretary of social and health services a correctional institution for the reception, diagnosis, confinement and rehabilitation of juveniles committed by the juvenile courts to the department of ~~((institutions, division of children and youth services. Such institution shall be situated upon lands within the state, to be selected by the director of institutions under conditions as herein provided. The director shall cause preliminary plans, specifications and estimates of cost for the construction of such institution to be made and for this purpose may retain architectural and engineering services))~~ social and health services.

Sec. 217. Section 4, chapter 277, Laws of 1959 and RCW 72.18.040 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the ~~((director))~~ secretary. The superintendent shall have such administrative experience and possess such qualifications as shall be fixed by the personnel board, or such merit system board as shall be established by law having jurisdiction of personnel within the department of

~~((institutions))~~ social and health services, with the advice and approval of the ~~((director))~~ secretary.

Sec. 218. Section 5, chapter 277, Laws of 1959 and RCW 72.18.050 are each amended to read as follows:

The superintendent, subject to the approval of the ~~((director))~~ secretary, shall appoint such associate superintendents as shall be deemed necessary. 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, he shall appoint one of the officers of the institution to act as superintendent during such period of absence, illness or incapacity, subject to the approval of the ~~((director))~~ secretary.

Sec. 219. Section 6, chapter 277, Laws of 1959 and RCW 72.18.060 are each amended to read as follows:

The superintendent and all subordinate officers and employees of such institution shall be under the jurisdiction of the state personnel board or such merit system board as shall be hereafter established by law having jurisdiction within the department of ~~((institutions))~~ social and health services.

Sec. 220. Section 7, chapter 277, Laws of 1959 and RCW 72.18.070 are each amended to read as follows:

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

(1) Subject to the rules and regulations of the department, the superintendent shall have supervision and management of the institution, of the grounds and buildings, subordinate officers and employees, and of the juveniles received at such institution and the custody of such persons until released or transferred as provided by law.

(2) Subject to the approval of the ~~((director))~~ secretary, appoint all subordinate officers and employees, who shall be removable from employment by the superintendent, subject to the merit system rules of the state personnel board as may be established by law having jurisdiction of the officers and employees of the department of ~~((institutions))~~ social and health services.

(3) The superintendent shall be the custodian of the personal property of all juveniles in the institution and shall make rules and regulations governing the accounting and disposition of all moneys received by such juveniles, not inconsistent with law, and subject to the approval of the ~~((director))~~ secretary.

Sec. 221. Section 8, chapter 277, Laws of 1959 and RCW 72.18.080 are each amended to read as follows:

The ~~((director))~~ secretary may make, amend and repeal rules and regulations for the administration of the juvenile correctional institution established by this ~~((act))~~ chapter in furtherance of the provisions of this chapter and not inconsistent with law.

Sec. 222. Section 1, chapter 183, Laws of 1961 as amended by section 1, chapter 165, Laws of 1963 and RCW 72.19.010 are each amended to read as follows:

There is hereby established under the supervision and control of the ~~((director of institutions))~~ secretary of social and health services a correctional institution for the confinement and rehabilitation of juveniles committed by the juvenile courts to the department of ~~((institutions))~~ social and health services. Such institution shall be situated upon publicly owned lands within King county, under the supervision of the department of natural resources, which land is located in the vicinity of Echo Lake and more particularly situated in Section 34, Township 24 North, Range 7 East W.M. and that portion of Section 3, Township 23 North, Range 7 East W.M. lying north of U.S. Highway 10, together with necessary access routes thereto, all of which tract is leased by the department of natural resources to the department of ~~((institutions))~~ social and health services for the establishment and construction of the correctional institution authorized and provided for in this chapter. ~~((The director shall cause preliminary plans, specifications and estimates of cost for the construction of such institution to be made and for this purpose may retain architectural and engineering services:))~~

Sec. 223. Section 4, chapter 183, Laws of 1961 and RCW 72.19.020 are each amended to read as follows:

The ~~((director))~~ secretary may make, amend and repeal rules and regulations for the administration of the juvenile correctional institution established by this ~~((act))~~ chapter in furtherance of the provisions of this chapter and not inconsistent with law.

Sec. 224. Section 3, chapter 165, Laws of 1963 and RCW 72.19.030 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the ~~((director))~~ secretary. The superintendent shall have such administrative and correctional experience and possess such qualifications as shall be determined by the state personnel board subject to the advice and approval of the ~~((director))~~ secretary.

Sec. 225. Section 4, chapter 165, Laws of 1963 and RCW 72.19.040 are each amended to read as follows:

The superintendent, subject to the approval of the ~~((director))~~ secretary, shall appoint such associate superintendents as shall be deemed necessary. 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 shall act as superintendent during such period of absence, illness or incapacity as may be designated by the ((director)) secretary.

Sec. 226. Section 5, chapter 165, Laws of 1963 and RCW 72.19.050 are each amended to read as follows:

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

(1) Subject to the rules and regulations of the department, the superintendent shall have the supervision and management of the institution, of the grounds and buildings, the subordinate officers and employees, and of the juveniles received at 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, appoint all subordinate officers and employees.

(3) The superintendent shall be the custodian of the personal property of all juveniles in the institution and shall make rules and regulations governing the accounting and disposition of all moneys received by such juveniles, not inconsistent with the law, and subject to the approval of the ((director)) secretary.

Sec. 227. Section 7, chapter 165, Laws of 1963 and RCW 72.19.060 are each amended to read as follows:

The plans and construction of the juvenile correctional institution established by this chapter shall provide for adequate separation of the residential housing of the male juvenile from the female juvenile. In all other respects, the juvenile correctional programs for both boys and girls may be combined or separated as the ((director)) secretary deems most reasonable and effective to accomplish the reformation, training and rehabilitation of the juvenile offender, realizing all possible economies from the lack of necessity for duplication of facilities.

Sec. 228. Section 72.20.020, chapter 28, Laws of 1959 as amended by section 1, chapter 39, Laws of 1959 and RCW 72.20.020 are each amended to read as follows:

The government, control and business management of such school shall be vested in the ((director)) secretary. The ((director)) secretary shall, with the approval of the governor, appoint a suitable superintendent of said school, and shall designate the number of subordinate officers and employees to be employed, and fix their respective salaries, and have power, with the like approval, to make and enforce all such rules and regulations for the administration, government and discipline of the school as the ((director)) secretary may deem just and proper, not inconsistent with this chapter.

Sec. 229. Section 72.20.040, chapter 28, Laws of 1959 as amended by section 2, chapter 39, Laws of 1959 and RCW 72.20.040 are each amended to read as follows:

The superintendent, subject to the direction and approval of the ((~~director~~)) secretary shall:

(1) Have general supervision and control of the grounds and buildings of the institution, the subordinate officers and employees, and the inmates thereof, and all matters relating to their government and discipline.

(2) Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the ((~~director~~)) secretary, as may seem to him proper or necessary for the government of such institution and for the employment, discipline and education of the inmates.

(3) Exercise such other powers, and perform such other duties as the ((~~director~~)) secretary may prescribe.

Sec. 230. Section 72.20.060, chapter 28, Laws of 1959 and RCW 72.20.060 are each amended to read as follows:

Every girl shall be entitled to a trial on parole before reaching the age of twenty years, such parole to continue for at least one year unless violated. The superintendent and resident physician, with the approval of the ((~~director~~)) secretary, shall determine whether such parole has been violated. Any girl committed to the school who shall escape therefrom, or who shall violate a parole, may be apprehended and returned to the school by any officer or citizen on written order or request of the superintendent.

Sec. 231. Section 72.20.080, chapter 28, Laws of 1959 and RCW 72.20.080 are each amended to read as follows:

It shall be the duty of the superintendent, subject to the approval of the ((~~director~~)) secretary, to employ teachers, and as far as practicable, to instruct the girls in all of the branches usually taught in the grades of the common schools of the state, also in such trades and vocational occupations as may be found desirable. The educational work of the school shall be a part of the educational system of the state, and as such shall be under the supervision of the state board of education. Only those certified by the state superintendent of public instruction shall be employed as teachers.

Sec. 232. Section 72.20.090, chapter 28, Laws of 1959 and RCW 72.20.090 are each amended to read as follows:

The superintendent shall have power to place any girl under the age of eighteen years at any employment for account of the institution or the girl employed, and receive and hold the whole or any part of her wages for the benefit of the girl less the amount necessary for her board and keep, and may also, with the consent of any girl over fourteen years of age, and the approval of the ((~~director~~)) secretary endorsed thereon, execute indentures of apprenticeship, which shall be binding on all parties thereto. In case any girl so apprenticed shall prove untrustworthy or unsatisfactory, the superintendent may permit her to be returned to the school, and the indenture may thereupon be canceled. If such girl shall have an unsuitable employer, the superintendent may, with the approval of the ((~~director~~)) secretary, take her

back to the school, and cancel the indenture of apprenticeship. All indentures so made shall be filed and kept in the school. A system may also be established, providing for compensation to girls for services rendered, and payments may be made from time to time, not to exceed in the aggregate to any one girl the sum of twenty-five dollars for each year of service.

Sec. 233. Section 2, chapter 26, Laws of 1965 ex. sess. and RCW 72-27.020 are each amended to read as follows:

Pursuant to said compact provided in RCW 72.27.010, the (~~director of the department of institutions~~) secretary of social and health services shall be the compact administrator and who, acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or any supplementary agreement or agreements entered into by this state thereunder.

Sec. 234. Section 7, chapter 26, Laws of 1965 ex. sess. and RCW 72-27.070 are each amended to read as follows:

Nothing in this chapter shall affect the right of the (~~director of the department of institutions~~) secretary of social and health services to deport aliens and return residents of nonparty states as provided in chapter 72.25 RCW.

Sec. 235. Section 4, chapter 18, Laws of 1967 ex. sess. and RCW 72-30.040 are each amended to read as follows:

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~~) secretary, 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 chapter, he shall administer the institution in accordance with the provisions of chapter 72.33 RCW.

Sec. 236. Section 5, chapter 18, Laws of 1967 ex. sess. and RCW 72-30.050 are each amended to read as follows:

The (~~director of institutions~~) secretary of social and health services 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.

Sec. 237. Section 1, chapter 141, Laws of 1967 and RCW 72.33.650 are each amended to read as follows:

The purpose of RCW 72.33.650 through 72.33.700 is to place financial responsibility for cost of care, support and treatment upon those residents of state residential schools who possess assets over and above the minimal amount required to be retained for personal use; to provide procedures for establishing such liability and the monthly rate thereof, and the process for appeal therefrom to the (~~director of the department of institutions~~) secretary of social and health services and the courts by any person deemed aggrieved thereby.

Sec. 238. Section 3, chapter 141, Laws of 1967 and RCW 72.33.660 are each amended to read as follows:

The charges for care, support and treatment as provided in RCW 72-33.655 shall be based on the average monthly per capita costs of operating such residential schools for the previous calendar year taking into consideration all expenses of institutional operation, maintenance and repair, salaries and wages, equipment and supplies: PROVIDED, That all expenses directly related to the cost of education, vocational training and capital construction shall be excluded from the computation of the average per capita cost. The average per capita cost shall be computed by the department of (~~institutions~~) social and health services annually and adopted as a rule of the department in accordance with the provisions of chapter 42.32 RCW and of chapter 34.04 RCW. The department of (~~institutions~~) social and health services shall be charged with the duty of collection of such charges which may be enforced by civil action instituted by the attorney general within or without the state.

Sec. 239. Section 5, chapter 141, Laws of 1967 as amended by section 1, chapter 75, Laws of 1970 ex. sess. and RCW 72.33.670 are each amended to read as follows:

In all cases where a determination is made that the estate of a mentally or physically deficient person who resides at a state residential school is able to pay all or any portion of the monthly charges, a notice and finding of financial responsibility shall be personally served on the guardian of the resident's estate, or if no guardian has been appointed then to his spouse or

parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state residential school and the superintendent of the state residential school. The notice shall set forth the amount the department has determined that such estate is able to pay per month, not to exceed the monthly charge as fixed in accordance with RCW 72.33.660, and the responsibility for payment to the department of ~~((institutions))~~ social and health services shall commence thirty days after personal service of such notice and finding of responsibility. An appeal from the determination of responsibility may be made to the ~~((director))~~ secretary by the guardian of the resident's estate, or if no guardian has been appointed then by his spouse, parent or parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state residential school, within such thirty day period upon written notice of appeal being served upon the ~~((director))~~ secretary by registered or certified mail. 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 appeals may be presided over by a hearing examiner and the proceedings shall be recorded either manually or by a mechanical device. Any such appeal shall be a "contested case" as defined in RCW 34.04.010, and practice and procedure shall be governed by the provisions of RCW 72.33.650 through 72.33.700, the rules and regulations of the department of ~~((institutions))~~ social and health services, and the Administrative Procedure Act, chapter 34.04 RCW.

Sec. 240. Section 7, chapter 141, Laws of 1967 and RCW 72.33.680 are each amended to read as follows:

The ~~((director))~~ secretary, upon application of the guardian of the estate of the resident, and after investigation, or upon investigation without application, may, if satisfied of the financial ability or inability of such person to make payments in accordance with the original finding of responsibility, modify or vacate such original finding of responsibility, and enter a new finding of responsibility. The ~~((director's))~~ secretary's determination to modify or vacate findings of responsibility shall be served and be appealable in the same manner and in accordance with the same procedure for appeals of original findings of responsibility.

Sec. 241. Section 8, chapter 141, Laws of 1967 and RCW 72.33.685 are each amended to read as follows:

The charges for care, support, maintenance and treatment of mentally or physically ~~((deficient))~~ handicapped persons at state residential schools as provided by RCW 72.33.650 through 72.33.700 shall be payable in advance on the first day of each and every month to the department of ~~((institutions))~~ social and health services.

Sec. 242. Section 9, chapter 141, Laws of 1967 and RCW 72.33.690 are each amended to read as follows:

The provisions of RCW 72.33.650 through 72.33.700 shall not be construed to prohibit or prevent the department of ~~((institutions))~~ social and health services from obtaining reimbursement from any person liable under RCW 72.33.650 through 72.33.700 for payment of the full amount of the accrued per capita cost from any property acquired by gift, devise or bequest subsequent to and regardless of the initial findings of responsibility under RCW 72.33.670: PROVIDED, That the estate of any resident of a state residential school shall not be liable for such reimbursement subsequent to his placement out of the state residential school: PROVIDED FURTHER, That upon the death of any person while a resident in a state residential school his estate shall become liable to the same extent as the resident's liability on the date of death.

Sec. 243. Section 12, chapter 141, Laws of 1967 and RCW 72.33.700 are each amended to read as follows:

Notwithstanding any other provision of RCW 72.33.650 through 72.33.700, the ~~((director))~~ secretary may, if in his discretion any resident of a state residential school can be discharged more rapidly therefrom and assimilated into a community, keep an amount not exceeding five thousand dollars in the resident's fund for such resident and such resident shall not thereafter be liable thereon for per capita costs of care, support and treatment as provided for in RCW 72.33.655.

Sec. 244. Section 1, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.830 are each amended to read as follows:

The department of ~~((institutions))~~ social and health services is authorized to pay for all or a portion of the costs of care, support and training of residents of state residential schools for the mentally and/or physically ~~((deficient))~~ handicapped persons who are placed in group homes, as hereinafter provided. ~~(("Mental deficiency" or "physical deficiency" for the purposes of RCW 72.33.160, and 72.33.830 through 72.33.850 shall have the same meaning as those terms are defined in RCW 72.33.020 as now or hereafter amended:))~~

Sec. 245. Section 2, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.840 are each amended to read as follows:

All payments made by the department of ~~((institutions))~~ social and health services in accordance with RCW 72.33.830 shall, insofar as reasonably possible, be supplementary to payments to be made for the costs of care, support and training in a group home by the estate of such resident of the state residential school, or from any resource which such resident may have, or become entitled to, from any public, private, federal or state agency. Payments by the department of ~~((institutions))~~ social and health services

under RCW 72.33.160, and 72.33.830 through 72.33.850 may, in its discretion, be paid directly to group homes, or to counties having created community boards for mental retardation services in accordance with the provisions of chapter 110, Laws of 1967 ex. sess.

Sec. 246. Section 3, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.850 are each amended to read as follows:

The department of ~~((institutions))~~ social and health services shall promulgate rules and regulations concerning the eligibility of residents of state schools for placement in group homes under the authority of RCW 72.33.160, and 72.33.830 through 72.33.850, determination of ability of such persons or their estates to pay all or a portion of the cost of care, support and training, the manner and method of licensing or certification and inspection and approval of such group homes for placement under RCW 72.33.160, and 72.33.830 through 72.33.850 and procedures for the payment of costs of care, maintenance and training in group homes.

Such rules and regulations shall include standards for care, maintenance and training to be met by such group homes. In addition, the department of ~~((institutions))~~ social and health services shall be responsible for coordinating state activities and resources relating to group home placements to the end that state and local resources will be efficiently expended and an effective community-based group home program may be created.

Sec. 247. Section 72.40.020, chapter 28, Laws of 1959 and RCW 72.40.020 are each amended to read as follows:

The ~~((director))~~ secretary shall appoint a superintendent for each institution. The superintendents must be not less than thirty nor more than seventy years of age and must be practically acquainted with school management and class instruction of the blind and the deaf, respectively, having had at least ten years' actual experience in teaching in schools for such persons.

The ~~((director))~~ secretary may discharge any employee in his discretion.

Sec. 248. Section 6, chapter 50, Laws of 1970 ex. sess. and RCW 72.40.031 are each amended to read as follows:

The school year for the state school for the blind and the state school for the deaf shall commence on the first day of July of each year and shall terminate on the 30th day of June of the succeeding year. The regular school term shall be for a period of nine months and shall commence as near as reasonably practical at the time of the commencement of regular terms in the public schools, with the equivalent number of days as are now required by law, and the regulations of the superintendent of public instruction as now or hereafter amended, during the school year in the public schools. The school shall observe all legal holidays, in the same manner as other agencies of state government, and the schools will not be in session on such days and

such other days as may be approved by the ~~((director of institutions))~~ secretary of social and health services. During the period when the schools are not in session during the regular school term, schools may be operated, subject to the approval of the ~~((director))~~ secretary, for the instruction of students or for such other reasons which are in furtherance of the objects and purposes of such schools.

Sec. 249. Section 72.40.050, chapter 28, Laws of 1959 and RCW 72-40.050 are each amended to read as follows:

The ~~((director))~~ secretary may admit to the schools blind or deaf children from other states, but the parents or guardians of such children will be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children.

Sec. 250. Section 72.40.070, chapter 28, Laws of 1959 as last amended by section 152, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.070 are each amended to read as follows:

It shall be the duty of each educational service district superintendent to make a full and specific report of such deaf, mute, or blind youth to the board of county commissioners of the county in which the youth resides at its regular meeting in July of each year. He shall also, at the same time, transmit a duplicate copy of such report to the ~~((director))~~ secretary and the superintendent of the school for the blind or the school for the deaf, as the case may be.

Sec. 251. Section 72.56.010, chapter 28, Laws of 1959 and RCW 72-56.010 are each amended to read as follows:

There is hereby established under the supervision and control of the department of ~~((institutions;))~~ social and health services an institution for the care and custody of children and youth, to be located at Fort Worden, near Port Townsend, in Jefferson county.

Sec. 252. Section 72.56.040, chapter 28, Laws of 1959 and RCW 72-56.040 are each amended to read as follows:

The ~~((director))~~ secretary shall have authority to transfer children and youth to Fort Worden who are now confined at, or who may hereafter be committed to, any other facility under the supervision of the department for the custody of children and youth.

Sec. 253. Section 72.56.050, chapter 28, Laws of 1959 and RCW 72-56.050 are each amended to read as follows:

The ~~((director))~~ secretary is hereby authorized to appoint a superintendent and such other officers and employees as are deemed necessary for the proper operation of the institutions and facilities authorized by this chapter.

Sec. 254. Section 72.60.010, chapter 28, Laws of 1959 and RCW 72-60.010 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Institution" means any place under the jurisdiction of the department of ((institutions)) social and health services at which individuals are confined pursuant to court order.

(2) "Commission" means the institutional industries commission as herein created.

(3) "Enterprise" means an agricultural or manufacturing operation or group of closely related operations within a single institution which in accepted trade practices would ordinarily be carried on as a single unit for the purpose of producing saleable items above and beyond the needs of the producing institution, not to include or apply to self-sustaining activities, maintenance and construction work and handiwork of prisoners.

Sec. 255. Section 72.60.020, chapter 28, Laws of 1959 and RCW 72.60.020 are each amended to read as follows:

The purpose of this chapter is to aid and assist the department of ((institutions)) social and health services in minimizing or eliminating idleness among the inmates of the state penal, correctional, or reformatory institutions and promoting rehabilitation by affording such inmates an opportunity to participate in industrial and agricultural activities and to provide for the disposition and sale of the articles produced.

Sec. 256. Section 72.60.030, chapter 28, Laws of 1959 and RCW 72.60.030 are each amended to read as follows:

There is hereby created the institutional industries commission which shall consist of the ((director)) secretary of the department and six members appointed by the governor of whom two shall be representatives of organized labor, two shall be representatives of industry, one shall be a representative of agriculture and one shall be a representative of the general public.

Sec. 257. Section 72.60.040, chapter 28, Laws of 1959 and RCW 72.60.040 are each amended to read as follows:

The first term of the members representing industry and labor shall be two years. The first term of the members representing agriculture and the general public shall be four years. After the first term all appointments shall have a term of four years. The first term of each member shall commence on the first day of June, 1955. No members shall be removed except by the appointing authority and for cause. In the event of a vacancy in the office of any member the balance of the term shall be filled by the appointing authority as in the case of original appointments. The ((director)) secretary shall act as chairman of the commission.

Sec. 258. Section 72.60.090, chapter 28, Laws of 1959 and RCW 72.60.090 are each amended to read as follows:

Each inmate, who is engaged in productive work in any state prison or institution under the jurisdiction of the department as a part of the work program, may receive for his work such compensation as the ((director))

secretary shall determine. Such compensation shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its performance, and be limited to such amounts as are set up by the ((director)) secretary and approved by the commission. Said compensation shall be credited to the account of the inmate.

When any inmate violates the rules of the institution or escapes, the ((director)) secretary shall determine what portion of his earnings shall be forfeited and such forfeiture shall be deposited in the industrial operations revolving fund of such institution.

Said compensation shall be paid from the industrial operations revolving fund of the institution. Whenever by any statute a price is required to be fixed for any article, material, supply, or services to be produced, manufactured, supplied, or performed in connection with the work program of the department, the compensation paid to inmates shall be included as an item of cost in fixing the final statutory price.

Inmates not engaged on work programs under the jurisdiction of the commission and financed out of the industrial operations revolving fund, but who are engaged in productive labor outside of such programs may be compensated in like manner. The compensation of such inmates shall be paid either out of funds appropriated by the legislature for that purpose or out of the industrial operations revolving fund of the institution, as the ((director)) secretary of the department may direct.

Sec. 259. Section 72.60.130, chapter 28, Laws of 1959 and RCW 72-.60.130 are each amended to read as follows:

All articles, materials, and supplies, produced or manufactured under the provisions of this chapter shall be solely and exclusively for public use and no article, material, or supplies, produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, exchanged, or given away, for any private use or profit whatever, except that, to avoid waste or spoilage and consequent loss to the state, byproducts and surpluses of agricultural and animal husbandry enterprises may be sold to private persons, at private sale, under rules prescribed by the ((director)) secretary.

Sec. 260. Section 72.60.160, chapter 28, Laws of 1959 and RCW 72-.60.160 are each amended to read as follows:

All articles, materials, and supplies herein authorized to be produced or manufactured may be purchased from the institution producing or manufacturing the same by any state agency or political subdivision of the state and at the prices fixed in the manner herein provided, and the ((director)) secretary shall require those institutions under his direction to give preference to the purchasing of their needs of such articles as are produced under this chapter.

Sec. 261. Section 72.60.200, chapter 28, Laws of 1959 and RCW 72-.60.200 are each amended to read as follows:

Exceptions from the operation of the provisions of this chapter may be made in any case where in the opinion of the supervisor of purchasing, the attorney general and the commissioner of the employment security department, or a majority of them who are hereby constituted a board for such purpose, the articles so produced or manufactured do not meet the reasonable requirements of such departments, institutions, or agencies of the state of Washington. In any case where the requisition made cannot be complied with on account of an insufficient supply of articles or supplies required, the ~~((director))~~ secretary may grant an exemption to such requisitioning department or agency of the state of Washington. No department, institution, or agency of the state of Washington shall be allowed to evade the intent and meaning of this section by slight variations from adopted standards when the articles produced or manufactured by such institutional industries are reasonably adapted to the actual needs of such departments, institutions, or agencies of the state of Washington.

Sec. 262. Section 2, chapter 273, Laws of 1959 and RCW 72.60.250 are each amended to read as follows:

The institutional industries revolving fund shall be deposited by the state treasurer, who shall be the custodian of such fund, in such depository or depositories as may be authorized by law to accept state funds to the credit of a fund to be designated the institutional industries revolving fund, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes as set forth in RCW 72.60.260 and chapter 72.60 RCW.

All moneys received by the ~~((director))~~ secretary, or any employee, from the operation of the industrial or agricultural programs under the jurisdiction of the institutional industries commission, except an amount of petty cash for each day's needs as fixed by resolution of the institutional industries commission, shall be paid over by the ~~((director))~~ secretary to the state treasurer each day, and as often during the day as advisable, who shall deposit the same forthwith as demand deposits to the credit of the institutional industries revolving fund in a depository or depositories selected by the state treasurer under the terms of this section.

Sec. 263. Section 1, chapter 273, Laws of 1959 and RCW 72.60.240 are each amended to read as follows:

There is hereby established under the supervision and control of the ~~((director of the department of institutions))~~ secretary of social and health services a fund to be known as the institutional industries revolving fund, which shall consist of all funds collected and all profits which shall hereafter accrue from the industrial and agricultural operations under the jurisdiction of the institutional industries commission, and such funds appropriated by the legislature from the state institutional revolving account of the state general fund to the institutional industries revolving fund created by this

section. The provisions of RCW 43.01.050 shall not be applicable to such fund, nor to any of the moneys received, collected or deposited in such fund.

Sec. 264. Section 3, chapter 273, Laws of 1959 and RCW 72.60.260 are each amended to read as follows:

All expenses arising in the administration of the industrial and agricultural programs of the department of ((institutions)) social and health services under the jurisdiction of the institutional industries commission, including the payment of expenses of the members of the commission and the salaries of employees administering such programs and all expenditures incurred in establishing, maintaining, and operating the industrial and agricultural programs of the department of ((institutions)) social and health services, shall be paid from the institutional industries revolving fund, subject to the approval of the institutional industries commission.

Sec. 265. Section 72.64.010, chapter 28, Laws of 1959 and RCW 72.64.010 are each amended to read as follows:

The ((director)) secretary shall have the power and it shall be his duty to provide for the useful employment of prisoners in the adult correctional institutions: PROVIDED, That no prisoners shall be employed in what is known as the contract system of labor.

Sec. 266. Section 72.64.020, chapter 28, Laws of 1959 and RCW 72.64.020 are each amended to read as follows:

The ((director)) secretary shall make the necessary rules and regulations governing the employment of prisoners, the conduct of all such operations, and the disposal of the products thereof, under such restrictions as provided by law.

Sec. 267. Section 72.64.030, chapter 28, Laws of 1959 as amended by section 1, chapter 171, Laws of 1961 and RCW 72.64.030 are each amended to read as follows:

Every prisoner in the Washington state penitentiary or reformatory or other state penal or correctional institution shall be required to work in such manner as may be prescribed by the ((director)) secretary, other than for the private financial benefit of any enforcement officer.

Sec. 268. Section 72.64.050, chapter 28, Laws of 1959 as amended by section 2, chapter 171, Laws of 1961 and RCW 72.64.050 are each amended to read as follows:

The ((director)) secretary shall also have the power to establish temporary branch institutions for the state penitentiary, state reformatory and other penal and correctional institutions of the state in the form of honor camps for the employment of prisoners therein in farming, reforestation, wood-cutting, land clearing, processing of foods in state canneries, forest fire fighting, forest fire suppression and prevention, stream clearance, watershed improvement, development of parks and recreational areas and other work to conserve the natural resources and protect and improve the

public domain and construction of water supply facilities to state institutions.

Sec. 269. Section 72.64.060, chapter 28, Laws of 1959 as amended by section 3, chapter 171, Laws of 1961 and RCW 72.64.060 are each amended to read as follows:

Any department, division, bureau, commission, or other agency of the state of Washington or any agency of any political subdivision thereof or the federal government may use, or cause to be used, prisoners confined in state penal or correctional institutions to perform work necessary and proper, to be done by them at camps to be established pursuant to the authority granted by RCW 72.64.060 through 72.64.090: PROVIDED, That such prisoners shall not be authorized to perform work on any public road, other than access roads to forestry lands. The ((~~director~~)) secretary may enter into contracts for the purposes of RCW 72.64.060 through 72.64.090.

Sec. 270. Section 72.64.070, chapter 28, Laws of 1959 and RCW 72.64.070 are each amended to read as follows:

The department shall determine which prisoners shall be eligible for employment under RCW 72.64.060, and shall establish and modify lists of prisoners eligible for such employment, upon the requisition of an agency mentioned in RCW 72.64.060. The ((~~director~~)) secretary may send to the place, and at the time designated, the number of prisoners requisitioned, or such number thereof as have been determined to be eligible for such employment and are available. No prisoner shall be eligible or shall be released for such employment until his eligibility therefor has been determined by the department.

The ((~~director~~)) secretary may return to prison any prisoner transferred to camp pursuant to this section, when the need for such prisoner's labor has ceased or when the prisoner is guilty of any violation of the rules and regulations of the prison or camp.

Sec. 271. Section 72.64.080, chapter 28, Laws of 1959 and RCW 72.64.080 are each amended to read as follows:

The agency providing for prisoners under RCW 72.64.060 through 72.64.090 shall designate and supervise all work done under the provisions thereof. The agency shall provide, erect and maintain any necessary camps, except that where no funds are available to the agency, the department may provide, erect and maintain the necessary camps. The ((~~director~~)) secretary shall supervise and manage the necessary camps and commissaries.

Sec. 272. Section 4, chapter 171, Laws of 1961 and RCW 72.64.100 are each amended to read as follows:

The ((~~director~~)) secretary is authorized to establish and operate regional jail camps for the confinement, treatment, and care of persons sentenced to jail terms in excess of thirty days, including persons so imprisoned as a

condition of probation. The ~~((director))~~ secretary shall make rules and regulations governing the eligibility for commitment or transfer to such camps and rules and regulations for the government of such camps. Subject to the rules and regulations of the ~~((director))~~ secretary, and if there is in effect a contract entered into pursuant to RCW 72.64.110, a county prisoner may be committed to a regional jail camp in lieu of commitment to a county jail or other county detention facility.

Sec. 273. Section 5, chapter 171, Laws of 1961 and RCW 72.64.110 are each amended to read as follows:

(1) The ~~((director))~~ secretary may enter into a contract, with the approval of the director of ~~((budget))~~ financial management, with any county of the state, upon the request of the sheriff thereof, wherein the ~~((director))~~ secretary agrees to furnish confinement, care, treatment, and employment of county prisoners. The county shall reimburse the state for the cost of such services, such cost to be determined by the director of ~~((budget))~~ financial management. Each county shall pay to the state treasurer the amounts found to be due.

(2) The ~~((director))~~ secretary shall accept such county prisoner if he believes that the prisoner can be materially benefited by such confinement, care, treatment and employment, and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the ~~((director))~~ secretary until the ~~((director))~~ secretary has notified the referring court of the place to which said person is to be transmitted and the time at which he can be received.

(3) The sheriff of the county in which such an order is made placing a misdemeanant in a jail camp pursuant to this chapter, or any other peace officer designated by the court, shall execute an order placing such county prisoner in the jail camp or returning him therefrom to the court.

(4) The ~~((director))~~ secretary may return to the committing authority, or to confinement according to his sentence, any person committed or transferred to a regional jail camp pursuant to this chapter when there is no suitable employment or when such person is guilty of any violation of rules and regulations of the regional jail camp.

Sec. 274. Section 1, chapter 17, Laws of 1967 and RCW 72.65.010 are each amended to read as follows:

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

(1) "Department" shall mean the department of ~~((institutions))~~ social and health services.

(2) ~~(("Director"))~~ "Secretary" shall mean the ~~((director of the department of institutions))~~ secretary of social and health services.

(3) "State correctional institutions" shall mean and include the Washington state penitentiary; the Washington corrections center; the Washington state reformatory; the Clallam Bay honor camp in Clallam

county; the Larch Mountain honor camp in Clark county; the Washougal honor camp in ((Clark [Skamania])) Skamania county; the Okanogan honor camp in Okanogan county; and such other state correctional institutions, camps or facilities as may hereafter be established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

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

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

Sec. 275. Section 2, chapter 17, Laws of 1967 and RCW 72.65.020 are each amended to read as follows:

The ((director)) secretary is authorized to extend the limits of the place of confinement and treatment within the state of any prisoner convicted of a felony, sentenced to a term of confinement and treatment by the superior court, and serving such sentence in a state correctional institution under the jurisdiction of the department, by authorizing a work release plan for such prisoner, permitting him, under prescribed conditions, to do any of the following:

- (1) Work at paid employment.
- (2) Participate in a vocational training program: PROVIDED, That the tuition and other expenses of such a vocational training program shall be paid by the prisoner, by someone in his behalf, or by the department: PROVIDED FURTHER, That any expenses paid by the department shall be recovered by the department pursuant to the terms of RCW 72.65.050.
- (3) Interview or make application to a prospective employer or employers, or enroll in a suitable vocational training program.

Such work release plan of any prison shall require that he be confined during the hours not reasonably necessary to implement the plan, in (1) a state correctional institution, (2) a county or city jail, which jail has been approved after inspection pursuant to RCW 72.01.420, or (3) any other appropriate, supervised facility, after an agreement has been entered into between the department and the appropriate authorities of the facility for the housing of work release prisoners.

Sec. 276. Section 3, chapter 17, Laws of 1967 and RCW 72.65.030 are each amended to read as follows:

Any prisoner serving a sentence in a state correctional institution may make application to participate in the work release program to the superintendent of the institution in which he is confined. Such application shall set forth the name and address of his proposed employer or employers or shall specify the vocational training program, if any, in which he is enrolled. It

shall include a statement to be executed by such prisoner that if his application be approved he agrees to abide faithfully by all terms and conditions of the particular work release plan adopted for him. It shall further set forth such additional information as the department or the ((director)) secretary shall require.

Sec. 277. Section 4, chapter 17, Laws of 1967 and RCW 72.65.040 are each amended to read as follows:

The superintendent of the state correctional institution in which a prisoner who has made application to participate in the work release program is confined, after careful study of the prisoner's conduct, attitude and behavior within the institutions under the jurisdiction of the department, his criminal history and all other pertinent case history material, shall determine whether or not there is reasonable cause to believe that the prisoner will honor his trust as a work release participant. After having made such determination, the superintendent, in his discretion, may deny the prisoner's application, or recommend to the ((director)) secretary, or such officer of the department as the ((director)) secretary may designate, that the prisoner be permitted to participate in the work release program. The ((director)) secretary or his designee, may approve, reject, modify, or defer action on such recommendation. In the event of approval, the ((director)) secretary or his designee, shall adopt a work release plan for the prisoner, which shall constitute an extension of the limits of confinement and treatment of the prisoner when released pursuant thereto, and which shall include such terms and conditions as may be deemed necessary and proper under the particular circumstances. The plan shall be signed by the prisoner under oath that he will faithfully abide by all terms and conditions thereof. Further, as a condition, the plan shall specify where such prisoner shall be confined when not released for the purpose of the work release plan. At any time after approval has been granted to any prisoner to participate in the work release program, such approval may be revoked, and if the prisoner has been released on a work release plan, he may be returned to a state correctional institution, or the plan may be modified, in the sole discretion of the ((director)) secretary or his designee. Any prisoner who has been initially rejected either by the superintendent or the ((director)) secretary or his designee, may reapply for permission to participate in a work release program after a period of time has elapsed from the date of such rejection. This period of time shall be determined by the ((director)) secretary or his designee, according to the individual circumstances in each case.

Sec. 278. Section 5, chapter 17, Laws of 1967 and RCW 72.65.050 are each amended to read as follows:

A prisoner employed under a work release plan shall surrender to the ((director)) secretary, or to the superintendent of such state correctional institution as shall be designated by the ((director)) secretary in the plan, his

total earnings, ~~((+))~~ less payroll deductions required by law, or such payroll deductions as may reasonably be required by the nature of the employment and ~~((2))~~ less such amount which his work release plan specifies he should retain to help meet his personal needs, including costs necessary for his participation in the work release plan such as expenses for travel, meals, clothing, tools and other incidentals. The ~~((director))~~ secretary, or the superintendent of the state correctional institution designated in the work release plan shall deduct from such earnings, and make payments from such work release participant's earnings in the following order of priority:

(1) Reimbursement to the department for any expenses advanced for vocational training pursuant to RCW 72.65.020(2), or for expenses incident to a work release plan pursuant to RCW 72.65.090.

(2) Payment of board and room charges for the work release participant: PROVIDED, That if the participant is housed at a state correctional institution, the average daily per capita cost for the operation of such correctional institution, excluding capital outlay expenditures, shall be paid from the work release participant's earnings to the general fund of the state treasury: PROVIDED FURTHER, That if such work release participant is housed in another facility pursuant to agreement, then the charges agreed to between the department and the appropriate authorities of such facility shall be paid from the participant's earnings to such appropriate authorities.

~~((4))~~ (3) Payments for the necessary support of the work release participant's dependents, if any.

~~((5))~~ (4) Payments to creditors of the work release participant, which may be made at his discretion and request, upon proper proof of personal indebtedness.

~~((6))~~ (5) Payments to the work release participant himself upon parole or discharge, or for deposit in his personal account if returned to a state correctional institution for confinement and treatment.

Sec. 279. Section 8, chapter 17, Laws of 1967 as amended by section 1, chapter 109, Laws of 1969 and RCW 72.65.080 are each amended to read as follows:

The ~~((director))~~ secretary may enter into contracts with the appropriate authorities for the payment of the cost of feeding and lodging and other expenses of housing work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program. In addition the ~~((director))~~ secretary is authorized to acquire, by lease, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. Such work release participants placed in leased facilities shall be required to reimburse the department of ~~((institutions))~~ social and health services the per capita cost of subsistence and lodging in accordance with the provisions and

in the priority established by RCW 72.65.050(2). The location of such facilities shall be subject to the zoning laws of the city or county in which they may be situated.

Sec. 280. Section 10, chapter 17, Laws of 1967 and RCW 72.65.100 are each amended to read as follows:

The ~~((director))~~ secretary is authorized to make rules and regulations for the administration of the provisions of this chapter to administer the work release program. In addition, the department shall:

- (1) Supervise and consult with work release participants;
- (2) Locate available employment or vocational training opportunities for qualified work release participants;
- (3) Effect placement of work release participants under the program;
- (4) Collect, account for and make disbursement from earnings of work release participants under the provisions of this chapter;
- (5) Promote public understanding and acceptance of the work release program.

All state agencies shall cooperate with the department of ~~((institutions))~~ social and health services in the administration of the work release program as provided by this chapter.

Sec. 281. Section 11, chapter 17, Laws of 1967 and RCW 72.65.110 are each amended to read as follows:

All earnings of work release participants shall be deposited by the ~~((director))~~ secretary, or the superintendent of a state correctional institution designated by the ~~((director))~~ secretary in the work release plan, in personal funds. All disbursements from such funds shall be made only in accordance with the work release plans of such participants and in accordance with the provisions of this chapter.

Sec. 282. Section 72.68.010, chapter 28, Laws of 1959 and RCW 72.68.010 are each amended to read as follows:

Whenever in its judgment the best interests of the state or the welfare of any prisoner confined in any penal institution will be better served by his transfer to another institution the ~~((director))~~ secretary may effect such transfer.

Sec. 283. Section 72.68.020, chapter 28, Laws of 1959 and RCW 72.68.020 are each amended to read as follows:

- (1) The ~~((director))~~ secretary shall transport prisoners under guard:
 - (a) to and between the state penitentiary, the state reformatory and all other institutions under his supervision;
 - (b) from a county, city, or municipal jail to an institution mentioned in ~~((subdivision))~~ subparagraph (a) of this subsection and to a county, city or municipal jail from an institution mentioned in ~~((subdivision))~~ subparagraph (a) of this subsection.

(2) The ((director)) secretary may employ necessary persons for such purpose.

Sec. 284. Section 72.68.040, chapter 28, Laws of 1959 as last amended by section 1, chapter 60, Laws of 1967 and RCW 72.68.040 are each amended to read as follows:

The ((director)) secretary may contract with the authorities of the federal government, or the authorities of any state of the United States or of any county or city in this state providing for the detention in an institution or jail operated by such governmental unit, of prisoners convicted of a felony in the courts of this state and sentenced to a term of imprisonment therefor in a state correctional institution for convicted felons under the jurisdiction of the department of ((institutions)) social and health services. After the making of a contract under this section, prisoners sentenced to a term of imprisonment in a state correctional institution for convicted felons may be conveyed by the superintendent or his assistants to the institution or jail named in the contract. The prisoners shall be delivered to the authorities of the institution or jail, there to be confined until their sentences have expired or they are otherwise discharged by law, paroled or until they are returned to a state correctional institution for convicted felons for further confinement.

Sec. 285. Section 72.68.060, chapter 28, Laws of 1959 as last amended by section 3, chapter 60, Laws of 1967 and RCW 72.68.060 are each amended to read as follows:

Should the presence of any prisoner confined, under authority of RCW 72.68.040 through 72.68.070, in an institution of another state or the federal government or in a county or city jail, be required in any judicial proceeding of this state, the superintendent of a state correctional institution for convicted felons or his assistants shall, upon being so directed by the ((director)) secretary, or upon the written order of any court of competent jurisdiction, or of a judge thereof, procure such prisoner, bring him to the place directed in such order and hold him in custody subject to the further order and direction of the ((director)) secretary, or of the court or of a judge thereof, until he is lawfully discharged from such custody. The superintendent or his assistants may, by direction of the ((director)) secretary or of the court, or a judge thereof, deliver such prisoner into the custody of the sheriff of the county in which he was convicted, or may, by like order, return such prisoner to a state correctional institution for convicted felons or the institution from which he was taken.

Sec. 286. Section 72.68.070, chapter 28, Laws of 1959 as last amended by section 4, chapter 60, Laws of 1967 and RCW 72.68.070 are each amended to read as follows:

Upon the expiration of any contract entered into under RCW 72.68.040 through 72.68.070, all prisoners of this state confined in such institution or

jail shall be returned by the superintendent or his assistants to a state correctional institution for convicted felons of this state, or delivered to such other institution as the ((director)) secretary has contracted with under RCW 72.68.040 through 72.68.070.

Sec. 287. Section 12, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.075 are each amended to read as follows:

The ((director)) secretary 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.

Sec. 288. Section 72.68.090, chapter 28, Laws of 1959 and RCW 72.68.090 are each amended to read as follows:

The ((director)) secretary is authorized to enter into contracts with the proper officers or agencies of the United States and of other states and territories of the United States relative to the per diem rate to be paid the state of Washington for the conditions of the keep of each prisoner.

Sec. 289. Section 72.68.100, chapter 28, Laws of 1959 as amended by section 11, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.100 are each amended to read as follows:

The ((director)) secretary 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.

Sec. 290. Section 2, chapter 287, Laws of 1959 and RCW 72.70.020 are each amended to read as follows:

The ((~~director of the department of institutions~~)) secretary of social and health services is authorized to receive or transfer an inmate as defined in Article II(d) of the Western Interstate Corrections Compact to any institution as defined in Article II(e) of the Western Interstate Corrections Compact within this state or without this state, if this state has entered into a contract or contracts for the confinement of inmates in such institutions pursuant to Article III of the Western Interstate Corrections Compact.

Sec. 291. Section 4, chapter 287, Laws of 1959 and RCW 72.70.040 are each amended to read as follows:

The ((director)) secretary and members of the board of prison terms and paroles are hereby authorized and directed to hold such hearings as may be requested by any other party state pursuant to Article IV(f) of the Western Interstate Corrections Compact. Additionally, the ((director)) secretary and members of the board of prison terms and paroles may hold out-of-state hearings in connection with the case of any inmate of this state

confined in an institution of another state party to the Western Interstate Corrections Compact.

Sec. 292. Section 5, chapter 287, Laws of 1959 and RCW 72.70.050 are each amended to read as follows:

The (~~(director of the department of institutions)~~) secretary of social and health services is hereby empowered to enter into such contracts on behalf of this state as may be appropriate to implement the participation of this state in the Western Interstate Corrections Compact pursuant to Article III thereof. No such contract shall be of any force or effect until approved by the attorney general.

Sec. 293. Section 6, chapter 287, Laws of 1959 and RCW 72.70.060 are each amended to read as follows:

If any agreement between this state and any other state party to the Western Interstate Corrections Compact enables the release of an inmate of this state confined in an institution of another state to be released in such other state in accordance with Article IV(g) of this compact, then the (~~director~~) secretary is authorized to provide clothing, transportation and funds to such inmate in accordance with the provisions of RCW 72.08.343.

Sec. 294. Section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"——Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"——The department of (~~(public assistance)~~) social and health services.

(3) "County office"——The administrative office for one or more counties.

(4) (~~("Director"——The director of the state department of public assistance)~~) "Secretary"——The secretary of social and health services.

(5) "Federal-aid assistance"——The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons, including old age assistance, medical assistance, aid to families with dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services, and any other programs of public assistance for which provision for federal funds or aid may from time to time be made.

(6) "General assistance"—Shall include aid to unemployable persons and unemployed employable persons who are not eligible to receive or are not receiving federal-aid assistance.

(a) Unemployable persons are those persons who by reason of bodily or mental infirmity or other cause are substantially incapacitated from gainful employment.

(b) Unemployed employable persons are those persons who although capable of gainful employment are unemployed.

(7) "Medical indigents"—Are persons without income or resources sufficient to secure necessary medical services.

(8) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county office for assistance.

(9) "Recipient"—Any person receiving assistance or currently approved to receive assistance at any future date and in addition those dependents whose needs are included in the recipient's grant.

(10) "Requirement"—Items of goods and services included in the state department of ~~((public assistance))~~ social and health services standards of assistance and required by an applicant or recipient to maintain a defined standard of living.

(11) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as income which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons, shall raise a presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as income which can be made available to meet need.

(b) Household furnishings and personal clothing used and useful to the person.

(c) Automobile(s) used and useful.

(d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit of two, or marketable securities of such

value. This maximum shall be increased by twenty-five dollars for each additional member of the family unit.

(e) Life insurance having a cash surrender value.

(f) Other personal property and belongings which are used and useful or which have great sentimental value to the applicant or recipient.

Whenever such person ceases to make use of any of the property specified in items (b), (c) and (f) of this section, the same shall be considered as income available to meet need: **PROVIDED**, That the department may by rule and regulation exempt such personal property and belongings which can be used by the applicant or recipient to decrease his need for public assistance or aid in rehabilitating him or his dependents.

(g) The department shall by rule and regulation fix the ceiling value for the individual or family unit for all property and belongings as defined in items (c), (d) and (e) of this section. In establishing such ceiling, the department shall establish a sliding scale based upon the family size. If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient: **PROVIDED**, That in the determination of need of applicants for or recipients of general assistance no resources or income shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource or income when such resources or income are determined to be necessary to the applicant's or recipient's restoration to independence.

(12) "Income"—All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient after applying for or receiving public assistance: **PROVIDED**, That all necessary expenses that may reasonably be attributed to the earning of income shall be considered in determining net income: **PROVIDED FURTHER**, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: **PROVIDED FURTHER**, That in determining the amount of assistance to which a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the department is hereby authorized to disregard as a resource or income the first eighty-five dollars per month of any earned income plus one-half of earned income in excess of eighty-five dollars per month and for a period of not in excess of thirty-six months such additional amounts of other income and resources, in the case of an individual who has a plan for

achieving self-support approved by the department, as may be necessary for the fulfillment of such plan of such blind recipient who is otherwise eligible for an aid to the blind grant: **PROVIDED FURTHER**, That in determining the amount of assistance to which a recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income (a) with respect to a child who is not a full time employee and who is a full time or part time student attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment, all of the earned income of such child; and (b) with respect to any other dependent child, adult, or other person in the home whose needs are taken into account in making such determination, the first thirty dollars of the total of their earned income for such month and one-third of the remainder: **PROVIDED FURTHER**, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants of public assistance, but consistent with federal requirements: **PROVIDED FURTHER**, That in determining the amount of assistance to which a recipient of old age assistance is entitled, the department is hereby authorized to disregard as a resource or income the first twenty dollars per month of any earned income plus one-half of additional earnings up to eighty dollars of such recipient who is otherwise eligible for an old age assistance grant; but the total amount of earnings or other income if accumulated shall not, when added to the amount of cash or marketable securities exempted under (d) of subsection (11) of this section, exceed the total amounts exempted under that subsection for a family unit: **PROVIDED FURTHER**, That a recipient of aid to the blind may accumulate without penalty from such exempt income, an amount not to exceed the maximum value of personal property as established by the department pursuant to this section less other cash, marketable securities, cash surrender value of insurance and/or car held by such recipient. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" in such a manner as to meet with the approval of the department of health, education and welfare: and **PROVIDED FURTHER**, That all resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(13) "Need"—The difference between the applicant's or recipient's cost of requirements for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt net income received by or available to the applicant or recipient and the dependent members of his family.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 295. Section 74.04.011, chapter 26, Laws of 1959 as amended by section 4, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.011 are each amended to read as follows:

The (~~(director of public assistance)~~) secretary of social and health services shall be the administrative head and appointing authority of the department of (~~(public assistance)~~) social and health services and he shall have the power to and shall employ such assistants and personnel as may be necessary for the general administration of the department: PROVIDED, That such employment is in accordance with the rules and regulations of the state merit system. The (~~(director)~~) secretary shall through and by means of his assistants and personnel exercise such powers and perform such duties as may be prescribed by the public assistance laws of this state.

The authority vested in the (~~(director)~~) secretary as appointing authority may be delegated by the (~~(director)~~) secretary or his designee to any suitable employee of the department.

Sec. 296. Section 74.04.015, chapter 26, Laws of 1959 as amended by section 2, chapter 228, laws of 1963 and RCW 74.04.015 are each amended to read as follows:

The (~~(director of public assistance)~~) secretary of social and health services shall be the responsible state officer for the administration of, and the disbursement of all funds, goods, commodities and services, which may be received by the state in connection with, old age assistance, medical assistance to the aged, aid to families with dependent children, aid to the blind, disability assistance, child welfare services, vocational rehabilitation, and including, but not limited to other programs of public assistance or services related directly or indirectly to assistance programs, and all other matters included in the federal social security act approved August 14, 1935, or any other federal act or as the same may be amended excepting those required to be administered by the (~~(department of education)~~) superintendent of public instruction or the state (~~(board of)~~) commission for vocational education and those required to be administered and disbursed in connection with public health services such as communicable disease control, maternal and child health, sanitation, and vital statistics services.

He shall make such reports and render such accounting as may be required by the federal agency having authority in the premises.

Sec. 297. Section 74.04.017, chapter 26, Laws of 1959 and RCW 74.04.017 are each amended to read as follows:

The personnel in the aid to the blind program shall be chosen on the basis of their experience and qualifications in the field of work among the blind, and to the fullest extent possible shall be residents of this state at the time of their selection. In appointing and employing personnel to carry into effect the provisions of chapter 74.16 RCW, the ~~((director))~~ secretary shall give preference under the merit system to qualified and available blind persons up to fifty percent of such personnel.

Sec. 298. Section 74.04.055, chapter 26, Laws of 1959 as amended by section 4, chapter 228, Laws of 1963 and RCW 74.04.055 are each amended to read as follows:

In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the ~~((director))~~ secretary shall issue such rules and regulations as may become necessary to entitle this state to participate in federal grants-in-aid, goods, commodities and services unless the same be expressly prohibited by this title. Any section or provision of this title which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching or other funds for the various programs of public assistance.

Sec. 299. Section 74.04.070, chapter 26, Laws of 1959 and RCW 74.04.070 are each amended to read as follows:

There may be established in each county of the state a county office which shall be administered by an executive officer designated as the county administrator. The county administrator shall be appointed by the ~~((director))~~ secretary in accordance with the rules and regulations of the state merit system.

Sec. 300. Section 74.04.080, chapter 26, Laws of 1959 and RCW 74.04.080 are each amended to read as follows:

The county administrator shall have the power to, and shall, employ such personnel as may be necessary to carry out the provisions of this title, which employment shall be in accordance with the rules and regulations of the state merit system, and in accordance with personnel and administrative standards established by the department. The county administrator before qualifying shall furnish a surety bond in such amount as may be fixed by the ~~((director))~~ secretary, but not less than five thousand dollars, conditioned that the administrator will faithfully account for all money and property that may come into his possession or control. The cost of such bond shall be an administrative expense and shall be paid by the department.

Sec. 301. Section 74.04.120, chapter 26, Laws of 1959 and RCW 74.04.120 are each amended to read as follows:

Allocations of state and federal funds shall be made upon the basis of need within the respective counties as disclosed by the quarterly budgets,

considered in conjunction with revenues available for the satisfaction of that need: PROVIDED, That in preparing his quarterly budget for federal aid assistance, the administrator shall include the aggregate of the individual case load approved by the department to date on the basis of need and the ~~((director and the public assistance committee))~~ secretary shall approve and allocate an amount sufficient to service the aggregate case load as included in said budget, and in the event any portion of the budgeted case load cannot be serviced with moneys available for the particular category for which an application is made the committee may on the administrator's request authorize the transfer of sufficient general assistance funds to the appropriation for such category to service such case load and secure the benefit of federal matching funds.

Sec. 302. Section 74.04.200, chapter 26, Laws of 1959 and RCW 74.04.200 are each amended to read as follows:

It shall be the duty of the department of ~~((public assistance))~~ social and health services to establish uniform state-wide standards to govern the granting of assistance in the several categories of this title and it shall have power to compel compliance with such uniform standards as a condition to the receipt of state and federal funds by counties for social security purposes.

Sec. 303. Section 74.04.265, chapter 26, Laws of 1959 as amended by section 1, chapter 35, Laws of 1965 ex. sess. and RCW 74.04.265 are each amended to read as follows:

The ~~((director))~~ secretary may issue rules consistent with federal laws and with memorials of the legislature, as will recognize the income of any persons without the deduction in full thereof from the amount of their grants.

Sec. 304. Section 74.04.270, chapter 26, Laws of 1959 and RCW 74.04.270 are each amended to read as follows:

It shall be the duty of the state auditor to audit the accounts, books and records of the department of ~~((public assistance))~~ social and health services. The public assistance committee shall establish and install a uniform accounting system for all categories of public assistance, applicable to all officers, boards, commissions, departments or other agencies having to do with the allowance and disbursement of public funds for assistance purposes, which said uniform accounting system shall conform to the accounting methods required by the federal government in respect to the administration of federal funds for assistance purposes.

Sec. 305. Section 74.04.290, chapter 26, Laws of 1959 as amended by section 2, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.290 are each amended to read as follows:

In carrying out any of the provisions of this title, the (~~director~~) secretary, county administrators, hearing examiners or other duly authorized officers of the department shall have power to subpoena witnesses, administer oaths, take testimony and compel the production of such papers, books, records and documents as they may deem relevant to the performance of their duties; but no officer or agency mentioned in this section shall have power to compel the production of any papers, books, records or documents which are in the custody of any other such officer or agency and within his or its power to provide voluntarily on request.

If an individual fails to obey the subpoena or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation or the subject of a hearing, the officer or agency issuing the subpoena may petition the superior court of the county where the examination or investigation is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court.

Sec. 306. Section 74.04.300, chapter 26, Laws of 1959 as last amended by section 1, chapter 49, Laws of 1973 1st ex. sess. and RCW 74.04.300 are each amended to read as follows:

If a recipient receives public assistance for which he is not eligible, or receives public assistance in an amount greater than that for which he is eligible, the portion of the payment to which he is not entitled shall be a debt due the state: **PROVIDED**, That if any part of any assistance payment is obtained by a person as a result of a wilfully false statement, or representation, or impersonation, or other fraudulent device, or wilful failure to reveal resources or income, one hundred twenty-five percent of the amount of assistance to which he was not entitled shall be a debt due the state and shall become a lien against the real and personal property of such person from the time of filing by the department with the county auditor of the county in which the person resides or owns property, and such lien claim shall have preference to the claims of all unsecured creditors. It shall be the duty of recipients of public assistance to notify the department within twenty days

of the receipt or possession of all income or resources not previously declared to the department, and any failure to so report shall be prima facie evidence of fraud: PROVIDED FURTHER, That there shall be no liability placed upon recipients for receipt of overpayments of public assistance which result from error on the part of the department and no fault on the part of the recipient in obtaining or retaining the assistance if the recovery thereof would be inequitable as determined by the ((director)) secretary or his designee.

Debts due the state pursuant to the provisions of this section, may be recovered by the state by deduction from the subsequent assistance payments to such persons or may be recovered by a civil action instituted by the attorney general.

Sec. 307. Section 1, chapter 91, Laws of 1965 ex. sess. and RCW 74.04.305 are each amended to read as follows:

Any overpayment or debt due the state from a recipient which the ((director)) secretary of the department deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted an asset: PROVIDED FURTHER, That the ((director)) secretary may charge off as finally uncollectible any overpayment or debt which he deems uncollectible at any time after six years after any person owing such overpayment or debt ceases to be a recipient of public assistance if the ((director)) secretary and the attorney general are satisfied that there are no available and lawful means by which such overpayment or debt may thereafter be collected.

Sec. 308. Section 2, chapter 91, Laws of 1965 ex. sess. and RCW 74.04.306 are each amended to read as follows:

The ((director)) secretary shall commence action for the collection of overpayments and debts due the state within six years after the notice of overpayment is given or within six years after the person ceases to be a recipient of public assistance, whichever is later. No proceedings for the collection of such overpayments or debts shall be begun after the expiration of such period.

Sec. 309. Section 74.04.310, chapter 26, Laws of 1959 and RCW 74.04.310 are each amended to read as follows:

In furthering the purposes of this title, the ((director)) secretary or any county administrator may accept contributions or gifts in cash or otherwise from persons, associations or corporations, such contributions to be disbursed in the same manner as moneys appropriated for the purposes of this title: PROVIDED, That the donor of such gifts may stipulate the manner in which such gifts shall be expended.

Sec. 310. Section 74.04.330, chapter 26, Laws of 1959 as amended by section 5, chapter 228, Laws of 1963 and RCW 74.04.330 are each amended to read as follows:

Every person, firm, corporation, association or organization receiving twenty-five percent or more of its income from contributions, gifts, dues, or other payments from persons receiving assistance, community work and training, federal-aid assistance, or any other form of public assistance from the state of Washington or any agency or subdivision thereof, and engaged in political or other activities in behalf of such persons receiving such public assistance, shall, within ninety days after the close of each calendar year, make a report to the ~~((director of the department of public assistance))~~ secretary of social and health services for the preceding year, which report shall contain:

- (1) A statement of the total amount of contributions, gifts, dues, or other payments received;
- (2) The names of any and all persons, firms, corporations, associations or organizations contributing the sum of twenty-five dollars or more during such year, and the amounts contributed by such persons, firms, corporations, associations, or organizations;
- (3) A full and complete statement of all disbursements made during such year, including the names of all persons, firms, corporations, associations, or organizations to whom any moneys were paid, and the amounts and purposes of such payments; and
- (4) Every such report so filed shall constitute a public record.
- (5) Any person, firm, or corporation, and any officer or agent of any firm, corporation, association or organization, violating this section by failing to file such report, or in any other manner, shall be guilty of a gross misdemeanor.

Sec. 311. Section 74.04.340, chapter 26, Laws of 1959 and RCW 74-.04.340 are each amended to read as follows:

The state department of ~~((public assistance))~~ social and health services is authorized to assist needy families and individuals to obtain federal surplus commodities for their use, by certifying, when such is the case, that they are eligible to receive such commodities. However, only those who are receiving or are eligible for public assistance or care and such others as may qualify in accordance with federal requirements and standards shall be certified as eligible to receive such commodities.

Sec. 312. Section 74.04.360, chapter 26, Laws of 1959 and RCW 74-.04.360 are each amended to read as follows:

Expenditures made by the state department of ~~((public assistance))~~ social and health services for the purpose of certifying eligibility of needy families and individuals for federal surplus commodities shall be deemed to be expenditures for the administration of public assistance and care.

Sec. 313. Section 1, chapter 112, Laws of 1961 as amended by section 1, chapter 219, Laws of 1963 and RCW 74.04.380 are each amended to read as follows:

The ~~((director of the state department of public assistance))~~ secretary of social and health services, from funds appropriated to his department for such purpose, shall, upon receipt of authorization from the governor, provide for the receiving, warehousing and distributing of federal and other surplus food commodities for the use and assistance of recipients of public assistance or other needy families and individuals certified as eligible to obtain such commodities. The ~~((director))~~ secretary is authorized to enter into such agreements as may be necessary with the federal government or any state agency in order to participate in any program of distribution of surplus food commodities including but not limited to a food stamp program. The ~~((director))~~ secretary shall hire personnel, establish distribution centers and acquire such facilities as may be required to carry out the intent of this section; and he may carry out any such program as a sole operation of the department or in conjunction or cooperation with any similar program of distribution by private individuals or organizations, any department of the state or any political subdivision of the state.

The ~~((director))~~ secretary shall discontinue such program, or any part thereof, whenever in the determination of the governor such program, or any part thereof, is no longer in the best interest of the state.

Sec. 314. Section 2, chapter 219, Laws of 1963 and RCW 74.04.385 are each amended to read as follows:

It shall be unlawful for any recipient of federal or other surplus commodities received under ~~((this act))~~ RCW 74.04.380 to sell, transfer, barter or otherwise dispose of such commodities to any other person. It shall be unlawful for any person to receive, possess or use any surplus commodities received under ~~((this act))~~ RCW 74.04.380 unless he has been certified as eligible to receive, possess and use such commodities by the state department of ~~((public assistance))~~ social and health services.

Violation of the provisions of ~~((this act))~~ RCW 74.04.380 or this section shall constitute a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not more than six months or by a fine of not more than five hundred dollars or both.

Sec. 315. Section 2, chapter 269, Laws of 1961 as amended by section 6, chapter 228, Laws of 1963 and RCW 74.04.390 are each amended to read as follows:

The term community work and training program shall be defined as follows: A plan jointly entered into between the state department of ~~((public assistance))~~ social and health services and an agency, department, board or commission of the state or federal government, county, city or municipal corporation which is subject to approval of the state department of ~~((public assistance))~~ social and health services, under which the state or federal government, county, city or municipal corporation undertakes to provide

work in and about public works or improvements, utilizing labor and services required to be performed by applicants or recipients of public assistance.

Sec. 316. Section 3, chapter 269, Laws of 1961 as amended by section 7, chapter 228, Laws of 1963 and RCW 74.04.400 are each amended to read as follows:

The state department of (~~(public assistance)~~) social and health services is empowered and directed to adopt such rules and regulations as will make a community work and training program fair, efficient and workable.

Sec. 317. Section 4, chapter 269, Laws of 1961 as amended by section 8, chapter 228, Laws of 1963 and RCW 74.04.410 are each amended to read as follows:

When the state or federal government or any agencies thereof, a county, city or municipal corporation has undertaken or is about to undertake, a program which is for the benefit of the general public or any segment thereof, said state agency, county, city or municipal corporation may enter into an agreement with the state department of (~~(public assistance)~~) social and health services wherein and whereby the department of (~~(public assistance)~~) social and health services may assign unemployed employable persons who have attained the age of eighteen and who are eligible for assistance to do and perform work and labor on behalf of said state, or federal government, county, city or municipal corporation and such person shall perform, if available, work and labor for such state, or federal government, county, city or municipal corporation for the length of time necessary to earn at the legal minimum wage or the going hourly rate prevailing in the area for labor of like kind, whichever is higher, an amount of money equal to the amount of assistance granted to such person and the assistance unit of which he or his dependents is a part.

Sec. 318. Section 5, chapter 269, Laws of 1961 as amended by section 9, chapter 228, Laws of 1963 and RCW 74.04.420 are each amended to read as follows:

Any person assigned to a community work and training program may be denied assistance or may be suspended for such time as may be fixed by the rules and regulations of the department of (~~(public assistance)~~) social and health services if such person without good cause:

- (1) Fails or refuses to satisfactorily perform the labor or services as may be assigned to him;
- (2) Fails or refuses to report to work under such a program when and as directed by the state, or federal government, county, city or municipal corporation or by his foreman, overseer or other supervisor therein;
- (3) Abandons or repeatedly absents himself from work;
- (4) Is insubordinate to his foreman, overseer or other supervisor therein;

- (5) Fails or refuses to take due precaution for the safety of himself or others or to use safety clothing or equipment made available to him; or
- (6) Is guilty of misconduct connected with such work.

Sec. 319. Section 6, chapter 269, Laws of 1961 as amended by section 10, chapter 228, Laws of 1963 and RCW 74.04.430 are each amended to read as follows:

All community work and training programs, before an applicant or recipient of public assistance shall be assigned shall have met the approval of the state department of (~~((public assistance))~~) social and health services: PROVIDED, That the state, or federal government, county, city or municipal corporation utilizing assistance applicants or recipients for work and labor shall insure that such employment is covered by workmen's compensation administered by the department of labor and industries, or a similar plan approved by the department of (~~((public assistance))~~) social and health services, and all fees and charges for such coverage shall be paid by such state, or federal government, county, city or municipal corporation except that portion which is paid for medical aid and is properly chargeable to such applicant or recipient of assistance.

Sec. 320. Section 14, chapter 228, Laws of 1963 and RCW 74.04.470 are each amended to read as follows:

The state department of (~~((public assistance))~~) social and health services shall have the right to terminate unilaterally any agreement entered into pursuant to RCW 74.04.410 with the state or federal government or any agency thereof, a county, city or municipal corporation whenever the community work and training program contemplated by such agreement fails, for any reason, to meet any provision of chapter 74.04 RCW relating to community work and training or the purposes thereof, or any rule or regulation promulgated by the department thereunder.

Sec. 321. Section 15, chapter 228, Laws of 1963 and RCW 74.04.480 are each amended to read as follows:

The state department of (~~((public assistance))~~) social and health services is hereby authorized to promulgate rules and regulations governing the granting to any employee of the department, other than a provisional employee, a leave of absence for educational purposes to attend an institution of learning for the purpose of improving his skill, knowledge and technique in the administration of social welfare programs which will benefit the department.

Pursuant to the rules and regulations of the department, employees of the department who are engaged in the administration of public welfare programs may (1) attend courses of training provided by institutions of

higher learning; (2) attend special courses of study or seminars of short duration conducted by experts on a temporary basis for the purpose; (3) accept fellowships or traineeships at institutions of higher learning with such stipends as are permitted by regulations of the federal government.

The department of (~~(public assistance)~~) social and health services is hereby authorized to accept any funds from the federal government or any other public or private agency made available for training purposes for public assistance personnel and to conform with such requirements as are necessary in order to receive such funds.

Sec. 322. Section 4, chapter 172, Laws of 1969 ex. sess. and RCW 74-.04.500 are each amended to read as follows:

The department of (~~(public assistance)~~) social and health services is authorized to establish a food stamp program under the federal food stamp act of 1964.

Sec. 323. Section 74.08.055, chapter 26, Laws of 1959 and RCW 74-.08.055 are each amended to read as follows:

Each applicant for or recipient of public assistance shall make an application for assistance which shall contain or be verified by a written declaration that it is made under the penalties of perjury. The (~~(director)~~) secretary, by rule and regulation, may require that any other forms filled out by applicants or recipients of public assistance shall contain or be verified by a written declaration that it is made under the penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each applicant shall be so informed at the time of the signing.

Any applicant for or recipient of public assistance who wilfully makes and subscribes any application, statement or other paper which contains or is verified by a written declaration that it is made under the penalties of perjury and which he does not believe to be true and correct as to every material matter shall be guilty of a felony.

Sec. 324. Section 74.08.070, chapter 26, Laws of 1959 as amended by section 1, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.070 are each amended to read as follows:

Any applicant or recipient feeling himself aggrieved by the decision of the department or any authorized agency of the department shall have the right to a fair hearing to be conducted by the (~~(director)~~) secretary of the department or by a duly appointed, qualified and acting supervisor thereof, or by an examiner especially appointed by the (~~(director)~~) secretary for such purpose. The hearing shall be conducted in the county in which the appellant resides, and a transcript of the testimony shall be made and included in the record, the costs of which shall be borne by the department. A copy of this transcript shall be given the appellant if request for same is made in writing by the appellant or his attorney of record.

Any appellant who desires a fair hearing shall within thirty days after receiving notice of the decision of the department or an authorized agency of the department, file with the ((director)) secretary a notice of appeal from the decision. The department shall notify the appellant of the time and place of said hearing at least twenty days prior to the date thereof by registered mail or by personal service upon said appellant, unless otherwise agreed by appellant and the department.

At any time after the filing of the notice of appeal with the ((director)) secretary, any appellant or attorney for appellant with written authorization or next of kin shall have the right of access to, and can examine any files and records of the department in the case of appeal.

It shall be the duty of the department within sixty days after receipt of the notice of appeal to notify the appellant of the decision of the ((director)) secretary.

If the decision of the ((director)) secretary is made in favor of the appellant, assistance shall be paid from the date of the denial of the application or forty-five days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the initial departmental county office decision.

Sec. 325. Section 74.08.105, chapter 26, Laws of 1959 and RCW 74.08.105 are each amended to read as follows:

No assistance payments shall be made to recipients living outside the state of Washington unless in the discretion of the ((director)) secretary there is sound social reason for such out-of-state payments: PROVIDED, That the period for making such payments when authorized shall not exceed the length of time required to satisfy the residence requirements in the other state in order to be eligible for a grant in the same category of assistance as the recipient was eligible to receive in Washington.

Sec. 326. Section 74.08.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 259, Laws of 1969 ex. sess. and RCW 74.08.120 are each amended to read as follows:

The term "funeral" shall mean the proper preparation and care of the remains of a deceased person with needed facilities and appropriate memorial services, including necessary costs of a lot or cremation and all services related to interment and the customary memorial marking of a grave.

The department is hereby authorized through the county offices to assume responsibility for the funeral of deceased persons dying without assets sufficient to pay for the minimum standard funeral herein provided: PROVIDED, HOWEVER, That the ((director)) secretary may furnish funeral assistance for deceased recipients if they leave assets to a surviving spouse and/or to minor children and if the assets are resources permitted to be owned by or available to an eligible applicant or recipient under RCW 74.04.005, and the department shall thereby have a lien against said assets valid for six years from the date of filing with the county auditor and such

lien claim shall have preference to all other claims except prior secured creditors. If the assets remain exempt, or if no probate is commenced, the lien shall automatically terminate without further action six years after filing. If the deceased person is survived by a spouse or is a minor child survived by his parent or parents, the department may take into consideration the assets of such surviving spouse, parent, or parents in determining whether or not the department will assume responsibility for the funeral.

The department shall not pay more than cost for a minimum standard service rendered by each vendor. Payments to the funeral director and to the cemetery or crematorium will be made by separate vouchers. The standard of such services and the uniform amounts to be paid shall be determined by the department after giving due consideration to such advice and counsel as it shall obtain from the trade associations of the various vendors and related state departments, agencies and commissions. The payments made by the department shall not be subject to supplementation by the relatives or friends of recipients. Whenever relatives or friends provide for other than the minimum standard service authorized, the state shall not participate in the payment of any part of the cost.

Sec. 327. Section 74.08.278, chapter 26, Laws of 1959 and RCW 74-08.278 are each amended to read as follows:

In order to comply with federal statutes and regulations pertaining to federal matching funds and to provide for the prompt payment of initial grants and adjusting payments of grants the ~~((director))~~ secretary is authorized to make provisions for the cash payment of assistance by the ~~((director))~~ secretary or county administrators by the establishment of a central operating fund. The ~~((director))~~ secretary may establish such a fund with the approval of the state auditor from moneys appropriated to the department for the payment of general assistance in a sum not to exceed one million dollars. Such funds shall be deposited as agreed upon by the ~~((director))~~ secretary and the state auditor in accordance with the laws regulating the deposits of public funds. Such security shall be required of the depository in connection with the fund as the state treasurer may prescribe. Moneys remaining in the fund shall be returned to the general fund at the end of the biennium, or an accounting of proper expenditures from the fund shall be made to the state auditor. All expenditures from such central operating fund shall be reimbursed out of and charged to the proper program appropriated by the use of such forms and vouchers as are approved by the ~~((director))~~ secretary of the department and the state auditor. Expenditures from such fund shall be audited by the director of ~~((the budget))~~ financial management and the state auditor from time to time and a report shall be made by the state auditor and the ~~((director))~~ secretary as are required by law.

Sec. 328. Section 74.08.280, chapter 26, Laws of 1959 and RCW 74-08.280 are each amended to read as follows:

If any person receiving public assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the ((director)) secretary may direct the payment of the installments of public assistance to any responsible person or corporation or to a legally appointed guardian for his benefit: PROVIDED, That if the state requires the appointment of a guardian for this purpose the department shall pay all costs and reasonable fees as fixed by the court.

Sec. 329. Section 1, chapter 34, Laws of 1965 ex. sess. and RCW 74-08.331 are each amended to read as follows:

Any person who by means of a wilfully false statement, or representation, or impersonation, or a wilful failure to reveal any material fact, condition or circumstance affecting eligibility of need for assistance, including medical care, surplus commodities and food stamps, as required by law, or a wilful failure to promptly notify the county office in writing as required by law or any change in status in respect to resources, or income, or need, or family composition, money contribution and other support, from whatever source derived, or any other change in circumstances affecting his eligibility or need for assistance, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain any public assistance to which he is not entitled or greater public assistance than that to which he is justly entitled shall be guilty of grand larceny and upon conviction thereof shall be punished by imprisonment in the state penitentiary for not more than fifteen years.

Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent device aids or abets in buying, selling, or in any other way disposing of the real property of a recipient of public assistance without the consent of the ((director)) secretary shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year in the county jail or a fine of not to exceed one thousand dollars or by both.

Sec. 330. Section 74.08.335, chapter 26, Laws of 1959 and RCW 74-08.335 are each amended to read as follows:

Public assistance shall not be granted under this title to any person who has made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this title. Any person who shall have transferred or shall transfer any real or personal property or any interest in property within two years of the date of application for public assistance without receiving adequate monetary consideration therefor, or any person who after becoming a recipient transfers any property or any interest in property without the consent of the ((director)) secretary, shall be ineligible for public assistance for a period of time during which the reasonable value of the property so transferred would have been adequate to meet his needs

under normal conditions of living: PROVIDED, That the ((~~director~~)) secretary is hereby authorized to allow exceptions in cases where undue hardship would result from a denial of assistance.

Sec. 331. Section 74.08.338, chapter 26, Laws of 1959 and RCW 74.08.338 are each amended to read as follows:

When the consideration for a deed executed and delivered by a recipient is not paid, or when the consideration does not approximate the fair cash market value of the property, such deed shall be prima facie fraudulent as to the state. The attorney general upon request of the ((~~director~~)) secretary shall file suit to rescind such transaction except as to subsequent bona fide purchasers for value. In the event that it be established by judicial proceedings that a fraudulent conveyance occurred, the value of any public assistance which may have been furnished may be recovered in any proceedings from the recipient or his estate.

Sec. 332. Section 17, chapter 228, Laws of 1963 as amended by section 7, chapter 173, Laws of 1969 ex. sess. and RCW 74.08.390 are each amended to read as follows:

The department of ((~~public assistance~~)) social and health services may conduct research studies, pilot projects, demonstration projects, surveys and investigations for the purpose of determining methods to achieve savings in public assistance programs by means of restoring individuals to maximum self-support and personal independence and preventing social and physical disablement, and for the accomplishment of any of such purposes may employ consultants or enter into contracts with any agency of the federal, state or local governments, nonprofit corporations, universities or foundations.

Pursuant to this authority the department may waive the enforcement of specific statutory requirements, regulations, and standards in one or more counties or on a state-wide basis by formal order of the ((~~director~~)) secretary. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, shall not be general in scope but shall apply only for the duration of such a project and shall not take effect unless the secretary of health, education and welfare of the United States has agreed, for the same project, to waive the public assistance plan requirements relative to state-wide uniformity.

Sec. 333. Section 74.09.010, chapter 26, Laws of 1959 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

(1) "Department" means the department of ((~~public assistance~~)) social and health services.

(2) ((~~"Director"~~)) "Secretary" means the ((~~director of the department of public assistance~~)) secretary of social and health services.

(3) (~~"Division" or "division of medical care" means the division of medical care of the department of public assistance.~~

(4) ~~"Assistant director" means the supervisor of the division of medical care of the department of public assistance.~~

(5)) "Internal management" means the administration of medical and related services to recipients of public assistance and medical indigent persons.

((6)) (4) "Medical indigents" are persons without income or resources sufficient to secure necessary medical services.

((7) ~~"Chapter" means chapter 74.09 RCW.~~

(8)) (5) "Nursing home" means nursing home as defined in RCW 18.51.010.

Sec. 334. Section 74.09.030, chapter 26, Laws of 1959 and RCW 74.09.030 are each amended to read as follows:

Administrative responsibility for providing for needed medical, dental and allied services to recipients of public assistance and medical indigents shall be the responsibility of the (~~(division of medical care))~~ department.

Sec. 335. Section 74.09.050, chapter 26, Laws of 1959 and RCW 74.09.050 are each amended to read as follows:

The (~~(assistant director shall be directly responsible to the director and shall have charge and supervision of the division of medical care. With the approval of the director, he))~~ secretary shall appoint such professional personnel and other assistants and employees, including professional medical screeners, as may be reasonably necessary to carry out the provisions of this chapter. The medical screeners shall be supervised by one or more physicians who shall be appointed by the (~~(assistant director))~~ secretary or his designee.

Sec. 336. Section 74.09.070, chapter 26, Laws of 1959 and RCW 74.09.070 are each amended to read as follows:

The determination of eligibility of recipients for public assistance shall be the responsibility of the department.

Recipients of public assistance shall be entitled to such medical services as are defined by the (~~(assistant director, who shall consider the recommendations thereon of the welfare medical care committee))~~ secretary.

The determination of eligibility of medical indigents shall be the responsibility of the (~~(division of medical care with consideration to the standards recommended by the welfare medical care committee))~~ department. The (~~(division of medical care))~~ department is empowered to employ the necessary personnel to carry out the standards established.

Sec. 337. Section 2, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.075 are each amended to read as follows:

The ~~((division of medical care))~~ department 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))~~ secretary.

Sec. 338. Section 74.09.080, chapter 26, Laws of 1959 and RCW 74.09.080 are each amended to read as follows:

In carrying out the administrative responsibility of this chapter, the ~~((division of medical care))~~ department may contract with an individual or a group, may utilize existing local state public assistance offices, or establish separate welfare medical care offices on a county or multicounty unit basis as found necessary.

Sec. 339. Section 74.09.110, chapter 26, Laws of 1959 and RCW 74.09.110 are each amended to read as follows:

The ~~((division of medical care))~~ department shall employ administrative personnel in both state and local offices and employ the services of professional screeners and consultants as found necessary to carry out the proper administration of the program.

Sec. 340. Section 74.09.170, chapter 26, Laws of 1959 and RCW 74.09.170 are each amended to read as follows:

All of the records and reports of the department of ~~((public assistance))~~ social and health services relative to the administration of the program covered by this chapter shall be available to the ~~((state welfare medical care committee))~~ governor's advisory committee on vendor rates, subject to all restrictions of confidentiality of RCW 74.04.060.

Sec. 341. Section 9, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.182 are each amended to read as follows:

The form of the lien in RCW 74.09.180 shall be substantially as follows:

STATEMENT OF LIEN

Notice is hereby given that the State of Washington, Department of ~~((Public Assistance))~~ Social and Health Services, has rendered assistance to, a person who was injured on or about the day of in the county of state of, and the said department hereby asserts a lien, to the extent provided in RCW 74.09.180, for the amount of such assistance, upon any sum due and owing (name of injured person) from, alleged to have caused the injury, and/or his insurer and from any other person or insurer

liable for the injury or obligated to compensate the injured person on account of such injuries by contract or otherwise.

STATE OF WASHINGTON, DEPARTMENT OF ((PUBLIC ASSISTANCE)) SOCIAL AND HEALTH SERVICES

By: (Title)

STATE OF WASHINGTON }
COUNTY OF } ss.

I,, being first duly sworn, on oath state: That I am (title); that I have read the foregoing Statement of Lien, know the contents thereof, and believe the same to be true.

Subscribed and sworn to before me this day of, 19...

.....
Notary Public in and for the State of Washington, residing at

Sec. 342. Section 74.09.190, chapter 26, Laws of 1959 and RCW 74.09.190 are each amended to read as follows:

Nothing in this chapter shall be construed as empowering the ((director)) secretary to compel any recipient of public assistance and a medical indigent person to undergo any physical examination, surgical operation, or accept any form of medical treatment contrary to the wishes of said person who relies on or is treated by prayer or spiritual means in accordance with the creed and tenets of any well recognized church or religious denomination.

Sec. 343. Section 3, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.500 are each amended 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)) social and health services. The department of ((public assistance)) social and health services 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. 344. Section 5, chapter 30, Laws of 1967 ex. sess. as amended by section 11, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.520 are each amended to read as follows:

The term "medical assistance" may include the following care and services: (1) Inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and x-ray services; (4) skilled nursing home services; (5)

physicians' services, which shall include prescribed medication and instruction on birth control devices; (6) medical care, or any other type of remedial care as may be established by the ~~((director))~~ secretary; (7) home health care services; (8) private duty nursing services; (9) dental services; (10) physical therapy and related services; (11) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (12) other diagnostic, screening, preventive, and rehabilitative services.

Sec. 345. Section 6, chapter 30, Laws of 1967 ex. sess. and RCW 74-.09.530 are each amended to read as follows:

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))~~ social and health services. 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.

Sec. 346. Section 74.10.010, chapter 26, Laws of 1959 and RCW 74-.10.010 are each amended to read as follows:

There is hereby created a new category of federal aid assistance to be known as disability assistance to be administered on a uniform state-wide basis by the state department of ~~((public assistance))~~ social and health services. The legislature hereby expresses its intention to comply with the federal requirements under the provisions of public law 734 (64 Statutes at Large 548) creating a new category of assistance in order to secure federal matching funds for such a program.

Sec. 347. Section 74.10.030, chapter 26, Laws of 1959 and RCW 74-.10.030 are each amended to read as follows:

In determining the amount of assistance to which an eligible applicant or recipient shall be entitled, the department of ~~((public assistance))~~ social and health services is authorized to include the needs of such applicant's or recipient's legal dependents if they are not concurrently receiving another type of public assistance.

Sec. 348. Section 74.10.070, chapter 26, Laws of 1959 and RCW 74-.10.070 are each amended to read as follows:

The department is authorized to provide through employment of properly qualified personnel such social and related services as are found necessary for proper administration of this chapter and to the end that applicants for or recipients of disability assistance are helped to attain self-care and/or self-support by effective use of all resources for rehabilitation and restoration to health and independence. The department of ~~((public assistance))~~

social and health services shall refer recipients who can be benefited thereby to the appropriate public and private resources for rehabilitation through retraining, restorative services, treatment and therapy.

Sec. 349. Section 1, chapter 60, Laws of 1967 ex. sess. and RCW 74-10.090 are each amended to read as follows:

The department of (~~public assistance~~) social and health services 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. 350. Section 74.12.010, chapter 26, Laws of 1959 as last amended by section 1, chapter 31, Laws of 1973 2nd ex. sess. and RCW 74.12.010 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal (~~(after April 30, 1961,)~~) from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with

dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act: PROVIDED, That the ((~~director~~)) secretary shall have discretion to provide that aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for the support of such child, to the extent that matching funds are available from the federal government.

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.

Sec. 351. Section 22, chapter 228, Laws of 1963 and RCW 74.12.260 are each amended to read as follows:

Aid to families with dependent children grants shall be made to persons specified in RCW 74.12.010 as amended or such others as the federal department of health, education and welfare shall recognize for the sole purposes of giving benefits to the children whose needs are included in the grant paid to such persons. The recipient of each aid to families with dependent children's grant shall be and hereby is required to present reasonable proof to the department of ((~~public assistance~~)) social and health services as often as may be required by the department that all funds received in the form of an aid to families with dependent children grant for the children represented in the grant are being spent for the benefit of the children.

Sec. 352. Section 25, chapter 228, Laws of 1963 and RCW 74.12.290 are each amended to read as follows:

The department of ((~~public assistance~~)) social and health services shall, during the initial and any subsequent determination of eligibility, evaluate the suitability of the home in which the dependent child lives, consideration to be given to physical care and supervision provided in the home; social, educational, and the moral atmosphere of the home as compared with the standards of the community; the child's physical and mental health and emotional security, special needs occasioned by the child's physical handicaps or illnesses, if any; the extent to which desirable factors outweigh the undesirable in the home; and the apparent possibility for improving undesirable conditions in the home.

Sec. 353. Section 26, chapter 228, Laws of 1963 and RCW 74.12.300 are each amended to read as follows:

If the home in which the child lives is found to be unsuitable, but there is reason to believe that elimination of the undesirable conditions can be effected, and the child is otherwise eligible for aid, a grant shall be initiated or continued for such time as the state department of ~~((public assistance))~~ social and health services and the family require to remedy the conditions.

Sec. 354. Section 1, chapter 226, Laws of 1963 and RCW 74.12.350 are each amended to read as follows:

The department of ~~((public assistance))~~ social and health services is hereby authorized to promulgate rules and regulations in conformity with the provisions of Public Law 87-543 to allow all or any portion of a dependent child's earned or other income to be set aside for the identifiable future needs of the dependent child which will make possible the realization of the child's maximum potential as an independent and useful citizen.

Sec. 355. Section 3, chapter 172, Laws of 1967 as amended by section 72, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.030 are each amended to read as follows:

The ~~((director))~~ secretary shall have the power and it shall be his duty:

(1) In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served.

(3) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(4) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031 and to require regular reports from each licensee;

(5) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031 and the requirements adopted hereunder;

(6) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child welfare and day care advisory committee; and

(7) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 356. Section 4, chapter 172, Laws of 1967 and RCW 74.15.040 are each amended to read as follows:

Licenses for foster-family homes under the supervision of a licensed agency shall be issued by the department of ~~((public assistance))~~ social and health services upon certification to the department by the licensed agency that such homes meet the requirements for foster homes as adopted pursuant to chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031.

Sec. 357. Section 5, chapter 172, Laws of 1967 and RCW 74.15.050 are each amended to read as follows:

The state fire marshal shall have the power and it shall be his duty:

(1) In consultation with the child welfare and day care advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(6) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of ~~((public assistance))~~ social and health services before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

Sec. 358. Section 7, chapter 172, Laws of 1967 and RCW 74.15.070 are each amended to read as follows:

A copy of the articles of incorporation of any agency or amendments to the articles of existing corporation agencies shall be sent by the secretary of state to the department of ~~((public assistance))~~ social and health services at the time such articles or amendments are filed.

Sec. 359. Section 8, chapter 172, Laws of 1967 and RCW 74.15.080 are each amended to read as follows:

All agencies subject to chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 shall accord the department of ~~((public assistance, the department of health,))~~ social and health services and the state fire marshal, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 and the requirements adopted thereunder.

Sec. 360. Section 10, chapter 172, Laws of 1967 and RCW 74.15.100 are each amended to read as follows:

Each agency shall make application for a license or renewal of license to the department of ~~((public assistance))~~ social and health services on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Upon receipt of such application, the department shall either grant or deny a license within ninety days. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 and the departmental requirements consistent herewith, except that a provisional license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 shall be issued for a period of two years. The licensee, however, shall advise the ~~((director))~~ secretary of any material change in

circumstances which might constitute grounds for reclassification of license as to category.

Sec. 361. Section 12, chapter 172, Laws of 1967 and RCW 74.15.120 are each amended to read as follows:

The ~~((director of public assistance))~~ secretary of social and health services may, at his discretion, issue a provisional license to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license, except that a provisional license shall not be granted to any foster-family home.

Sec. 362. Section 13, chapter 172, Laws of 1967 and RCW 74.15.130 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 may be suspended, revoked or not renewed by the ~~((director))~~ secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 have ceased to exist with respect to such licenses;

(2) Whenever the ~~((director))~~ secretary shall have reasonable cause to believe that grounds for denial, suspension or revocation of a license exist or that a licensee has failed to qualify for renewal of a license he shall notify the licensee in writing by certified mail, stating the grounds upon which it is proposed that the license be denied, suspended, revoked or not renewed.

Within thirty days from the receipt of notice of the grounds for denial, suspension, revocation or lack of renewal, the licensee may serve upon the ~~((director))~~ secretary a written request for hearing. Service of a request for hearing shall be made by certified mail. Upon receiving a request for hearing, the ~~((director))~~ secretary shall fix a date upon which the matter may be heard, which date shall be not less than thirty-five days from the receipt of the request for such hearing and he shall also notify the child welfare and day care advisory committee not less than twenty-five days before the hearing date. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended or revoked. It shall be the duty of the ~~((director))~~ secretary within thirty days after the date of the hearing to notify the appellant of his decision. The ~~((director))~~ secretary shall promulgate and publish rules governing the conduct of hearings.

Except as specifically provided above, the rules adopted and the hearings conducted shall be in accordance with Title 34 RCW (Administrative Procedure Act).

Sec. 363. Section 14, chapter 172, Laws of 1967 and RCW 74.15.140 are each amended to read as follows:

Notwithstanding the existence or pursuit of any other remedy, the ~~((director))~~ secretary may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or such other relief as he may deem advisable against any agency subject to licensing under the provisions of chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 or against any such agency not having a license as heretofore provided in chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031.

Sec. 364. Section 2, chapter 322, Laws of 1959 as amended by section 1, chapter 206, Laws of 1963 and RCW 74.20.010 are each amended to read as follows:

It is the responsibility of the state of Washington through the state department of ~~((public assistance))~~ social and health services to conserve the expenditure of public assistance funds, whenever possible, in order that such funds shall not be expended if there are private funds available or which can be made available by judicial process or otherwise to partially or completely meet the financial needs of the children of this state. The failure of parents to provide adequate financial support and care for their children is a major cause of financial dependency and a contributing cause of social delinquency.

The purpose of this chapter is to provide the state of Washington, through the department of ~~((public assistance))~~ social and health services, a more effective and efficient way to effect the support of dependent children by the person or persons who, under the law, are primarily responsible for such support and to lighten the heavy burden of the taxpayer, who in many instances is paying toward the support of dependent children while those persons primarily responsible are avoiding their obligations. It is the intention of the legislature that the powers delegated to the said department in this chapter be liberally construed to the end that persons legally responsible for the care and support of children within the state be required to assume their legal obligations in order to reduce the financial cost to the state of Washington in providing public assistance funds for the care of children.

Sec. 365. Section 7, chapter 322, Laws of 1959 and RCW 74.20.060 are each amended to read as follows:

Any person having the care, custody or control of any dependent child or children who shall fail or refuse to cooperate with the department of ~~((public assistance))~~ social and health services, any prosecuting attorney or the attorney general in the course of administration of provisions of this chapter shall be guilty of a misdemeanor.

Sec. 366. Section 17, chapter 322, Laws of 1959 as amended by section 5, chapter 206, Laws of 1963 and RCW 74.20.160 are each amended to read as follows:

Notwithstanding the provisions of RCW 74.04.060, upon approval of the department of health, education and welfare of the federal government, the department of ~~((public assistance))~~ social and health services may disclose to and keep the internal revenue department of the treasury of the United States advised of the names of all persons who are under legal obligation to support any dependent child or children and who are not doing so, to the end that the internal revenue department may have available to it the names of such persons for review in connection with income tax returns and claims of dependencies made by persons filing income tax returns.

Sec. 367. Section 7, chapter 206, Laws of 1963 as last amended by section 112, chapter 154, Laws of 1973 1st ex. sess. and RCW 74.20.220 are each amended to read as follows:

In order to carry out its responsibilities imposed under this chapter, the state department of ~~((public assistance))~~ social and health services, through the attorney general, is hereby authorized to:

(1) Represent a dependent child or dependent children on whose behalf public assistance is being provided in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

(2) Appear as a friend of the court in divorce and separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Washington therein.

(3) Appear on behalf of the custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by such parent, for the purpose of assisting such parent in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support, was given for such child or children: PROVIDED, That the attorney general shall be authorized to so appear only where it appears to the satisfaction of the court that the parent is without funds to employ private counsel. If the parent does not request such assistance, or refuses it when offered, the attorney general may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Washington therein; but the attorney general shall not otherwise participate in the proceeding.

(4) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general may apply to the superior court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered.

(5) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

Sec. 368. Section 11, chapter 206, Laws of 1963 and RCW 74.20.260 are each amended to read as follows:

Any parent in the state whose absence is the basis upon which an application is filed for public assistance on behalf of a child shall be required to complete a statement, under oath, of his current monthly income, his total income over the past twelve months, the number of dependents for whom he is providing support, the amount he is contributing regularly toward the support of all children for whom application for such assistance is made, his current monthly living expenses and such other information as is pertinent to determining his ability to support his children. Such statement shall be provided upon demand made by the state department of (~~public assistance~~) social and health services or attorney general, and if assistance based upon such application is granted on behalf of such child, additional statements shall be filed annually thereafter with the state department of (~~public assistance~~) social and health services until such time as the child is no longer receiving such assistance. Failure to comply with this section shall constitute a misdemeanor.

Sec. 369. Section 12, chapter 206, Laws of 1963 and RCW 74.20.270 are each amended to read as follows:

The state department of (~~public assistance~~) social and health services shall establish a scale of suggested minimum contributions to assist counties and courts in determining the amount that a parent should be expected to contribute toward the support of his child under this chapter. The scale shall include consideration of gross income, shall authorize an expense deduction for determining net income, shall designate other available resources to be considered, and shall specify the circumstances which should be considered in reducing such contributions on the basis of hardship.

The state department of (~~public assistance~~) social and health services shall accept and compile any pertinent and reliable information from any available source in order to establish such minimum scale of suggested contributions, and copies of the scale shall be made available to courts, county offices, prosecuting attorneys and, upon request, to any other state or county officer or agency engaged in the administration or enforcement of this chapter in any manner and attorneys admitted to practice in the state of Washington.

It is intended that the use of the scale formulated pursuant to this section be optional, and that no county, court, officer or agency be required to use said scale unless they so desire.

Sec. 370. Section 13, chapter 206, Laws of 1963 and RCW 74.20.280 are each amended to read as follows:

The department is authorized and directed to establish a central unit to serve as a registry for the receipt of information, for answering interstate inquiries concerning deserting parents, to coordinate and supervise departmental activities in relation to deserting parents and to assure effective cooperation with law enforcement agencies.

To effectuate the purposes of this section, the ((director)) secretary may request from state, county and local agencies all information and assistance as authorized by this chapter. All state, county and city agencies, officers and employees shall cooperate in the location of parents who have abandoned or deserted, or are failing to support, children receiving public assistance and shall on request supply the state department of ((public assistance)) social and health services with all information on hand relative to the location, income and property of such parents, notwithstanding any provision of law making such information confidential.

Any records established pursuant to the provisions of this section shall be available only to the attorney general, prosecuting attorneys, and courts having jurisdiction in support and/or abandonment proceedings or actions, or agencies in other states engaged in the enforcement of support of minor children as authorized by the rules and regulations of the department and by the provisions of the federal social security act.

Sec. 371. Section 3, chapter 164, Laws of 1971 ex. sess. as amended by section 4, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.030 are each amended to read as follows:

Except as provided in this section (~~((and in section 27 of this 1973 amendatory act))~~), any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the department by the natural or adoptive parent or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid: PROVIDED, That where there has been a superior court order, the debt shall be limited to the amount provided for by said order. The department shall have the right to petition the appropriate superior court for modification of a superior court order on the same grounds as a party to said cause. Where a child has been placed in foster care, and a written agreement for payment of support has been entered into by the responsible parent or parents and the department, the debt shall be limited to the amount provided for in said agreement: PROVIDED, That if a court order for support is or has been entered, the provisions of said order shall prevail over the agreement. The department shall adopt rules and regulations, based on ability to pay, with respect to the level of support to be

provided for in such agreements, or modifications of such agreements based on changed circumstances.

The department shall be subrogated to the right of said child or children or person having the care, custody, and control of said child or children to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys thus expended. If a superior court order enters judgment for an amount of support to be paid by an obligor parent, the department shall be subrogated to the debt created by such order, and said money judgment shall be deemed to be in favor of the department. This subrogation shall specifically be applicable to temporary spouse support orders, family maintenance orders and alimony orders up to the amount paid by the department in public assistance moneys to or for the benefit of a dependent child or children but allocated to the benefit of said children on the basis of providing necessities for the caretaker of said children.

Debt under this section shall not be incurred by nor at any time be collected from a parent or other person who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status.

Sec. 372. Section 2, chapter 14, Laws of 1969 and RCW 74.22.020 are each amended to read as follows:

The department of (~~(public assistance)~~) social and health services shall seek to promptly refer to the department of employment security all employable recipients and such others as are selected as being appropriate for referral in accordance with the criteria and standards established by the department of (~~(public assistance)~~) social and health services under the employment program set forth in this chapter.

Sec. 373. Section 5, chapter 14, Laws of 1969 and RCW 74.22.050 are each amended to read as follows:

With respect to those individuals who are participating in a special work project established under the employment program, set forth in this chapter, the department of (~~(public assistance)~~) social and health services is authorized to pay the employment security department the amount of assistance the participant would otherwise be eligible to receive under his particular category of assistance or eighty percent of the participant's earnings under the project, whichever is lesser. These payments will be used by the employment security department under the special works contracts as wages to the individual participant. The department of (~~(public assistance)~~) social and health services will supplement any earnings so received by payments to the extent that such payments, when added to the earnings, will equal the amount of assistance he would otherwise qualify for under his particular category of assistance had he not participated in the project, plus twenty percent of his earnings from the project.

Sec. 374. Section 7, chapter 14, Laws of 1969 and RCW 74.22.070 are each amended to read as follows:

The department of (~~(public assistance)~~) social and health services is authorized to pay or consider expenses for costs incidental to participation in any program under this chapter including necessary child care.

Sec. 375. Section 10, chapter 14, Laws of 1969 and RCW 74.22.100 are each amended to read as follows:

The employment security department shall notify the department of (~~(public assistance)~~) social and health services whenever any person referred under the employment program provided for in this chapter refuses to accept employment or participate in training or a special work project. If the department of (~~(public assistance)~~) social and health services determines that any such person has refused employment or participation in the program without good cause, assistance shall be denied to such person.

Sec. 376. Section 11, chapter 14, Laws of 1969 and RCW 74.22.110 are each amended to read as follows:

The employment security department and the department of (~~(public assistance)~~) social and health services are authorized to transfer funds between the two departments and to adopt rules and regulations necessary to carry out the purpose and provisions of this chapter.

Sec. 377. Section 3, chapter 15, Laws of 1969 and RCW 74.23.020 are each amended to read as follows:

The employment security department and the department of (~~(public assistance)~~) social and health services are hereby authorized to participate in and administer the work incentive program for recipients of public assistance consistent with the provisions of the federal social security act, as amended.

Sec. 378. Section 5, chapter 15, Laws of 1969 and RCW 74.23.040 are each amended to read as follows:

The department of (~~(public assistance)~~) social and health services shall promptly seek to refer individuals who are selected as being appropriate for referral to the employment security department or other appropriate agencies for participation under the work incentive program in accordance with criteria and standards established by the department of (~~(public assistance)~~) social and health services.

Sec. 379. Section 8, chapter 15, Laws of 1969 and RCW 74.23.070 are each amended to read as follows:

With respect to those individuals who are participating in a special work project established under the work incentive program, the department of (~~(public assistance)~~) social and health services is authorized to pay the employment security department the amount of assistance the participant would otherwise be eligible to receive under aid to families with dependent children or eighty percent of a participant's earnings under the project,

whichever is lesser. These payments will be used by the employment security department under the special work contracts as wages to the individual participant. The department of (~~public assistance~~) social and health services will supplement any earnings so received by payments to the extent that such payments, when added to the earnings, will equal the amount of assistance he would otherwise qualify for under aid to families with dependent children had he not participated in the project, plus twenty percent of his earnings from the project.

Sec. 380. Section 12, chapter 15, Laws of 1969 and RCW 74.23.110 are each amended to read as follows:

Upon notification by the employment security department to the department of (~~public assistance~~) social and health services that there has been a final determination that a person referred under this work incentive program has refused without good cause to accept employment or to participate in training or participate in a special work project, the department of (~~public assistance~~) social and health services, in accordance with the federal social security act, as amended, shall discontinue the assistance payment to such person or, if counseling is accepted, may continue such assistance payments for a period of not more than sixty days: PROVIDED, HOWEVER, That protective payments contemplated by and authorized under the provisions of the federal social security act, as amended, shall be made in accordance therewith.

Sec. 381. Section 13, chapter 15, Laws of 1969 and RCW 74.23.120 are each amended to read as follows:

The employment security department and the department of (~~public assistance~~) social and health services are authorized to do all things necessary to effectuate the work incentive program on the state level in accordance with federal requirements contained in the federal social security act, as amended, and to that extent are authorized to transfer funds between the two departments and to adopt rules and regulations necessary to carry out the purpose and provisions of this chapter.

Sec. 382. Section 75.12.130, chapter 12, Laws of 1955 as last amended by section 2, chapter 16, Laws of 1969 ex. sess. and RCW 75.12.130 are each amended to read as follows:

The director may, for the purpose of carrying out his duties, take or remove or cause to be taken or removed in any manner, at any time, any fish or shellfish of any kind, character, or description from any waters or beaches of the state.

The director is authorized to sell food fish or shellfish caught or taken during test fishing operations conducted by the department for the purpose of food fish or shellfish resource evaluation studies.

The director is prohibited from selling spawned-out salmon carcasses or salmon in spawning condition for human consumption: PROVIDED, That

such salmon and carcasses may be given to state institutions or schools or to economically depressed people, unless such salmon are found to be unfit for human consumption by the department of social and health services. That which is not fit for human consumption may be sold by the director for animal food, fish food, or for industrial purposes.

Sec. 383. Section 5, chapter 221, Laws of 1963 and RCW 87.84.061 are each amended to read as follows:

The water in any natural or impounded lake, wholly or partially within the boundaries of an irrigation and rehabilitation district, together with all use of said water and the bottom and shore lines to the line established by the highest level where water has been or shall be stored in said lake, shall be regulated, controlled and used by the irrigation and rehabilitation district in order to further the health, safety, recreation and welfare of the residents in the district and the citizens and guests of the state of Washington, subject to rights of the United States bureau of reclamation and any irrigation districts organized under the laws of the state of Washington.

In addition to the powers expressly or impliedly enumerated above, the directors of an irrigation and rehabilitation district shall have the power and authority to:

(1) Control and regulate the use of boats, skiers, skin divers, aircraft, ice skating, ice boats, swimmers or any other use of said lake, by means of appropriate rules and regulations not inconsistent with state fish, game or aeronautics laws.

(2) Expend district funds for the control of mosquitoes or other harmful insects which may affect the use of any lake located in the district: **PROVIDED**, That the state department of social and health services gives its approval in writing to any district program instituted under the authority of this item. District funds may be expended for mosquito and insect control or other district projects or activities even though it may be necessary to place chemicals or carry on activities on areas located outside of an irrigation and rehabilitation district's boundaries. These funds may be transferred to the jurisdictional health department for the purpose of carrying out the provisions of this item.

(3) Except for state highways, control, regulate or prohibit by means of rules and regulations, the building, construction, placing or allowing to be placed from adjoining land, sand, gravel, dirt, rock, tires, lumber, logs, bottles, cans, garbage and trash, or any loathsome, noxious substances or materials of any kind, and any piling, causeways, fill, roads, culverts, wharfs, bulkheads, buildings, structures, floats, or markers, in, on or above the line established by the highest level where water has been or shall be stored in said lake, located in the district, in order to further the interests of the citizens of the state of Washington, and residents of the district.

(4) Except for state highways, control, regulate and require the placing, maintenance and use of culverts and boat accesses under and through existing fills constructed over and/or across any lake located within the district to facilitate water circulation, navigation and the reduction of flood danger.

(5) Control the taking of carp or other rough fish located in the district and including the right to grant or sell an exclusive or concurrent franchise for the taking of carp or other rough fish, providing the state fisheries department give their approval in writing to any district project regarding the capture, or sale of fish.

(6) Control and regulate by means of rules and regulations the direct or indirect introduction into any lake within the district of any human, animal or industrial waste products, sewage, effluent or byproducts, treated or untreated: PROVIDED, That the state (~~(pollution control commission)~~) department of ecology gives its approval in writing to any district program instituted under this section, and nothing herein shall be deemed to amend, repeal, supersede, or otherwise modify any laws or regulations relating to public health or to the pollution control commission.

(7) Except for state highways, construct, maintain, place, and/or restore roads, buildings, docks, dams, canals, locks, mechanical lifts or any other type of transportation facility; dredge, purchase land, or lease land, or enter into agreements with other agencies or conduct any other activity within or without the district boundaries in order to carry out district projects or activities to further the recreational potential of the area.

NEW SECTION, Sec. 384. The following sections are each decodified and shall be recodified in chapter 43.20A RCW: RCW 43.20.010, 43.20.015, 43.20.040, 43.20.060, 43.20.070, 43.20.080, 43.20.090, 43.20.130, 43.20.150, 43.20.160, 43.20.170, 43.20.180, 43.20.190, and 43.20.210.

NEW SECTION, Sec. 385. The following sections are each decodified: RCW 43.20.005, 43.20A.120, 43.20A.180, 43.20A.190, 43.20A.200, 43.20A.210, 43.20A.220, 43.20A.500, 43.20A.505, 43.20A.510, 43.20A.515, 43.20A.520, 43.20A.525, 43.20A.900, 43.20A.910, 43.20A.920, 72.01.005, 72.02.005, 72.04A.060, 72.04A.065, 72.04A.100, 72.04A.110, 72.05.045, 72.06.015, 72.13.020, 72.13.030, 72.18.020, 72.18.030, 72.56.010, 72.56.020, 72.56.030, 74.04.003, 74.04.013, 74.09.041, and 74.16.430.

NEW SECTION, Sec. 386. The following acts or parts of acts are each repealed:

- (1) Section 43.20.120, chapter 8, Laws of 1965 and RCW 43.20.120;
- (2) Section 1, chapter 75, Laws of 1965 and RCW 71.16.010;
- (3) Section 2, chapter 75, Laws of 1965 and RCW 71.16.020;
- (4) Section 3, chapter 75, Laws of 1965 and RCW 71.16.030;
- (5) Section 4, chapter 75, Laws of 1965 and RCW 71.16.040;
- (6) Section 72.01.170, chapter 28, Laws of 1959 and RCW 72.01.170;
- (7) Section 74.09.040, chapter 26, Laws of 1959 and RCW 74.09.040;

- (8) Section 74.09.060, chapter 26, Laws of 1959 and RCW 74.09.060;
 (9) Section 74.09.130, chapter 26, Laws of 1959 and RCW 74.09.130;
 and
 (10) Section 74.09.170, chapter 26, Laws of 1959 and RCW 74.09.170.

NEW SECTION. Sec. 387. 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 February 21, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 142

[House Bill No. 875]

BANKS AND TRUST COMPANIES—REAL ESTATE INVESTMENTS

AN ACT Relating to banks and trust companies; and amending section 30.04.210, chapter 33, Laws of 1955 as amended by section 2, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.210.

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

Section 1. Section 30.04.210, chapter 33, Laws of 1955 as amended by section 2, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.210 are each amended to read as follows:

A bank or trust company may purchase, hold and convey real estate for the following purposes and no other:

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments in the same building to rent as a source of income: **PROVIDED**, That any bank or trust company shall not invest for such purposes more than the greater of: (a) (~~Thirty~~) Fifty percent of its capital, surplus, and undivided profits; or (b) one hundred twenty-five percent of its capital stock without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of its business.

(3) Such as it shall purchase at sale under judgments, decrees, liens or mortgage foreclosures, against securities held by it.

(4) Such as a trust company receives in trust or acquires pursuant to the terms or authority of any trust.

(5) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.

No real estate specified in subdivision (4) shall be considered an asset of the bank or trust company holding the same in trust nor shall any real estate except that specified in subdivision (1) be carried as an asset on the bank's or trust company's books for a longer period than five years from the date title is acquired thereto, unless an extension of time be granted by the supervisor.

Passed the House February 21, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 143

[House Bill No. 952]

BANKS AND TRUST COMPANIES—ADVERSE CLAIMS ON DEPOSITS— LIABILITY

AN ACT Relating to financial institutions; and amending section 4, chapter 280, Laws of 1961 and RCW 30.20.090.

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

Section 1. Section 4, chapter 280, Laws of 1961 and RCW 30.20.090 are each amended to read as follows:

Notice to any national bank, state bank, trust company, mutual savings bank or bank under the supervision of the supervisor of banking, doing business in this state of an adverse claim to a deposit standing on its books to the credit of any person (~~shall not be effectual to cause~~) may be disregarded without liability by said bank or trust company (~~to recognize said adverse claimant~~) unless said adverse claimant shall also either procure a restraining order, injunction or other appropriate process against said bank or trust company from a court of competent jurisdiction in a cause therein instituted by him wherein the person to whose credit the deposit stands is made a party and served with summons or shall execute to said bank or trust company, in form and with sureties acceptable to it, a bond, in an amount which is double either the amount of said deposit or said adverse claim, whichever is the lesser, indemnifying said bank or trust company from any and all liability, loss, damage, costs and expenses, for and on account of the payment of such adverse claim or the dishonor of the check or other order of the person to whose credit the deposit stands on the books of said bank or trust company: PROVIDED, That (~~this law shall not apply in any instance~~) where the person to whose credit the deposit stands is a fiduciary for such adverse claimant, and the facts constituting such relationship (~~as~~), and also the facts showing reasonable cause of belief on the part of said claimant that the said fiduciary is about to misappropriate said deposit, are made to appear by the affidavit of such claimant, the bank or trust company shall without liability refuse to deliver such property for a

period of not more than five business days from the date that the bank received the adverse claimant's affidavit, without liability for the sufficiency or truth of the facts alleged in the affidavit, after which time the claim shall be treated as any other claim under this section.

Passed the House February 21, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 144

[House Bill No. 1114]

STATUTE LAW COMMITTEE—PUBLICATION OF SESSION LAWS— APPROPRIATION

AN ACT Relating to the publication of the session laws of the state of Washington; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the general fund to the statute law committee the sum of one hundred eleven thousand seven hundred and twenty dollars (\$111,720), or so much thereof as may be necessary, for the preparation, reproduction, printing, and mailing of the session laws of the Washington state legislature.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 8, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 145

[Engrossed Substitute Senate Bill No. 2142]

ANIMALS—PHYSICAL DAMAGE—PENALTY

AN ACT Relating to livestock; amending section 3, chapter 174, Laws of 1977 ex. sess. and RCW 4.24.320; amending section 9A.48.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.080; amending section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 174, Laws of 1977 ex. sess. and RCW 9A.48.100; and amending section 4, chapter 146, Laws of 1901 and RCW 16.52.070.

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

Section 1. Section 3, chapter 174, Laws of 1977 ex. sess. and RCW 4.24.320 are each amended to read as follows:

Any (~~owner of livestock~~) person who suffers damages as a result of actions described in (~~RCW 9A.48.070 through 9A.48.090~~) RCW 9A.48.080(c) or any owner of a horse, mule, cow, heifer, bull, steer, swine, or sheep who suffers damages as a result of a wilful, unauthorized act described in RCW 9A.56.080 may bring an action against the person or persons committing the act in a court of competent jurisdiction for exemplary damages up to three times the actual damages sustained, plus attorney's fees.

Sec. 2. Section 9A.48.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.080 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding two hundred (~~and~~) fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Notwithstanding RCW 16.52.070, causes physical damage, destruction, or injury by amputation, mutilation, castration, or other malicious act to a horse, mule, cow, heifer, bull, steer, swine, goat, or sheep which is the property of another.

(2) Malicious mischief in the second degree is a class C felony.

Sec. 3. Section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 174, Laws of 1977 ex. sess. and RCW 9A.48.100 are each amended to read as follows:

For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive, "physical damage", in addition to its ordinary meaning, shall include the alteration, damage, or erasure of records, information, data, or computer programs which are electronically recorded for use in computers (~~and shall also include the injury or destruction of livestock~~).

Sec. 4. Section 4, chapter 146, Laws of 1901 and RCW 16.52.070 are each amended to read as follows:

Except as provided in RCW 9A.48.080, every person who cruelly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes, procures, authorizes, requests or encourages so to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten or mutilated or cruelly killed, any animal; and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the same, or unnecessarily fails to provide the same with the proper food, drink, air,

light, space, shelter or protection from the weather, or who wilfully and unreasonably drives the same when unfit for labor or with yoke or harness that chafes or galls it, or check rein or any part of its harness too tight for its comfort, or at night when it has been six consecutive hours without a full meal, or who cruelly abandons any animal, shall be guilty of a misdemeanor.

Passed the Senate February 16, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 146

[Substitute Senate Bill No. 2255]

PESTICIDE CONTROL—REGISTRATION—BOARD

AN ACT Relating to pesticide control; amending section 3, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.030; amending section 10, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.100; amending section 15, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.150; adding new sections to chapter 15.58 RCW; and repealing section 39, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.390.

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

Section 1. Section 3, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.030 are each amended to read as follows:

As used in this chapter the ~~((following))~~ words and phrases defined in this section shall have the ~~((following))~~ meanings indicated unless the context clearly requires otherwise~~((:))~~.

(1) "Pesticide" means, but is not limited to: (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest; (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; (c) any substance or mixture of substances intended to be used as a spray adjuvant; and (d) any other substances intended for such use as may be named by the director by regulation.

(2) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests including devices used in conjunction with pesticides such as lindane vaporizers.

(3) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropod, or mollusk pest.

(4) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(5) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director may declare by regulation to be a pest.

(6) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed, including algae and other aquatic weeds.

(7) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(8) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(9) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foilage to drop from a plant with or without causing abscission.

(10) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(11) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the pesticide with which it is to be used.

(12) "Pest" means, but is not limited to, any insect, other arthropod, fungus, rodent, nematode, mollusk, weed and any form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare by regulation to be a pest.

(13) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

(14) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(15) "Insects" means any of the numerous small invertebrate animals whose bodies, in the adult stage, are more or less obviously segmented with six legs and usually with two pairs of wings, belonging to the class insecta; for example, aphids, beetles, bugs, bees, and flies.

(16) "Fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

(17) "Weed" means any plant which grows where not wanted.

(18) "Mollusk" means any invertebrate animal characterized by a soft unsegmented body usually partially or wholly enclosed in a calcareous shell, having a foot and mantel; for example, slugs and snails.

(19) "Restricted use pesticide" means any pesticide or device which the director has found and determined subsequent to hearing under the provisions of chapter 17.21 RCW Washington pesticide application act or this chapter as enacted or hereafter amended, to be so injurious to persons, pollinating insects, bees, animals, crops, wildlife, or lands other than the pests it is intended to prevent, destroy, control, or mitigate that additional restrictions are required.

(20) "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(21) "Pesticide dealer" means any person who distributes any of the following pesticides:

(a) "Highly toxic([±]) pesticides" and/or

(b) "EPA restricted use pesticides" or "restricted use pesticides" which by regulation are restricted to distribution by licensed pesticide dealers only and/or

(c) Any other pesticide except spray adjuvants and those pesticides ((in consumer-sized packages no larger than one gallon liquid measure or five pounds dry weight and which are labeled and intended for home and garden use only, and except fertilizer-pesticide mixes when distributed in packages of fifty pounds or less)) which are labeled and intended for home and garden use only.

(22) "Pesticide dealer manager" means the owner or other individual supervising pesticide distribution at one outlet holding a pesticide dealer license.

(23) "Pest control consultant" means any individual who offers or supplies technical advice, supervision or aid or makes recommendations to the user of:

(a) "Highly toxic pesticides" and/or

(b) "EPA restricted use pesticides" or "restricted use pesticides" which are restricted by regulation to distribution by licensed pesticide dealers only and/or

(c) Any other pesticides except spray adjuvants and those pesticides ((in consumer-sized packages no larger than one gallon liquid measure or five pounds dry weight and which are labeled and intended for home and garden use only and except fertilizer-pesticide mixes when distributed in packages

of fifty pounds or less)) which are labeled and intended for home and garden use only.

(24) "Ingredient statement" means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic: PROVIDED, That in the case of a spray adjuvant the ingredient statement need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need be named.

(25) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(26) "Inert ingredient" means an ingredient which is not an active ingredient.

(27) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(28) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(29) "Department" means the department of agriculture of the state of Washington.

(30) "Director" means the director of the department or his duly authorized representative.

(31) "Registrant" means the person registering any pesticide pursuant to the provisions of this chapter.

(32) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or the immediate container thereof, and the outside container or wrapper of the retail package.

(33) "Labeling" means all labels and other written, printed or graphic matter:

(a) Upon the pesticide or device or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States department of agriculture; interior; health, education and welfare; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(34) "Highly toxic" means any highly toxic pesticide as determined by the director under RCW 15.58.040.

(35) "Pesticide advisory board" means the pesticide advisory board as provided for in the Washington pesticide application act as enacted or hereafter amended.

(36) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(37) "Regulation" means rule or regulation.

(38) "EPA" means the United States environmental protection agency.

(39) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(40) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 135).

(41) "Special local needs registration" means a registration issued by the director pursuant to provisions of section 24(c) of FIFRA.

(42) "Unreasonable adverse effects on the environment" means any unreasonable risk to man or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

Sec. 2. Section 10, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.100 are each amended to read as follows:

~~((If it appears to)) (1) The director ((that the composition of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of this chapter he shall register the pesticide)) shall require the information required under RCW 15.58.060 and shall register the label or labeling for such pesticide if he determines that:~~

(a) Its composition is such as to warrant the proposed claims for it;

(b) Its labeling and other material required to be submitted comply with the requirements of this chapter;

(c) It will perform its intended function without unreasonable adverse effects on the environment;

(d) When used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment;

(e) In the case of any pesticide subject to section 24(c) of FIFRA, it meets (1) (a), (b), (c), and (d) of this section and the following criteria:

(i) The proposed classification for general use, for restricted use, or for both is in conformity with section 3(d) of FIFRA;

(ii) A special local need exists.

(2) The director shall not make any lack of essentiality a criterion for denying registration of any pesticide.

Sec. 3. Section 15, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.150 are each amended to read as follows:

(1) It is unlawful for any person to distribute within the state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(a) Any pesticide which has not been registered pursuant to the provisions of this chapter;

(b) Any pesticide if any of the claims made for it or any of the directions for its use or other labeling differs from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration: **PROVIDED**, That at the discretion of the director, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product;

(c) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container, and to the outside container or wrapper of the retail package, if there is one through which the required information on the immediate container cannot be clearly read, a label bearing the information required in this chapter and the regulations adopted under this chapter;

(d) Any pesticide including arsenicals, fluorides, fluosilicates, and/or any other white powdered pesticides unless they have been distinctly denatured as to color, taste, odor, or form if so required by regulation;

(e) Any pesticide which is adulterated or misbranded, or any device which is misbranded;

(f) Any pesticide in containers, violating regulations adopted pursuant to RCW 15.58.040(2)(f) or pesticides found in containers which are unsafe due to damage.

(2) It shall be unlawful:

(a) To sell or deliver any restricted use pesticide to any person who is required by law or regulations promulgated under such law to have a permit to use or purchase such restricted use pesticides unless such person or his agent, to whom sale or delivery is made, has a valid permit to use or purchase the kind and quantity of such restricted use pesticide sold or delivered: **PROVIDED**, That, subject to conditions established by the director, such permit may be obtained immediately prior to sale or delivery from any person designated by the director;

(b) For any person to detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in this chapter or regulations adopted under this chapter, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this chapter or the regulations adopted thereunder;

(c) For any person to use or cause to be used any (~~restricted use~~) pesticide contrary to label directions or to regulations of the director if those regulations differ from or further restrict the label directions: **PROVIDED**,

The compliance to the term "contrary to label directions" is enforced by the director consistent with the intent of this act;

(d) For any person to use for his own advantage or to reveal, other than to the director or proper officials or employees of the state, or to the courts of the state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of RCW 15.58.060.

NEW SECTION. Sec. 4. There is added to chapter 15.58 RCW a new section to read as follows:

(1) In submitting data required by this chapter, the applicant may:

(a) Mark clearly any portions thereof which in his opinion are trade secrets or commercial or financial information; and

(b) Submit such marked material separately from other material required to be submitted under this chapter.

(2) Notwithstanding any other provision of this chapter or other law, the director shall not make public information which in his judgment should be privileged or confidential because it contains or relates to trade secrets or commercial or financial information except that, when necessary to carry out the provisions of this chapter, information relating to unpublished formulas of products acquired by authorization of this chapter may be revealed to any state or federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the director when necessary under this chapter.

(3) If the director proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (2) of this section, he shall notify the applicant or registrant in writing, by certified mail. The director shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in the superior court of Thurston county for a declaratory judgment as to whether such information is subject to protection under subsection (2) of this section.

NEW SECTION. Sec. 5. There is added to chapter 15.58 RCW a new section to read as follows:

For the purpose of exercising the authority granted to the state under the provisions of FIFRA, the director may:

(1) Meet emergency conditions in this state by applying for an exemption from any provision of FIFRA as provided for by section 18 of that act. If such exemption is granted by the administrator of EPA the director may carry out and enforce the requirements and conditions of the exemption;

(2) Comply with the requirements necessary to issue special local needs registration under section 24(c) of FIFRA; and

(3) Comply with the requirements necessary to issue experimental use permits under section 5(f) of FIFRA.

NEW SECTION. Sec. 6. Section 39, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.390 are each repealed.

NEW SECTION. Sec. 7. If any provision of this 1979 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 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 147

[Engrossed Senate Bill No. 2399]

PRISONERS—CUSTODIAL CARE AND PHYSICAL PLANT STANDARDS

AN ACT Relating to county prisoners; amending section 7, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.070; amending section 5, chapter 171, Laws of 1961 and RCW 72.64.110; and declaring an emergency.

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

Section 1. Section 5, chapter 171, Laws of 1961 and RCW 72.64.110 are each amended to read as follows:

(1) The director may enter into a contract(~~(, with the approval of the director of budget.)~~) with any county of the state, upon the request of the sheriff thereof, wherein the director agrees to furnish confinement, care, treatment, and employment of county prisoners. The county shall reimburse the state for the cost of such services(~~(, such cost to be determined by the director of budget)~~). Each county shall pay to the state treasurer the amounts found to be due.

(2) The director shall accept such county prisoner if he believes that the prisoner can be materially benefited by such confinement, care, treatment and employment, and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the director until the director has notified the referring court of the place to which said person is to be transmitted and the time at which he can be received.

(3) The sheriff of the county in which such an order is made placing a misdemeanor in a jail camp pursuant to this chapter, or any other peace officer designated by the court, shall execute an order placing such county prisoner in the jail camp or returning him therefrom to the court.

(4) The director may return to the committing authority, or to confinement according to his sentence, any person committed or transferred to a

regional jail camp pursuant to this chapter when there is no suitable employment or when such person is guilty of any violation of rules and regulations of the regional jail camp.

Sec. 2. Section 7, chapter 316, Laws of 1977 ex. sess. and RCW 70.48-.070 are each amended to read as follows:

All jails shall be constructed, operated, and maintained in compliance with the provisions and intent of this chapter and the rules, regulations, and standards adopted thereunder: PROVIDED, That, as limited by this section, compliance with such rules, regulations, and standards shall be pursuant to the time schedules set by the commission for classes of facilities:

(1) The mandatory custodial care standards that are essential for the health, welfare, and security of persons confined, which are adopted pursuant to RCW 70.48.050(1)(a), shall be proposed by the commission to the legislature no later than December 31, 1978. ~~((If the legislature fails to adopt or modify such standards by April 1, 1979, they shall take effect on July 1, 1979 without legislative approval and shall be complied with no later than October 1, 1979. Subsequent))~~ Standards shall be prescribed by the commission and submitted to the ~~((legislative budget committee for review. If the legislative budget committee disapproves such standards, they shall not have effect))~~ legislature and governor for approval. Such standards shall be adopted by the commission pursuant to chapter 34.04 RCW upon approval by the governor and upon approval by the legislature by concurrent resolution if the legislature is in session. If the legislature is not in session legislative approval may be given by a joint committee established by resolution for such purpose;

(2) The physical plant standards ~~((which are adopted and approved pursuant to RCW 70.48.050(5)))~~ shall be prescribed by the commission and submitted to the legislature and governor for approval. Such standards shall be adopted by the commission pursuant to chapter 34.04 RCW upon approval by the governor and upon approval by the legislature by concurrent resolution if the legislature is in session. If the legislature is not in session legislative approval may be given by a joint committee established by resolution for such purpose. The physical plant standards shall not be mandatory unless, pursuant to the provisions of RCW 70.48.110, the state fully funds the cost of implementing such standards for detention and correctional facilities: PROVIDED, That, such funds shall be subject to biennial appropriation: PROVIDED FURTHER, That after such funds are made available, local jurisdictions shall have a period of time before such standards are mandatory that is adequate to effect any needed construction or repairs: PROVIDED FURTHER, That those provisions of RCW 70.48.060 and 70.48.110 requiring approval prior to funding and commencement of construction or remodeling shall not apply to prevent the funding of jails of governing units which have appropriated funds for substantial remodeling or

construction of jails after February 16, 1974, and before June 23, 1977. Approval in such cases may be given retroactively.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 7, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 148

[House Bill No. 25]

LIABILITY FOR DOG BITES—LAWFUL PRESENCE ON PRIVATE PROPERTY

AN ACT Relating to liability for dog bites; and amending section 2, chapter 77, Laws of 1941 and RCW 16.08.050.

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

Section 1. Section 2, chapter 77, Laws of 1941 and RCW 16.08.050 are each amended to read as follows:

A person is lawfully upon the private property of such owner within the meaning of RCW 16.08.040 (~~through 16.08.060 when he is on such property in the performance of any duty imposed upon him by the laws of the state of Washington or of the United States or the ordinances of any municipality in which such property is situated~~) when such person is upon the property of the owner with the express or implied consent of the owner: PROVIDED, That said consent shall not be presumed when the property of the owner is fenced or reasonably posted.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 29, 1979.

Filed in Office of Secretary of State March 29, 1979.

CHAPTER 149

[Substitute House Bill No. 663]

REMEDATION ASSISTANCE PROGRAM, BASIC SKILLS ACHIEVEMENT DEFICIENCY—IN-SERVICE TRAINING TASK FORCE, COMPOSITION

AN ACT Relating to education; creating a state-wide program designed to provide remediation assistance to public school students who are deficient in basic skills achievement; amending section 2, chapter 189, Laws of 1977 ex. sess. and RCW 28A.71.210; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

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

NEW SECTION. Section 1. It is the purpose of this act to create a state-wide program designed to provide remediation assistance to public school students who are deficient in basic skills achievement. The legislature intends, in establishing this new program, that the most efficient use possible be made of available testing information and of revenue for similar purposes from the federal government.

NEW SECTION. Sec. 2. As used in this act unless the context clearly indicates otherwise:

(1) "Basic skills" means reading, mathematics, and language arts.

(2) "Program of remediation" shall mean assistance in the remediation of basic skills deficiencies provided to five students or less per session by a person appropriately trained for that purpose acting under the direct supervision and control of a person certificated pursuant to chapter 28A.67 RCW.

(3) "Approved program" means a program of remediation which is designed by a public school district, or which is selected from the bank of nationally validated proven educational practices and is a diagnostic, prescriptive model in basic skills, and which is approved by the superintendent of public instruction in accordance with the following criteria:

(a) All students participating in the program shall be educationally deprived by consequence of their being below grade level in basic skills achievement;

(b) The program shall be based on performance objectives related to educational achievement and shall be annually evaluated by the district in a manner consistent with such objectives;

(c) The program shall provide supplementary services designed to meet the special educational needs of the participating students by providing a program of remediation for such participating students and supportive services consisting of supervision, materials and supplies and the training of administrators, teachers, aides and tutors;

(d) Not less than fifty percent of the funds expended in the program by any school district in any fiscal year shall be expended in school attendance areas having high concentrations of students from low-income families as defined in Section 122 of Public Law 95-561; and

(e) The school district shall keep such records and provide access thereto as is necessary to assure compliance with the foregoing approval criteria.

(4) "Basic skills tests" means tests established pursuant to RCW 28A-.03.360, as now or hereafter amended.

(5) "Placement testing" means the administration of objective tests by a school district for the purpose of diagnosing the basic skills achievement levels and remediation needs of individual students in conformance with instructions established by the superintendent of public instruction established for such purpose.

NEW SECTION. Sec. 3. Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs. The number of students eligible to participate in such program in each school district shall be calculated by the superintendent of public instruction through the use of data derived from the basic skills test. In making such calculations the superintendent of public instruction shall multiply the percentage of students taking the tests which scored in the lowest quartile, as compared to national norms, by the number of students enrolled in the district in grades two through six: PROVIDED, That in making this calculation the superintendent of public instruction may use an average of the percentages of the students scoring in the lowest quartile over the immediately preceding five or fewer years.

NEW SECTION. Sec. 4. Students who may participate in an approved program of remediation shall be determined by each school district through placement testing: PROVIDED, That only students in grades two through six who are behind grade level in one or more basic skills shall be eligible to participate: PROVIDED FURTHER, That the total number of students in a school district who may participate in an approved program of remediation may not exceed the total number of eligible students calculated in accordance with the provisions of section 3 of this act. No student receiving educational services from the programs conducted pursuant to chapter 28A.13 RCW shall be eligible to participate in the remediation program established by this act if the student's program is designed to address like needs.

NEW SECTION. Sec. 5. The superintendent of public instruction is empowered and directed to promulgate rules pursuant to chapter 34.04 RCW which he or she deems necessary to implement the purposes and provisions of this act.

NEW SECTION. Sec. 6. In order to insure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every three years. The results of the evaluations required by section 2(3)(b) of this act shall be transmitted to the superintendent of public instruction annually.

NEW SECTION. Sec. 7. The remediation program provided for in sections 1 through 6 of this act shall constitute an integral portion of the state urban, rural, racial and disadvantaged program provided for in RCW 28A.41.250 through 28A.41.290, but shall not be subject to the provisions of RCW 28A.41.260 through 28A.41.280.

NEW SECTION. Sec. 8. Not less than twenty percent of any amount appropriated for the purposes of this act shall be used by districts for the implementation of nationally validated proven educational practices that are diagnostic and prescriptive models in the basic skills.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

Sec. 10. Section 2, chapter 189, Laws of 1977 ex. sess. and RCW 28A-.71.210 are each amended to read as follows:

The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.04 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: **PROVIDED**, That each district requesting such funds shall have conducted a district needs assessment of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program: **PROVIDED, FURTHER**, That each school district or educational service district requesting funds shall have established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in and is supportive of the request for funding of the particular in-service training program. The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or educational service district, from the public, and from an institution(s) of higher education, in such numbers as shall be established by ~~((the superintendent of public instruction: **PROVIDED FURTHER**, That the task force in each district shall be appointed by the school board in each district from residents of the district, and that no less than sixty percent of the members thereof shall be public members not employed by the school district))~~ the school district board of directors or educational service district board of directors.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 29, 1979.

Filed in Office of Secretary of State March 29, 1979.

CHAPTER 150

[Substitute House Bill No. 486]

SECOND CLASS SHORELANDS—SALES TO ABUTTING OWNERS

AN ACT Relating to second class shorelands; and adding a new section to chapter 79.01 RCW.

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

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

(1) The legislature finds that maintaining public lands in public ownership is often in the public interest. However, when second class shorelands on navigable lakes have minimal public value, the sale of those shorelands to the abutting upland owner may not be contrary to the public interest: PROVIDED, That the purpose of this section is to remove the prohibition contained in RCW 79.01.470 regarding the sale of second class shorelands to abutting owners, whose uplands front upon the shorelands. Nothing contained in this section shall be construed to otherwise affect the rights of interested parties relating to public or private ownership of shorelands within the state.

(2) Notwithstanding the provisions of RCW 79.01.470, the department of natural resources may sell second class shorelands on navigable lakes to abutting owners whose uplands front upon the shorelands in cases where the board of natural resources has determined that these sales would not be contrary to the public interest. These shorelands shall be sold at the fair market value, but not less than five percent of the fair market value of the abutting upland, less improvements, to a maximum depth of one hundred fifty feet landward from the line of ordinary high water.

(3) Review of a decision of the department regarding the sale price established for a shoreland to be sold pursuant to this section may be obtained by the upland owner by filing a petition with the board of tax appeals created in accordance with chapter 82.03 RCW within thirty days of the date the department notified the owner regarding the price. The board of tax appeals shall review such cases in a "contested case" proceeding as described in chapter 34.04 RCW, and the board's review shall be de novo. Decisions of the board of tax appeals regarding fair market values determined pursuant to this section shall be final unless appealed to superior court pursuant to RCW 34.04.130.

Passed the House March 7, 1979.

Passed the Senate March 1, 1979.

Approved by the Governor March 29, 1979.

Filed in Office of Secretary of State March 29, 1979.

CHAPTER 151

[House Bill No. 848]

OFFICE OF FINANCIAL MANAGEMENT—STATUTORY DEVOLUTION

AN ACT Relating to state government; amending section 1, chapter 299, Laws of 1961 as amended by section 1, chapter 42, Laws of 1967 ex. sess. and RCW 3.30.010; amending section 4, chapter 95, Laws of 1895 as last amended by section 1, chapter 144, Laws of 1977 ex. sess. and RCW 4.92.040; amending section 3, chapter 159, Laws of 1963 as last amended by section 2, chapter 144, Laws of 1977 ex. sess. and RCW 4.92.100; amending section 4, chapter 159, Laws of 1963 as amended by section 3, chapter 144, Laws of 1977 ex. sess. and RCW 4.92.110; amending section 10, chapter 159, Laws of 1963 as last amended by section 6, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.160; amending section 11, chapter 159, Laws of 1963 as last amended by section 2, chapter 228, Laws of 1977 ex. sess. and RCW 4.92.170; amending section 4, chapter 213, Laws of 1955 as amended by section 7, chapter 106, Laws of 1973 and RCW 8.04.090; amending section 10, chapter 74, Laws of 1891 as amended by section 8, chapter 106, Laws of 1973 and RCW 8.04.160; amending section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 1, chapter 307, Laws of 1977 ex. sess. and RCW 13.06.050; amending section 5, chapter 168, Laws of 1971 ex. sess. and RCW 26.34.050; amending section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 15, Laws of 1972 ex. sess. and RCW 28A.10.080; amending section 14, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.140; amending section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 101, Laws of 1974 ex. sess. and RCW 28A.61.030; amending section 2, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 331, Laws of 1977 ex. sess. and RCW 28B.15.031; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 8, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.100; amending section 11, chapter 36, Laws of 1969 ex. sess. as last amended by section 10, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.110; amending section 11, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.112; amending section 20, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.200; amending section 4, chapter 120, Laws of 1973 1st ex. sess. and RCW 28B.17.040; amending section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.090; amending section 2, chapter 331, Laws of 1977 ex. sess. and RCW 28B.50.143; amending section 9, chapter 277, Laws of 1969 ex. sess. as amended by section 6, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.080; amending section 12, chapter 174, Laws of 1975 1st ex. sess. as amended by section 1, chapter 86, Laws of 1975-'76 2nd ex. sess. and RCW 28C.04.510; amending section 35.04.070, chapter 7, Laws of 1965 as amended by section 5, chapter 110, Laws of 1977 ex. sess. and RCW 35.04.070; amending section 35.13.260, chapter 7, Laws of 1965 as last amended by section 1, chapter 31, Laws of 1975 1st ex. sess. and RCW 35.13.260; amending section 35.18.020, chapter 7, Laws of 1965 and RCW 35.18.020; amending section 35.21.600, chapter 7, Laws of 1965 as amended by section 6, chapter 47, Laws of 1965 ex. sess. and RCW 35.21.600; amending section 12, chapter 277, Laws of 1977 ex. sess. and RCW 35.58.020; amending section 35A.04.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.080; amending section 35A.04.160, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.160; amending section 35A.05.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.120; amending section 35A.08.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.08.020; amending section 35A.12.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.010; amending section 35A.13.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.010; amending section 35A.14.700, chapter 119, Laws of 1967 ex. sess. as amended by section 2, chapter 31, Laws of 1975 1st ex. sess. and RCW 35A.14.700; amending section 35A.44.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.44.010; amending section 36.13.030, chapter 4, Laws of 1963 as amended by section 1, chapter 110, Laws of 1977 ex. sess. and RCW 36.13.030; amending section 36.38.020, chapter 4, Laws of 1963 as amended by section 21, chapter 278, Laws of 1975 1st ex. sess. and RCW 36.38.020; amending section 1, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.010; amending section 11, chapter 270, Laws of 1975 1st ex. sess. and RCW

36.57A.010; amending section 25, chapter 270, Laws of 1975 1st ex. sess. and RCW 36-.57A.150; amending section 11, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.110; amending section 4, chapter 8, Laws of 1971 ex. sess. as last amended by section 6, chapter 144, Laws of 1977 ex. sess. and RCW 38.52.205; amending section 1, chapter 191, Laws of 1974 ex. sess. and RCW 39.29.010; amending section 1, chapter 61, Laws of 1969 ex. sess. and RCW 39.34.130; amending section 2, chapter 61, Laws of 1969 ex. sess. and RCW 39.34.140; amending section 3, chapter 61, Laws of 1969 ex. sess. and RCW 39.34.150; amending section 1, chapter 15, Laws of 1977 ex. sess. and RCW 39.58.150; amending section 6, chapter 150, Laws of 1941 as last amended by section 3, chapter 33, Laws of 1973 and RCW 40.04.100; amending section 2, chapter 232, Laws of 1977 ex. sess. and RCW 40.07.020; amending section 4, chapter 246, Laws of 1957 as amended by section 3, chapter 54, Laws of 1973 and RCW 40.14.040; amending section 6, chapter 246, Laws of 1957 as amended by section 4, chapter 54, Laws of 1973 and RCW 40.14-.060; amending section 2, chapter 208, Laws of 1957 as amended by section 16, chapter 106, Laws of 1973 and RCW 41.04.036; amending section 5, chapter 59, Laws of 1969 as last amended by section 5, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.04.230; amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 4, chapter 136, Laws of 1977 ex. sess. and RCW 41.05.050; amending section 7, chapter 239, Laws of 1969 ex. sess. and RCW 41.06.075; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 152, Laws of 1977 ex. sess. and RCW 41.06-.150; amending section 16, chapter 1, Laws of 1961 as amended by section 2, chapter 152, Laws of 1977 ex. sess. and RCW 41.06.160; amending section 3, chapter 152, Laws of 1977 ex. sess. and RCW 41.06.163; amending section 5, chapter 152, Laws of 1977 ex. sess. and RCW 41.06.167; amending section 27, chapter 1, Laws of 1961 and RCW 41-.06.270; amending section 2, chapter 239, Laws of 1975 1st ex. sess. and RCW 41.07.020; amending section 38, chapter 274, Laws of 1947 as last amended by section 20, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.370; amending section 13, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.800; amending section 15, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.802; amending section 4, chapter 5, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.801; amending section 5, chapter 5, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.802; amending section 1, chapter 130, Laws of 1891 as last amended by section 1, chapter 59, Laws of 1969 and RCW 42.16.010; amending section 2, chapter 25, Laws of 1967 ex. sess. as amended by section 2, chapter 59, Laws of 1969 and RCW 42.16.011; amending section 4, chapter 25, Laws of 1967 ex. sess. as amended by section 3, chapter 59, Laws of 1969 and RCW 42.16.013; amending section 5, chapter 25, Laws of 1967 ex. sess. as amended by section 4, chapter 59, Laws of 1969 and RCW 42.16.014; amending section 8, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.017; amending and reenacting section 24, chapter 1, Laws of 1973 as last amended by section 1, chapter 104, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.240; amending section 3, chapter 60, Laws of 1969 ex. sess. and RCW 42.26.030; amending section 4, chapter 60, Laws of 1969 ex. sess. as amended by section 1, chapter 40, Laws of 1977 and RCW 42-.26.040; amending section 5, chapter 60, Laws of 1969 ex. sess. and RCW 42.26.050; amending section 7, chapter 60, Laws of 1969 ex. sess. and RCW 42.26.070; amending section 8, chapter 60, Laws of 1969 ex. sess. and RCW 42.26.080; amending section 9, chapter 60, Laws of 1969 ex. sess. and RCW 42.26.090; amending section 43.01.050, chapter 8, Laws of 1965 as amended by section 1, chapter 212, Laws of 1967 and RCW 43.01.050; amending section 43.01.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 82, Laws of 1973 1st ex. sess. and RCW 43.01.090; amending section 2, chapter 48, Laws of 1974 ex. sess. and RCW 43.01.140; amending section 43.03.050, chapter 8, Laws of 1965 as last amended by section 1, chapter 312, Laws of 1977 ex. sess. and RCW 43.03.050; amending section 43.03.060, chapter 8, Laws of 1965 as last amended by section 2, chapter 312, Laws of 1977 ex. sess. and RCW 43.03.060; amending section 4, chapter 312, Laws of 1977 ex. sess. and RCW 43.03.065; amending section 2, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.120; amending section 6, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.150; amending section 12, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.210; amending section 43.08.060, chapter 8, Laws of 1965 as amended by section 1, chapter 16, Laws of 1977 and RCW 43.08.060; amending section 43.08.110, chapter 8, Laws of 1965 and RCW 43.08.110; amending and reenacting section 43.09.050, chapter 8, Laws of 1965 as last amended by section 40, chapter 75, Laws of 1977 and by section 7, chapter 144, Laws of 1977 ex. sess. and RCW 43.09.050;

amending section 1, chapter 17, Laws of 1975-'76 2nd ex. sess. and RCW 43.09.310; amending section 43.09.340, chapter 8, Laws of 1965 and RCW 43.09.340; amending section 2, chapter 71, Laws of 1971 ex. sess. as amended by section 2, chapter 146, Laws of 1974 ex. sess. and RCW 43.10.160; amending section 4, chapter 71, Laws of 1971 ex. sess. as amended by section 3, chapter 146, Laws of 1974 ex. sess. and RCW 43.10.180; amending section 5, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.190; amending section 43.19.1902, chapter 8, Laws of 1965 as last amended by section 3, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1902; amending section 6, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.19052; amending section 6, chapter 104, Laws of 1967 ex. sess. as amended by section 10, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1918; amending section 43.19.1921, chapter 8, Laws of 1965 and RCW 43.19.1921; amending section 2, chapter 159, Laws of 1971 ex. sess. and RCW 43.19.500; amending section 10, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.600; amending section 14, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.620; amending section 16, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.630; amending section 1, chapter 86, Laws of 1977 ex. sess. and RCW 43.19.640; amending section 5, chapter 86, Laws of 1977 ex. sess. and RCW 43.19.660; amending section 11, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.140; amending section 43.30.240, chapter 8, Laws of 1965 and RCW 43.30.240; amending section 1, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.030; amending section 2, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.040; amending section 3, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.050; amending section 4, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.060; amending section 6, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.080; amending section 8, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.100; amending section 5, chapter 128, Laws of 1977 ex. sess. and RCW 43.41.102; amending section 10, chapter 144, Laws of 1977 ex. sess. and RCW 43.41.104; amending section 11, chapter 144, Laws of 1977 ex. sess. and RCW 43.41.106; amending section 5, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.41.130; amending section 15, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.41.140; amending section 13, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.900; amending section 14, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.910; amending section 15, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.920; amending section 16, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.930; amending section 17, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.040; amending section 10, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.901; amending section 12, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.903; amending section 43.62.010, chapter 8, Laws of 1965 as amended by section 121, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.62.010; amending section 43.62.020, chapter 8, Laws of 1965 and RCW 43.62.020; amending section 43.62.030, chapter 8, Laws of 1965 as last amended by section 61, chapter 75, Laws of 1977 and RCW 43.62.030; amending section 43.62.040, chapter 8, Laws of 1965 as amended by section 25, chapter 278, Laws of 1975 1st ex. sess. and RCW 43.62.040; amending section 43.62.050, chapter 8, Laws of 1965 as last amended by section 62, chapter 75, Laws of 1977 and RCW 43.62.050; amending section 7, chapter 74, Laws of 1967 as amended by section 28, chapter 151, Laws of 1977 ex. sess. and RCW 43.63A.070; amending section 1, chapter 53, Laws of 1969 ex. sess. as amended by section 64, chapter 75, Laws of 1977 and RCW 43.63A.085; amending section 43.78.070, chapter 8, Laws of 1965 and RCW 43.78.070; amending section 43.88.020, chapter 8, Laws of 1965 as last amended by section 4, chapter 83, Laws of 1975-'76 2nd ex. sess. and RCW 43.88.020; amending section 10, chapter 239, Laws of 1969 ex. sess. and RCW 43.88.025; amending section 43.88.090, chapter 8, Laws of 1965 as last amended by section 5, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.090; amending section 43.88.110, chapter 8, Laws of 1965 as amended by section 6, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.110; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 8, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.160; amending section 1, chapter 248, Laws of 1969 ex. sess. as last amended by section 109, chapter 169, Laws of 1977 ex. sess. and RCW 43.88.195; amending section 4, chapter 41, Laws of 1967 ex. sess. as last amended by section 10, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.205; amending section 1, chapter 23, Laws of 1977 and RCW 43.88.500; amending section 2, chapter 23, Laws of 1977 and RCW 43.88.505; amending section 3, chapter 23, Laws of 1977 and RCW 43.88.510; amending section 4, chapter 23, Laws of 1977 and RCW 43.88.515; amending section 2, chapter 25, Laws of 1977 ex. sess. and RCW 43.88A.020; amending section 3,

chapter 25, Laws of 1977 ex. sess. and RCW 43.88A.030; amending section 4, chapter 25, Laws of 1977 ex. sess. and RCW 43.88A.040; amending section 2, chapter 19, Laws of 1977 ex. sess. and RCW 43.132.020; amending section 3, chapter 19, Laws of 1977 ex. sess. and RCW 43.132.030; amending section 4, chapter 19, Laws of 1977 ex. sess. and RCW 43.132.040; amending section 5, chapter 19, Laws of 1977 ex. sess. and RCW 43.132.050; amending section 6, chapter 36, Laws of 1947 as last amended by section 4, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.060; amending section 9, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.050; amending section 9, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.280; amending section 9, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.050; amending section 39, chapter 3, Laws of 1963 ex. sess. as last amended by section 8, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.040; amending section 9, chapter 373, Laws of 1977 ex. sess. and RCW 44.48.090; amending section 5, chapter 150, Laws of 1967 ex. sess. as last amended by section 4, chapter 218, Laws of 1977 ex. sess. and RCW 44.60.050; amending section 7, chapter 204, Laws of 1963 and RCW 46.38.070; amending section 46.68.110, chapter 12, Laws of 1961 as last amended by section 1, chapter 100, Laws of 1975 1st ex. sess. and RCW 46.68.110; amending section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 14, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.190; amending section 4, chapter 267, Laws of 1975 1st ex. sess. as amended by section 1, chapter 214, Laws of 1977 ex. sess. and RCW 47.26.281; amending section 1, chapter 139, Laws of 1941 as last amended by section 1, chapter 88, Laws of 1974 ex. sess. and RCW 52.36.020; amending section 7, chapter 366, Laws of 1977 ex. sess. and RCW 54.28.055; amending section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 75, Laws of 1967 ex. sess. and RCW 66.08.180; amending section 7, chapter 175, Laws of 1957 as amended by section 2, chapter 110, Laws of 1977 ex. sess. and RCW 66.08.200; amending section 8, chapter 175, Laws of 1957 as amended by section 3, chapter 110, Laws of 1977 ex. sess. and RCW 66.08.210; amending section 9, chapter 55, Laws of 1933 as last amended by section 81, chapter 75, Laws of 1977 and RCW 67.16.100; amending section 6, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.060; amending section 34, chapter 32, Laws of 1951 as amended by section 3, chapter 175, Laws of 1977 ex. sess. and RCW 70.79.350; amending section 25, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.220; amending section 4, chapter 273, Laws of 1959 as amended by section 11, chapter 189, Laws of 1971 ex. sess. and RCW 72.60.270; amending section 4, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.430; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 33, chapter 327, Laws of 1977 ex. sess. and RCW 75.08.230; amending section 77.12.280, chapter 36, Laws of 1955 as last amended by section 8, chapter 144, Laws of 1977 ex. sess. and RCW 77.12.280; amending section 4, chapter 164, Laws of 1919 as amended by section 4, chapter 20, Laws of 1963 and RCW 79.44.040; amending section 5, chapter 164, Laws of 1919 as last amended by section 5, chapter 20, Laws of 1963 and RCW 79.44.050; amending section 1, chapter 205, Laws of 1947 as last amended by section 2, chapter 116, Laws of 1971 ex. sess. and RCW 79.44.060; amending section 6, chapter 164, Laws of 1919 as amended by section 7, chapter 20, Laws of 1963 and RCW 79.44.070; amending section 7, chapter 164, Laws of 1919 as amended by section 8, chapter 20, Laws of 1963 and RCW 79.44.080; amending section 12, chapter 164, Laws of 1919 as amended by section 12, chapter 20, Laws of 1963 and RCW 79.44.140; amending section 14, chapter 20, Laws of 1963 and RCW 79.44.180; amending section 82.32.340, chapter 15, Laws of 1961 as last amended by section 4, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.340; amending section 84.48.110, chapter 15, Laws of 1961 as amended by section 11, chapter 95, Laws 1973 and RCW 84.48.110; decodifying RCW 43.101.910; repealing section 12, chapter 144, Laws of 1977 ex. sess. and RCW 43.41.108; and declaring an emergency.

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

Section 1. Section 1, chapter 299, Laws of 1961 as amended by section 1, chapter 42, Laws of 1967 ex. sess. and RCW 3.30.010 are each amended to read as follows:

As used herein:

"City" means an incorporated city or town.

"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 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))~~ office of financial management. The ~~((planning and community affairs agency))~~ office of financial management, 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.

Sec. 2. Section 4, chapter 95, Laws of 1895 as last amended by section 1, chapter 144, Laws of 1977 ex. sess. and RCW 4.92.040 are each amended to read as follows:

(1) No execution shall issue against the state on any judgment.

(2) Whenever a final judgment against the state shall have been obtained in an action on a claim arising out of tortious conduct, the clerk shall make and furnish to the ~~((chief fiscal officer of the executive branch))~~ director of financial management a duly certified copy of said judgment and the same shall be paid out of the tort claims revolving fund.

(3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the ~~((chief fiscal officer of the executive branch))~~ director of financial management a duly certified copy of such judgment; the ~~((chief fiscal officer of the executive branch))~~ director of financial management shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid from appropriations specifically provided for such purposes by law.

(4) On and after September 21, 1977, all claims made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support of the claim and shall be filed with the ~~((chief fiscal officer of the executive branch))~~ director of financial management who shall retain the same as a record. The ~~((chief fiscal officer of the executive branch))~~ director of financial management shall recommend to the legislature whether such claim should be approved or rejected. The legislative committees to whom such claims are referred shall make a transcript or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

Sec. 3. Section 3, chapter 159, Laws of 1963 as last amended by section 2, chapter 144, Laws of 1977 ex. sess. and RCW 4.92.100 are each amended to read as follows:

All claims against the state for damages arising out of tortious conduct shall be presented to and filed with the ~~((chief fiscal officer of the executive branch))~~ director of financial management. All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing his claim or if the claimant is a minor, or is a nonresident of the state, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing him.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 4. Section 4, chapter 159, Laws of 1963 as amended by section 3, chapter 144, Laws of 1977 ex. sess. and RCW 4.92.110 are each amended to read as follows:

No action shall be commenced against the state for damages arising out of tortious conduct until a claim has first been presented to and filed with the ~~((chief fiscal officer of the executive branch))~~ director of financial management. The requirements of this section shall not affect the applicable period of limitations within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required.

Sec. 5. Section 10, chapter 159, Laws of 1963 as last amended by section 6, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.160 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the ~~((budget))~~ director of financial management, and he shall authorize and direct the payment of moneys only from the tort claims revolving fund whenever:

(1) The head or governing body of any agency or department of state certifies to him that a claim has been settled under authority of RCW 4.92.140 as herein or hereafter amended; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court

for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

Sec. 6. Section 11, chapter 159, Laws of 1963 as last amended by section 2, chapter 228, Laws of 1977 ex. sess. and RCW 4.92.170 are each amended to read as follows:

Liability for and payment of claims arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the ~~((budget))~~ director of financial management shall determine the comparative responsibility of each agency or department for the liability.

State agencies shall make reimbursement to the tort claims revolving fund for any payment made from it for the benefit of such agencies. The ~~((budget))~~ director of financial management is authorized and directed to transfer or order the transfer to the revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 as herein or hereafter amended without further or additional appropriation: PROVIDED, That in any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the ~~((budget))~~ director of financial management may relieve the agency of all or a portion of the obligation to make reimbursement.

The ~~((budget))~~ director of financial management shall report on request to the legislature on the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies and departments of state government whose operations and activities give rise to liability, including those agencies and departments over which he does not have authority to revise allotments under chapter 43.88 RCW.

The ~~((budget))~~ director of financial management may authorize agencies, in accordance with chapter 41.05 RCW to the extent that it is applicable, to purchase insurance to protect and hold personally harmless any officer or employee of the state, or any classes of such officers or employees or for other persons performing services for the state, whether by contract or otherwise, from any action, claim, or proceeding for damages arising out of the performance of duties for, employment with, or the performance of

services on behalf of the state and to hold him harmless from any expenses connected with the defense, settlement or monetary judgment from such actions.

The ~~((budget))~~ director of financial management shall adopt rules and regulations governing the procedures to be followed in making payment from the tort claims revolving fund, in reimbursing the revolving fund and in relieving an agency of its obligation to reimburse.

Sec. 7. Section 4, chapter 213, Laws of 1955 as amended by section 7, chapter 106, Laws of 1973 and RCW 8.04.090 are each amended to read as follows:

In case the state shall require immediate possession and use of the property sought to be condemned, and an order of necessity shall have been granted, and no review has been taken therefrom, the attorney general may stipulate with respondents in accordance with the provisions of this section and RCW 8.04.092 and 8.04.094 for an order of immediate possession and use, and file with the clerk of the court wherein the action is pending, a certificate of the state's requirement of immediate possession and use of the land, which shall state the amount of money offered to the respondents and shall further state that such offer constitutes a continuing tender of such amount. The attorney general shall file a copy of the certificate with the office of ~~((program planning and fiscal))~~ financial management, ~~((who))~~ which forthwith shall issue and deliver to him a warrant payable to the order of the clerk of the court wherein the action is pending in a sum sufficient to pay the amount offered, which shall forthwith be paid into the registry of the court. The court without further notice to respondent shall enter an order granting to the state the immediate possession and use of the property described in the order of necessity, which order shall bind the petitioner to pay the full amount of any final judgment of compensation and damages which may thereafter be awarded for the taking and appropriation of the lands, real estate, premises, or other property described in the petition and for the injury, if any, to the remainder of the lands, real estate, premises, or other property from which they are to be taken by reason of such taking and appropriation, after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and use by the state of the lands, real estate, premises, or other property described in the petition. The moneys paid into court may at any time after entry of the order of immediate possession, be withdrawn by respondents, by order of the court, as their interests shall appear.

Sec. 8. Section 10, chapter 74, Laws of 1891 as amended by section 8, chapter 106, Laws of 1973 and RCW 8.04.160 are each amended to read as follows:

Whenever the attorney general shall file with the director of ~~((the office of program planning and fiscal))~~ financial management a certificate setting

forth the amount of any award found against the state of Washington under the provisions of RCW 8.04.010 through 8.04.160, together with the costs of said proceeding, and a description of the lands and premises sought to be appropriated and acquired, and the title of the action or proceeding in which said award is rendered, it shall be the duty of the office of (~~program planning and fiscal~~) financial management to forthwith issue a warrant upon the state treasury to the order of the attorney general in a sum sufficient to make payment in money of said award and the costs of said proceeding, and thereupon it shall be the duty of said attorney general to forthwith pay to the clerk of said court in money the amount of said award and costs.

Sec. 9. Section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 1, chapter 307, Laws of 1977 ex. sess. and RCW 13.06.050 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application is approved, and unless and until the minimum standards prescribed by the department of social and health services are complied with and then only on such terms as are set forth hereafter in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department of social and health services. The base commitment rate shall be determined by computing the ratio of the number of juveniles committed to state juvenile correctional institutions plus the number of juveniles who have been convicted of felonies and committed to state correctional institutions after a juvenile court has declined jurisdiction of their cases and remanded them for prosecution in the superior courts, to the county population, such ratio to be expressed in a rate per hundred thousand population, for each of the calendar years 1964 through 1968. The average of these rates for a county for the five year period or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the secretary: PROVIDED, That, a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described above. The county and state population shall be that certified as of April 1st of each year by the office of (~~program planning and fiscal~~) financial management, such population figures to be provided to the secretary of social and health services not later than June 30th of each year.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1). The annual commitment rate shall exclude commitments that fall within the high risk categories as defined by the department.

(3) The amount that may be paid to a county pursuant to this chapter shall be the standard cost of the operation of a special supervision program

based upon workload standards established by the department. Payment shall not exceed five thousand dollars per commitment reduction. The "commitment reduction number" is obtained by subtracting (a) the product of the most recent annual commitment rate and population of the county for the same year from (b) the product of the base commitment rate and population of the county for the same year employed in (a).

(4) The secretary will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(5) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous payment period because of extremely unusual circumstances claimed by the county and verified by the secretary of the department of social and health services, the secretary may pay to the county a sum not to exceed actual program expenditures, provided, however, that in subsequent periods the county will be paid only the amount earned: PROVIDED, That the amendatory provisions of subsection (5) of this act may be applied to payment periods prior to May 20, 1971.

(6) If the amount received by a county in reimbursement of its expenditures in a calendar year is less than the maximum amount computed under subsection (3) above, the difference may be paid to the county as reimbursement of program costs during the next two succeeding years upon receipt of valid claims for reimbursement of program expenses.

(7) Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs for delinquent juveniles or to develop county institutional programs.

(8) Any county averaging less than thirty commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) above may:

(a) apply for subsidies under subsection (1); or

(b) as an alternative, elect to receive from the state the salary of one full time additional probation officer and related employee benefits; or

(c) elect to receive from the state the salary and related employee benefits of one full time additional probation officer and in addition, reimbursement for certain supporting services other than capital outlay and equipment whose total will not exceed a maximum limit established by the secretary of the department of social and health services; or

(d) elect to receive from the state reimbursement for certain supporting services other than capital outlay and equipment whose total cost will not exceed a maximum limit established by the secretary of the department of social and health services.

(9) In the event a county chooses one of the alternative proposals in subsection (8), it will be eligible for reimbursement only so long as the officer and supporting services are wholly used in the performance of probation services to supervision of persons eligible for state commitment and are paid the salary referred to in this section in accordance with a salary schedule adopted by rule of the department and:

(a) if its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) if its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by two its own base commitment rate.

(10) Where any county does not have a juvenile probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties mutually provide probation services by agreement for such counties, then under such circumstances the secretary may make the computations and payments under this chapter as though the counties served with probation services were one geographical unit.

Sec. 10. Section 5, chapter 168, Laws of 1971 ex. sess. and RCW 26-.34.050 are each amended to read as follows:

The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the director of (~~the office of program planning and fiscal~~) financial management in the case of the state and of the treasurer in the case of a subdivision of the state.

Sec. 11. Section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 15, Laws of 1972 ex. sess. and RCW 28A-.10.080 are each amended to read as follows:

(1) 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 director of (~~program planning and fiscal~~) financial management. The performance of and payment for such services shall be subject to post audit review by the state auditor.

(2) Notwithstanding any other provision of RCW 28A.10.080, 28A.10-.100, 28A.10.105 and 28A.10.110, when the state agency determines that a mentally retarded, severely handicapped, or disadvantaged person can reasonably be expected to benefit from, or in his best interests reasonably requires extended sheltered employment or supervised work furnished by an

approved nonprofit organization, the state agency is authorized to contract with such organization for the furnishing of such sheltered employment or supervised work to such mentally retarded, severely handicapped, or disadvantaged person. The state agency is authorized to expend for or toward the cost of providing such sheltered employment or supervised work a sum or sums not to exceed one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person in order to maintain him as a contributing and self-supporting member of society as an alternative to dependency: PROVIDED, That the state agency is authorized to expend in excess of one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person when federal or other funding becomes available to the state agency for such purpose and such additional expenditures may continue as long as the additional federal or other funding is or becomes available.

(3) The determination of eligibility for such service shall be made for each individual by the state agency. The mentally retarded, severely handicapped and disadvantaged individuals served under this law shall be construed to be poor or infirm within the meaning of the term as used in the state Constitution.

(4) The state agency shall maintain a register of nonprofit organizations which it has inspected and certified as meeting required standards and as qualifying to serve the needs of such mentally retarded, severely handicapped, or disadvantaged persons. Eligibility of such organizations to receive the funds hereinbefore specified shall be based upon standards and criteria promulgated by the state agency.

(5) The state agency is authorized to promulgate such rules and regulations as it may deem necessary or proper to carry out the provisions of this section.

Sec. 12. Section 14, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.140 are each amended to read as follows:

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

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

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs; and

(4) Extraordinary costs of remote and necessary schools and small high schools.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous biennium shall remain in effect: **PROVIDED**, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: **PROVIDED**, That the definition shall be included as part of the superintendent's biennial budget request: **PROVIDED, FURTHER**, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: **PROVIDED, FURTHER**, That the office of (~~program planning and fiscal~~) financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: **PROVIDED**, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: **PROVIDED, FURTHER**, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute: **PROVIDED, FURTHER**, That the hiring of such noncertificated persons shall be subject to disapproval by the superintendent of public instruction. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining

such circumstances. Annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall be at least twenty-five hours per week. Classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Classified staff shall include those persons employed by a school district other than certificated staff as defined in this section in a capacity for which certification is not required.

Sec. 13. Section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 101, Laws of 1974 ex. sess. and RCW 28A.61.030 are each amended to read as follows:

The school directors' association shall have the power:

(1) To prepare and adopt, amend and repeal a constitution and rules and regulations, and bylaws for its own organization including county or regional units and for its government and guidance: **PROVIDED**, That action taken with respect thereto is consistent with the provisions of RCW 28A.61.010 through 28A.61.060 or with other provisions of law;

(2) To arrange for and call such meetings of the association or of the officers and committees thereof as are deemed essential to the performance of its duties;

(3) To provide for the payment of travel and subsistence expenses incurred by members and/or officers of the association and association staff while engaged in the performance of duties under direction of the association in the manner provided by RCW 28A.58.310;

(4) To employ an executive secretary and other staff and pay such employees out of the funds of the association;

(5) To conduct studies and disseminate information therefrom relative to increased efficiency in local school board administration;

(6) To buy, sell or exchange such personal and real property as necessary for the efficient operation of the association;

(7) To purchase liability insurance for school directors, which insurance may indemnify said directors against any or all liabilities for personal or bodily injuries and property damage arising from their acts or omissions while performing or while in good faith purporting to perform their official duties as school directors;

(8) Upon request by a local school district board(s) of directors, to make available on a cost reimbursable contract basis (a) specialized services, (b) research information, and (c) consultants to advise and assist district board(s) in particular problem areas: **PROVIDED**, That such services, information, and consultants are not already available from other state agencies, intermediate school districts, or from the information and research services authorized by RCW 28A.58.530: **PROVIDED FURTHER**, That any such contract shall be filed with the office of (~~program planning and fiscal~~) financial management and the legislative budget committee prior to the date any work commences under any such contract.

Sec. 14. Section 2, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 331, Laws of 1977 ex. sess. and RCW 28B.15.031 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than general tuition fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund: PROVIDED, That required matching moneys for federal and state financial aid programs may be exempt from such deposit with approval of the director of ~~((the office of program planning and fiscal))~~ financial management.

Sec. 15. Section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 8, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.100 are each amended to read as follows:

The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;
- (2) Certification of names for vacancies, including promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;
- (3) Examination for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Probationary periods of six months and rejections therein;
- (6) Transfers;
- (7) Sick leaves and vacations;
- (8) Hours of work;
- (9) Layoffs when necessary and subsequent reemployment, both according to seniority;

(10) Determination of appropriate bargaining units within any institution or related boards: **PROVIDED**, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives: **PROVIDED**, That after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment shall constitute cause for dismissal: **PROVIDED FURTHER**, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: **PROVIDED FURTHER**, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement or any other fees or fines and shall include full and complete membership rights: **AND PROVIDED FURTHER**, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member;

(12) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: **PROVIDED**, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties;

(14) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(15) Allocation and reallocation of positions within the classification plan;

(16) Adoption and revision of salary schedules and compensation plans which reflect the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the state or the locality in which the institution or related boards are located, such adoption, revision, and implementation subject to approval as to availability of funds by the director of (~~the office of program planning and fiscal~~) financial management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges;

(17) Training programs including in-service, promotional, and supervisory;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and

(19) Providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

Sec. 16. Section 11, chapter 36, Laws of 1969 ex. sess. as last amended by section 10, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.110 are each amended to read as follows:

The salary schedules and compensation plans, adopted and revised as provided in RCW 28B.16.100 as now or hereafter amended, shall reflect prevailing rates in other public employment and in private employment in this state or in the locality in which the institution or related board is located. For this purpose salary and fringe benefit surveys shall be undertaken by the board with the assistance of the various personnel officers of the institutions of higher education and on a joint basis with the department of personnel, with one such survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of such salary and fringe benefit survey shall be forwarded with recommended salary adjustments, which recommendations shall be advisory only, to the governor and the director of ~~((the office of program planning and fiscal))~~ financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the board to the standing committees for appropriations of the senate and house of representatives.

The board shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the higher education personnel board with:

(a) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(b) Those higher education personnel board classes which are substantially the same as classes being used by the department of personnel clearly marked to show the commonality of the classes between the two jurisdictions;

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the board. Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.

Sec. 17. Section 11, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.112 are each amended to read as follows:

(1) In the conduct of salary and fringe benefit surveys under RCW 28B.16.110 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of ~~((the office of program planning and fiscal))~~ financial management, employee organizations, the standing committees for appropriations in the senate and house of representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans prepared under this section shall be developed jointly by the higher education personnel board in conjunction with the department of personnel established under chapter 41.06 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the higher education personnel board and the department of personnel. The legislative budget committee shall review and evaluate all survey plans before final implementation.

(3) Interim or special surveys conducted under RCW 28B.16.110 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

(a) Leave time, including vacation, holiday, civil, and personal leave;

(b) Employer retirement contributions;

(c) Health and insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and

(d) Stock options, bonuses, and purchase discounts where appropriate.

Sec. 18. Section 20, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.200 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "higher education personnel board service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, the budget for which shall be subject to review and approval and appropriation by the legislature. An amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community college education and credited to the higher education personnel

board service fund as such allotments are approved pursuant to chapter 43-.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the ((~~state budget~~)) director of financial management from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

Moneys from the higher education personnel board service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

Sec. 19. Section 4, chapter 120, Laws of 1973 1st ex. sess. and RCW 28B.17.040 are each amended to read as follows:

(1) The authority shall be governed and all of its corporate powers exercised by a board of directors which shall consist of the nine citizen members of the council, each of whose term as a member of the authority shall be co-terminus with his term as a citizen member of the council, and six additional members, one of which shall be a student financial aid officer, one of which shall be representative of the banking industry, and two of which shall be students enrolled in a Washington post-secondary educational institution, and two of which shall serve at large appointed by the governor, each of whom shall be of full age, a citizen of the United States and a resident of the state. Prior to the appointment of the student representative the governor shall consult with elected student government officers. The six additional members shall have four year terms except for the two students who shall serve for two years: **PROVIDED**, That the initial terms of the additional members, except for student members, shall be staggered so that terms shall be for one year, two years, three years, and four years respectively: **PROVIDED FURTHER**, That the initial terms of the student members shall be staggered so that terms shall be for one year and two years respectively: **PROVIDED FURTHER**, That a student member's term of office shall be terminated if said student member ceases to be enrolled in a post-secondary educational institution during said term of office.

(2) Vacancies shall be filled for the unexpired terms in the same manner as original appointments.

(3) Directors shall receive per diem in lieu of compensation, and travel expenditures, in accordance with standard rates for part time boards, councils and commissions as certified by the ((~~state budget~~)) director of financial management.

(4) The board of directors shall elect from its members each year a chairman and vice chairman who shall serve for terms of one year and who shall be eligible for reelection for successive terms.

(5) A majority of the directors of the authority shall constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the authority, the act of a majority of the directors present at any meeting shall be deemed the act of the board.

(6) The board of directors shall adopt bylaws for the authority, and may appoint such officers and employees as it deems advisable, fix their compensation and prescribe their duties, and may delegate to one or more of its members, or its officers, agents or employees, such powers and duties as it may deem proper.

(7) The board of directors may elect an executive committee of not less than six members who, in intervals between meetings of the board, may transact such business of the authority as the board may from time to time authorize. Unless otherwise provided by the bylaws, a majority of the members of such committee shall constitute a quorum for the transaction of any business and the act of a majority of the members of the executive committee present at any meeting shall be deemed the act of such committee.

Sec. 20. Section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.090 are each amended to read as follows:

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 chapter, the college board shall be charged with the following powers, duties and responsibilities:

(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 adult education, 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 adult education and maintenance and operation and capital support of the community college districts in conformance with 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; and adult education: PROVIDED, That notwithstanding any other provisions of this chapter, 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 office of (~~program planning and fiscal~~) financial management 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 criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(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;

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

(11) Authorize the various community colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community college real and personal property, except such property as is received by a community college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community college system;

(13) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs and may 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.

The college board shall have the power of eminent domain.

Sec. 21. Section 2, chapter 331, Laws of 1977 ex. sess. and RCW 28B.50.143 are each amended to read as follows:

In order that each community college treasurer appointed in accordance with RCW 28B.50.142 may make vendor payments, the state treasurer will honor warrants drawn by each community college providing for one initial advance on September 1, 1977, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to ten percent of each institution's average monthly allotment for such budgeted biennium expenditures as certified by the office of (~~program planning and fiscal~~) financial management, and at the conclusion of each such initial month, and for each succeeding month of any biennium, the state treasurer will reimburse each institution for each expenditure incurred and reported monthly by each community college treasurer in accordance with chapter 43.83 RCW: PROVIDED, That the reimbursement to each institution for actual expenditures incurred in the final month of each biennium shall be less the initial advance.

Sec. 22. Section 9, chapter 277, Laws of 1969 ex. sess. as amended by section 6, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.080 are each amended to read as follows:

By a majority vote of the citizen members, the council shall select a chairman who shall be a citizen member; and, the council shall adopt such bylaws as it sees fit.

The council shall appoint an executive coordinator of services who shall serve at the pleasure of the council. The executive coordinator of services shall be the executive officer of the council and, under the council's supervision, shall administer the provisions of this chapter. In addition, he shall be in charge of the office of the council.

The council may employ and appoint such other assistants and employees as may be required. In addition, the council may appoint deputy coordinators who shall be assistant directors for the purpose of chapter 41.06 RCW, the state civil service act, and any individual filling such a position shall serve at the pleasure of the council.

In fulfilling the duties under this chapter, the council shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies, e.g., appropriate legislative groups, the postsecondary education institutions, the office of (~~program planning and fiscal~~) financial management, and the state board for community college education. Outside consulting and service agencies may also be employed. The council may compensate these groups and consultants in appropriate ways.

All council funds shall be expended subject to the approval of the chairman. All matter related to payment of compensation and other expenses of the council shall be subject to the state budget and accounting act.

Sec. 23. Section 12, chapter 174, Laws of 1975 1st ex. sess. as amended by section 1, chapter 86, Laws of 1975-'76 2nd ex. sess. and RCW 28C.04.510 are each amended to read as follows:

The governor is hereby authorized, with the advice of the office of (~~program planning and fiscal~~) financial management to determine to which of the following state agencies those functions of the coordinating council for occupational education not herein transferred to the commission for vocational education shall be transferred: The council on higher education; the department of social and health services; the department of labor and industries; the superintendent of public instruction; the state board for community colleges; the employment security department; the state library, or any educational administrative agency created during the forty-fourth legislative session. The governor has the authority to transfer such personnel, funds, and equipment to the agency he so determines as may be necessary to carry out those functions. The governor shall make a report to the legislature concerning such determinations as he has made by December 1, 1975. All remaining funds of the coordinating council not disposed of or

otherwise provided for in this chapter shall remain within the jurisdiction of the commission.

Sec. 24. Section 35.04.070, chapter 7, Laws of 1965 as amended by section 5, chapter 110, Laws of 1977 ex. sess. and RCW 35.04.070 are each amended to read as follows:

For the purpose of the type of incorporation provided for in this chapter, the population shall be determined as follows:

A count shall be made by the legislative authority of each county in which a portion of the proposed corporation is located to determine the population and number of housing units in that area at the time of the incorporation. The count shall be made under the direction of, and certified by, the office of (~~(program planning and fiscal)~~) financial management. The population so determined shall constitute the official population of the proposed corporation and subtracted from the official population of the unincorporated area of each of the counties in which the proposed corporation is located.

Sec. 25. Section 35.13.260, chapter 7, Laws of 1965 as last amended by section 1, chapter 31, Laws of 1975 1st ex. sess. and RCW 35.13.260 are each amended to read as follows:

Whenever any territory is annexed to a city or town, a certificate as hereinafter provided shall be submitted in triplicate to the office of (~~(program planning and fiscal)~~) financial management, hereinafter in this section referred to as "the office", within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the office shall retain the original copy in its files, and transmit the second copy to the department of (~~(highways)~~) transportation 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 office. A copy of the complete ordinance containing 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 office shall furnish certification forms to any city or town.

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 office. 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 office in determining the population of such city or town.

Upon approval of the annexation certificate, the office shall forward to each state official or department responsible for making allocations or payments to cities or towns, a revised certificate reflecting the increase in population due to such annexation. Upon and after the date of the commencement of the next quarterly period, the population determination indicated in such revised certificate shall be used as the basis for the allocation and payment of state funds to such city or town.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate is forwarded by the office thirty days or less prior to the commencement of the next quarterly period, the population of the annexed territory shall not be considered until the commencement of the following quarterly period.

Sec. 26. Section 35.18.020, chapter 7, Laws of 1965 and RCW 35.18-.020 are each amended to read as follows:

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

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

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

All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified: **PROVIDED, HOWEVER,** That at the first election, the following shall apply:

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

(b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term and until their successors are elected and qualified.

(c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term and until their successors are elected and qualified.

(d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered. When a municipality has qualified for an increase in the number of

councilmen from five to seven by virtue of the next succeeding (~~(state census board)~~) office of financial management population determination after the majority of the voters thereof have approved operation under the council-manager plan, at the first election when two additional councilmen are to be elected, one of the two additional councilmen receiving the highest number of votes shall be elected for a four year term and the other additional councilman shall be elected for a two year term.

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

In the event such population determination as provided in this section requires an increase in the number of councilmen, the city or town council shall fill the additional councilmanic positions by appointment not later than thirty days following the release of said population determination, and the appointee shall hold office only until the next regular city or town election at which a person shall be elected to serve for the remainder of the unexpired term: PROVIDED, That should said population determination result in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election.

Sec. 27. Section 35.21.600, chapter 7, Laws of 1965 as amended by section 6, chapter 47, Laws of 1965 ex. sess. and RCW 35.21.600 are each amended to read as follows:

Any city of ten thousand or more population shall have all power to conduct its affairs consistent with and subject to state law, including the power to frame a charter for its own government in accordance with RCW 35.22.030 through 35.22.200, as now or hereafter amended. "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the (~~(state census board)~~) office of financial management. Once any city has ten thousand or more population, any subsequent decrease in population below ten thousand shall not affect any powers theretofore acquired under this section.

Sec. 28. Section 12, chapter 277, Laws of 1977 ex. sess. and RCW 35.58.020 are each amended to read as follows:

As used herein:

(1) "Metropolitan municipal corporation" means a municipal corporation of the state of Washington created pursuant to this chapter, or a county which has by ordinance or resolution assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation pursuant to the provisions of (~~(this 1977 amendatory act)~~) chapter 36.56 RCW.

(2) "Metropolitan area" means the area contained within the boundaries of a metropolitan municipal corporation, or within the boundaries of an area proposed to be organized as such a corporation.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a metropolitan area.

(5) "Component county" means a county, all or part of which is included within a metropolitan area.

(6) "Central city" means the city with the largest population in a metropolitan area.

(7) "Central county" means the county containing the city with the largest population in a metropolitan area.

(8) "Special district" means any municipal corporation of the state of Washington other than a city, county, or metropolitan municipal corporation.

(9) "Metropolitan council" means the legislative body of a metropolitan municipal corporation, or the legislative body of a county which has by ordinance or resolution assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation pursuant to the provisions of ~~((this 1977 amendatory act))~~ chapter 36.56 RCW.

(10) "City council" means the legislative body of any city or town.

(11) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the ~~((state census board))~~ office of financial management.

(12) "Metropolitan function" means any of the functions of government named in RCW 35.58.050.

(13) "Authorized metropolitan function" means a metropolitan function which a metropolitan municipal corporation shall have been authorized to perform in the manner provided in this chapter.

(14) "Metropolitan public transportation" or "metropolitan transportation" for the purposes of this chapter shall mean the transportation of packages, passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual fare-paying basis, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems: PROVIDED, That nothing in this chapter shall be construed to prohibit a metropolitan municipal corporation from leasing its buses to private certified carriers or to prohibit the metropolitan municipal corporation from providing school bus service for the transportation of pupils.

(15) "Pollution" has the meaning given in RCW 90.48.020.

Sec. 29. Section 35A.04.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.080 are each amended to read as follows:

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~~) office of financial management; and the population so determined shall constitute the official population of the proposed corporation.

Sec. 30. Section 35A.04.160, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.160 are each amended to read as follows:

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 RCW 35A.04.150 and 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~~) office of financial management.

Sec. 31. Section 35A.05.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.120 are each amended to read as follows:

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~~) office of financial management.

Sec. 32. Section 35A.08.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.08.020 are each amended to read as follows:

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~~) office of financial management, 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.

Sec. 33. Section 35A.12.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.010 are each amended to read as follows:

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 recent official state or federal census or determination by the ~~((state census board))~~ office of financial management. 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. 34. Section 35A.13.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.010 are each amended to read as follows:

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 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~~) office of financial management. 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. 35. Section 35A.14.700, chapter 119, Laws of 1967 ex. sess. as amended by section 2, chapter 31, Laws of 1975 1st ex. sess. and RCW 35A.14.700 are each amended to read as follows:

Whenever any territory is annexed to a code city, a certificate as hereinafter provided shall be submitted in triplicate to the office of (~~program planning and fiscal~~) financial management, hereinafter in this section referred to as "the office", within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the office shall retain the original copy in its files, and transmit the second copy to the department of (~~highways~~) transportation 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 office. A copy of the complete ordinance containing 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 office shall furnish certification forms to any code city.

Upon approval of the annexation certificate, the office shall forward to each state official or department responsible for making allocations or payments to cities or towns, a revised certificate reflecting the increase in population due to such annexation. Upon and after the date of the commencement of the next quarterly period, the population determination indicated in such revised certificate shall be used as the basis for the allocation and payment of state funds to such city or town.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate is forwarded by the office thirty days or less prior to the commencement of the next quarterly period, the population of the annexed territory shall not be considered until the commencement of the following quarterly period.

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 office. 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 office in determining the population of such code city.

Sec. 36. Section 35A.44.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.44.010 are each amended to read as follows:

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,~~) office of financial management and the provisions of RCW 35.13.260 shall govern.

Sec. 37. Section 36.13.030, chapter 4, Laws of 1963 as amended by section 1, chapter 110, Laws of 1977 ex. sess. and RCW 36.13.030 are each amended to read as follows:

For the purpose of making a county census, the legislative authority of any county may employ one or more suitable persons. The census shall be conducted in accordance with standard census definitions and procedures as specified by the office of (~~program planning and fiscal~~) financial management.

Sec. 38. Section 36.38.020, chapter 4, Laws of 1963 as amended by section 21, chapter 278, Laws of 1975 1st ex. sess. and RCW 36.38.020 are each amended to read as follows:

In addition to the provisions levying and fixing the amount of tax, the ordinance may contain any or all of the following provisions:

- (1) A provision defining the words and terms used therein;
- (2) A provision requiring the price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold to be conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place for which an admission charge is exacted, and making the violation of such provision a misdemeanor punishable by fine of not exceeding one hundred dollars;
- (3) Provisions fixing reasonable exemptions from such tax;
- (4) Provisions allowing as an offset against the tax, the amount of like taxes levied, fixed, and collected within their jurisdiction by incorporated cities and towns in the county;
- (5) A provision requiring persons receiving payments for admissions taxed under said ordinance to collect the amount of the tax from the persons making such payments;
- (6) A provision to the effect that the tax imposed by said ordinance shall be deemed to be held in trust by the person required to collect the same until paid to the county treasurer, and making it a misdemeanor for any person receiving payment of the tax and appropriating or converting the same to his own use or to any use other than the payment of the tax as provided in said ordinance to the extent that the amount of such tax is not available for payment on the due date for filing returns as provided in said ordinance;

(7) A provision that in case any person required by the ordinance to collect the tax imposed thereby fails to collect the same, or having collected the tax fails to pay the same to the county treasurer in the manner prescribed by the ordinance, whether such failure is the result of such person's own acts or the result of acts or conditions beyond such person's control, such person shall nevertheless be personally liable to the county for the amount of the tax;

(8) Provisions fixing the time when the taxes imposed by the ordinance shall be due and payable to the county treasurer; requiring persons receiving payments for admissions to make periodic returns to the county treasurer on such forms and setting forth such information as the county treasurer may specify; requiring such return to show the amount of tax upon admissions for which such person is liable for specified preceding periods, and requiring such person to sign and transmit the same to the county treasurer together with a remittance for the amount;

(9) A provision requiring taxpayers to file with the county treasurer verified annual returns setting forth such additional information as he may deem necessary to determine tax liability correctly;

(10) A provision to the effect that whenever a certificate of registration, if required by the ordinance, is obtained for operating or conducting temporary places of amusement by persons who are not the owners, lessees, or custodians of the building, lot or place where the amusement is to be conducted, or whenever the business is permitted to be conducted without the procurement of a certificate, the tax imposed shall be returned and paid as provided in the ordinance by such owner, lessee, or custodian, unless paid by the person conducting the place of amusement;

(11) A provision requiring the applicant for a temporary certificate of registration, if required by the ordinance, to furnish with the application therefor, the name and address of the owner, lessee, or custodian of the premises upon which the amusement is to be conducted, and requiring the county treasurer to notify such owner, lessee, or custodian of the issuance of any such temporary certificate, and of the joint liability for such tax;

(12) A provision empowering the county treasurer to declare the tax upon temporary or itinerant places of amusement to be immediately due and payable and to collect the same, when he believes there is a possibility that the tax imposed under the ordinance will not be otherwise paid;

(13) Any or all of the applicable general administrative provisions contained in RCW 82.32.010 through 82.32.340 and 82.32.380, and the amendments thereto, except that unless otherwise indicated by the context of said sections, in all provisions so incorporated in such ordinance (a) the term "county treasurer" (of the county enacting said ordinance) shall be substituted for each reference made in said sections to the "department," the "department of revenue," "any employee of the department," or "director of the department of revenue"; (b) the name of the county enacting such

ordinance shall be substituted for each reference made in said sections to the "state" or to the "state of Washington"; (c) the term "this ordinance" shall be substituted for each reference made in said sections to "this chapter"; (d) the name of the county enacting said ordinance shall be substituted for each reference made in said sections to "Thurston county"; and (e) the term "board of county commissioners" shall be substituted for each reference made in said sections to the "director of (~~program planning and fiscal~~) financial management."

Sec. 39. Section 1, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.010 are each amended to read as follows:

For the purposes of this chapter and RCW 82.14.047 the following definitions shall apply:

(1) "Authority" means the county transportation authority created pursuant to this chapter and RCW 82.14.047.

(2) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of (~~program planning and fiscal~~) financial management.

(3) "Public transportation function" means the transportation of passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems: PROVIDED, That nothing shall prohibit an authority from leasing its buses to private certified carriers or prohibit the county from providing school bus service.

Sec. 40. Section 11, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.010 are each amended to read as follows:

For the purposes of this chapter the following definitions shall apply:

(1) "Public transportation benefit area" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Public transportation benefit area authority" or "authority" means the legislative body of a public transportation benefit area.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a public transportation benefit area.

(5) "City council" means the legislative body of any city or town.

(6) "County legislative body" means the board of county commissioners or the county council.

(7) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of (~~program planning and fiscal~~) financial management.

(8) "Public transportation service" means the transportation of packages, passengers and their incidental baggage by means other than by chartered bus, sight-seeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people moving systems: PROVIDED, That nothing shall prohibit an authority from leasing its buses to private certified carriers or prohibit the authority from providing school bus service.

(9) "Public transportation improvement conference" or "conference" shall mean the body established pursuant to RCW 36.57A.020 which shall be authorized to establish, subject to the provisions of RCW 36.57A.030, a public transportation benefit area pursuant to the provisions of this chapter.

Sec. 41. Section 25, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.150 are each amended to read as follows:

Counties that have established a county transportation authority pursuant to chapter 36.57 RCW and public transportation benefit areas that have been established pursuant to this chapter are eligible to receive a one-time advanced financial support payment from the state to assist in the development of the initial comprehensive transit plan required by RCW 36.57.070 and 36.57A.060. The amount of this support payment is established at one dollar per person residing within each county or public transportation benefit area, as determined by the office of ~~((program planning and fiscal))~~ financial management, but no single payment shall exceed fifty thousand dollars. Repayment of an advanced financial support payment shall be made to the public transportation account in the general fund or, if such account does not exist, to the general fund by each agency within two years of the date such advanced payment was received. Such repayment shall be waived within two years of the date such advanced payment was received if the voters in the appropriate counties or public transportation benefit areas do not elect to levy and collect taxes enabled under authority of this ~~((1975 amendatory act))~~ chapter and RCW 35.95.040 and 82.14.045. The state department of transportation or, if such department does not exist, the planning and community affairs agency shall provide technical assistance in the preparation of local transit plans, and administer the advanced financial support payments authorized by this section.

Sec. 42. Section 11, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.110 are each amended to read as follows:

All expenses incurred by the board including salaries of employees shall be paid upon voucher forms provided by the ~~((central budget agency))~~ office of financial management or pursuant to a regular payroll signed by the chairman of the board and by the county road administration engineer. All expenses of the board shall be paid out of that portion of the motor vehicle fund allocated to the counties and withheld for use by the ~~((state highway~~

commission)) department of transportation and the county road administration board under the provisions of RCW 46.68.120(1), as now or hereafter amended.

Sec. 43. Section 4, chapter 8, Laws of 1971 ex. sess. as last amended by section 6, chapter 144, Laws of 1977 ex. sess. and RCW 38.52.205 are each amended to read as follows:

All claims against the state for property damages or indemnification therefor arising from emergency service related activities will be presented to and filed with the ~~((chief fiscal officer of the executive branch))~~ director of financial management. Contents of all such claims shall conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended.

Sec. 44. Section 1, chapter 191, Laws of 1974 ex. sess. and RCW 39.29.010 are each amended to read as follows:

On and after July 24, 1974 all personal service contracts, including renewals and amendments of existing contracts, entered into by any state officer or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional and other types of institutions, shall be filed with the office of ~~((program planning and fiscal))~~ financial management and the legislative budget committee at least ten days prior to the date any work commences under such contracts regardless of the source of funds. The director of ~~((the office of program planning and fiscal))~~ financial management may exempt on a limited basis specific classes of personal service contracts involving activities of the executive and judicial branches after preparation of documented justification and consultation with the legislative budget committee: PROVIDED, That approval of the exemption is granted prior to commencement of the contract work.

In special emergency cases when work commencement is clearly a major and overriding factor and immediate contract action is mandatory, filing may be delayed for personal service contracts involving executive and judicial branches by the director of ~~((the office of program planning and fiscal))~~ financial management after consultation with the legislative auditor: PROVIDED, That such filing shall be made prior to commencement of the contract work with documented justification for the filing delay.

Standing and other committees of the legislature and officers or employees of the legislative branch shall file personal service contracts with the legislative budget committee and the office of ~~((program planning and fiscal))~~ financial management in accordance with the ten day time limitation set forth in this section. This requirement conforms with legislative intent that all personal service contracts negotiated within state government shall be subject to periodic and centralized legislative review. Requests by legislative committees or personnel for either exemptions or delays in filing individual personal service contracts shall be forwarded to the legislative budget

committee for review and maintenance of a central control file for use in preparation of summary reports on personal service contracts as directed by the legislature. Filing of personal service contracts delayed for emergency purposes shall be made not more than five days after commencement of the contract work involved.

Sec. 45. Section 1, chapter 61, Laws of 1969 ex. sess. and RCW 39.34-.130 are each amended to read as follows:

Except as otherwise provided by law, the full costs of a state agency incurred in providing services or furnishing materials to or for another agency under chapter 39.34 RCW or any other statute shall be charged to the agency contracting for such services or materials and shall be repaid and credited to the fund or appropriation against which the expenditure originally was charged. Amounts representing a return of expenditures from an appropriation shall be considered as returned loans of services or of goods, supplies or other materials furnished, and may be expended as part of the original appropriation to which they belong without further or additional appropriation. Such interagency transactions shall be subject to regulation by the ~~((budget))~~ director of financial management, including but not limited to provisions for the determination of costs, prevention of interagency contract costs beyond those which are fully reimbursable, disclosure of reimbursements in the governor's budget and such other requirements and restrictions as will promote more economical and efficient operations of state agencies.

Except as otherwise provided by law, this section shall not apply to the furnishing of materials or services by one agency to another when other funds have been provided specifically for that purpose pursuant to law.

Sec. 46. Section 2, chapter 61, Laws of 1969 ex. sess. and RCW 39.34-.140 are each amended to read as follows:

The ~~((budget))~~ director of financial management may establish procedures whereby some or all payments between state agencies may be made by transfers upon the accounts of the state treasurer in lieu of making such payments by warrant or check. Such procedures, when established, shall include provision for corresponding entries to be made in the accounts of the affected agencies.

Sec. 47. Section 3, chapter 61, Laws of 1969 ex. sess. and RCW 39.34-.150 are each amended to read as follows:

State agencies are authorized to advance funds to defray charges for materials to be furnished or services to be rendered by other state agencies. Such advances shall be made only upon the approval of the ~~((budget))~~ director of financial management, or his order made pursuant to an appropriate regulation requiring advances in certain cases. An advance shall be made from the fund or appropriation available for the procuring of such services or materials, to the state agency which is to perform the services or

furnish the materials, in an amount no greater than the estimated charges therefor.

Sec. 48. Section 1, chapter 15, Laws of 1977 ex. sess. and RCW 39.58-.150 are each amended to read as follows:

Notwithstanding any provision of law to the contrary, the state treasurer or any county, city, or other municipal treasurer may receive, disburse, or transfer public funds under the treasurer's jurisdiction by means of wire or other electronic communication in accordance with accounting standards which shall be established prior to July 1, 1977, by the state auditor under RCW 43.09.200 with regard to municipal treasurers or by the office of (~~program planning and fiscal~~) financial management under RCW 43.88-.160 in the case of the state treasurer to safeguard and insure accountability for the funds involved.

Sec. 49. Section 6, chapter 150, Laws of 1941 as last amended by section 3, chapter 33, Laws of 1973 and RCW 40.04.100 are each amended to read as follows:

The supreme court reports and the court of appeals reports shall be distributed by the state law librarian as follows:

(1) Each supreme court justice and court of appeals judge is entitled to receive one copy of each volume containing an opinion signed by him.

(2) The state law librarian shall retain such copies as are necessary of each for the benefit of the state law library, the supreme court and its subsidiary offices; and the court of appeals and its subsidiary offices; he shall provide one copy each for the official use of the attorney general and for each assistant attorney general maintaining his office in the attorney general's suite; three copies for the office of prosecuting attorney, in class A counties; two copies for such office in first class counties, and one copy for each other prosecuting attorney; one for each United States district court room and every superior court room in this state if regularly used by a judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the office of (~~program planning and fiscal~~) financial management, and one copy to the division of inheritance tax and escheats; one copy each to the United States supreme court, to the United States district attorney's offices at Seattle and Spokane, to the office of the United States attorney general, the library of the circuit court of appeals of the ninth circuit, the Seattle public library, the Tacoma public library, the Spokane public library, the University of Washington library, and the Washington State University library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington law library, two copies to the University of Puget Sound law library, and two copies to the Gonzaga University law school library and to such other accredited law school libraries as are hereafter established in this state; six copies to the King county law library; and one copy to each county law library organized pursuant to law in

class AA counties, class A counties and in counties of the first, second and third class.

(3) The state law librarian is likewise authorized to exchange copies of the supreme court reports and the court of appeals reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his judgment seems proper.

Sec. 50. Section 2, chapter 232, Laws of 1977 ex. sess. and RCW 40.07.020 are each amended to read as follows:

The terms defined in this section shall have the meanings indicated when used in this chapter.

(1) "Director" means the director of (~~the office of program planning and fiscal~~) financial management.

(2) "State agency" includes every state office, department, division, bureau, board, commission, committee, higher education institution, community college, and agency of the state and all subordinate subdivisions of such agencies in the executive branch financed in whole or in part from funds held in the state treasury, but does not include the offices of executive officials elected on a state-wide basis, agricultural commodity commissions, the legislature, the judiciary, or agencies of the legislative or judicial branches of state government.

(3) (a) "State publication" means publications of state agencies and shall include any annual and biennial reports, any special report required by law, state agency newsletters, periodicals and magazines, and other printed informational material intended for general dissemination to the public or to the legislature.

(b) "State publication" may include such other state agency printed informational material as the director may prescribe by rule or regulation, in the interest of economy and efficiency, after consultation with the governor, the state librarian, and any state agencies affected.

(c) "State publication" does not include:

(i) Business forms, preliminary draft reports, working papers, or copies of testimony and related exhibit material prepared solely for purposes of a presentation to a committee of the state legislature;

(ii) Typewritten correspondence and interoffice memoranda, and staff memoranda and similar material prepared exclusively as testimony or exhibits in any proceeding in the courts of this state, the United States, or before any administrative entity;

(iii) Any notices of intention to adopt rules under RCW 34.04.025(1)(a) as now existing or hereafter amended;

(iv) Publications relating to a multistate program financed by more than one state or by federal funds or private subscriptions; or

(v) News releases sent exclusively to the news media.

(4) "Print" includes all forms of reproducing multiple copies with the exception of typewritten correspondence and interoffice memoranda.

Sec. 51. Section 4, chapter 246, Laws of 1957 as amended by section 3, chapter 54, Laws of 1973 and RCW 40.14.040 are each amended to read as follows:

Each department or other agency of the state government shall designate a records officer to supervise its records program and to represent the office in all contacts with the records committee, hereinafter created, and the division of archives and records management. The records officer shall:

(1) Coordinate all aspects of the records management program.

(2) Inventory, or manage the inventory, of all public records at least once during a biennium for disposition scheduling and transfer action, in accordance with procedures prescribed by the state archivist and state records committee: PROVIDED, That essential records shall be inventoried and processed in accordance with chapter 40.10 RCW at least annually.

(3) Consult with any other personnel responsible for maintenance of specific records within his state organization regarding records retention and transfer recommendations.

(4) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the state archivist and state records committee minimal retentions for all copies commensurate with legal, financial and administrative needs.

(5) Approve all records inventory and destruction requests which are submitted to the state records committee.

(6) Review established records retention schedules at least annually to insure that they are complete and current.

(7) Exercise internal control over the acquisition of filming and file equipment.

(8) Report annually all savings resulting from records disposition actions to his management, the state archivist and the office of (~~program planning and fiscal~~) financial management.

If a particular agency or department does not wish to transfer records at a time previously scheduled therefor, the records officer shall, within thirty days, notify the archivist and request a change in such previously set schedule, including his reasons therefor.

Sec. 52. Section 6, chapter 246, Laws of 1957 as amended by section 4, chapter 54, Laws of 1973 and RCW 40.14.060 are each amended to read as follows:

Official public records shall not be destroyed until they are either photographed, microphotographed, photostated, or reproduced on film, or until they are seven years old, except on a showing of the department of origin, as approved by the records committee, that the retention of such records for a minimum of seven years is both unnecessary and uneconomical, particularly

where lesser federal retention periods for records generated by the state under federal programs are involved: PROVIDED, That any lesser term of retention than seven years must have the additional approval of the director of ~~((the budget))~~ financial management, the state auditor and the attorney general, except where records have federal retention guidelines the state records committee may adjust the retention period accordingly: PROVIDED, FURTHER, That an automatic reduction of retention periods from ten to seven years as provided for in this 1973 amendatory section for official public records shall not be made as to records on existing record retention schedules but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of seven years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

Sec. 53. Section 2, chapter 208, Laws of 1957 as amended by section 16, chapter 106, Laws of 1973 and RCW 41.04.036 are each amended to read as follows:

Any official of the state or of any of its political subdivisions authorized to disburse funds in payment of salaries or wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salary or wages of the officer or employee the amount of money designated by the officer or employee for payment to the United Fund.

The moneys so deducted shall be paid over promptly to the United Fund designated by the officer or employee. Subject to any regulations prescribed by the office of ~~((program planning and fiscal))~~ financial management, the official authorized to disburse the funds in payment of salaries or wages may prescribe any procedures necessary to carry out RCW 41.04.035 and 41.04.036.

Sec. 54. Section 5, chapter 59, Laws of 1969 as last amended by section 5, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.04.230 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salaries or wages of the officers or employees, the amount of money designated by the officer or employee for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one

hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Accident and casualty premiums to a single insurer: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to that insurer.

(8) Insurance contributions to the trustee of contracts for payment of premiums under contracts authorized by the state employees' insurance board.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the ((budget)) director of financial management for purposes clearly related to state employment or goals and objectives of the agency.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not

be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

Sec. 55. Section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 4, chapter 136, Laws of 1977 ex. sess. and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions, which shall be paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: PROVIDED, That this administrative service charge for state employees shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such-employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, That nothing herein shall be a limitation on employees employed under chapter 47.64 RCW: PROVIDED FURTHER, That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the board for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of ~~((the office of program planning and fiscal))~~ financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 56. Section 7, chapter 239, Laws of 1969 ex. sess. and RCW 41.06.075 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the office of (~~program planning and fiscal~~) financial management to the director, his confidential secretary, not to exceed two deputy directors and not to exceed seven assistant directors.

Sec. 57. Section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 152, Laws of 1977 ex. sess. and RCW 41.06.150 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(2) Certification of names for vacancies, including departmental promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Probationary periods of six months and rejections therein;

(6) Transfers;

(7) Sick leaves and vacations;

(8) Hours of work;

(9) Layoffs when necessary and subsequent reemployment, both according to seniority;

(10) Determination of appropriate bargaining units within any agency: **PROVIDED**, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives: **PROVIDED**, That after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment shall constitute cause for dismissal: **PROVIDED FURTHER**, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to

rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement, or any other fees or fines and shall include full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member;

(12) 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;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the 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;

(14) 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;

(15) Allocation and reallocation of positions within the classification plan;

(16) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units, such adoption and revision subject to approval by the director of ~~((the office of program planning and fiscal))~~ financial management in accordance with the provisions of chapter 43.88 RCW;

(17) Training programs, including in-service, promotional and supervisory;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to

their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

Sec. 58. Section 16, chapter 1, Laws of 1961 as amended by section 2, chapter 152, Laws of 1977 ex. sess. and RCW 41.06.160 are each amended to read as follows:

In preparing classification and salary schedules as set forth in RCW 41.06.150 as now or hereafter amended the department of personnel shall give full consideration to prevailing rates in other public employment and in private employment in this state. For this purpose the department shall undertake salary and fringe benefit surveys to be planned and conducted on a joint basis with the higher education personnel board, with one such survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of each salary and fringe benefit survey shall be forwarded with a recommended state salary schedule to the governor and director of (~~the office of program planning and fiscal~~) financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the standing committees for appropriations of the senate and house of representatives.

The department shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process

and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the department of personnel with:

(a) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(b) Those department of personnel classes which are substantially the same as classes being used by the higher education personnel board clearly marked to show the commonality of the classes between the two jurisdictions;

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the department of personnel. Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.

Sec. 59. Section 3, chapter 152, Laws of 1977 ex. sess. and RCW 41-.06.163 are each amended to read as follows:

(1) In the conduct of salary and fringe benefit surveys under RCW 41-.06.160 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of (~~the office of program planning and fiscal~~) financial management, employee organizations, the standing committees for appropriations of the senate and house of

representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans prepared under this section shall be developed jointly by the department of personnel in conjunction with the higher education personnel board established under chapter 28B.16 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the department of personnel and the higher education personnel board. The legislative budget committee shall review and evaluate all survey plans before final implementation.

(3) Interim or special surveys conducted under RCW 41.06.160 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

(a) Leave time, including vacation, holiday, civil, and personal leave;

(b) Employer retirement contributions;

(c) Health and insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and

(d) Stock options, bonuses, and purchase discounts where appropriate.

Sec. 60. Section 5, chapter 152, Laws of 1977 ex. sess. and RCW 41.06.167 are each amended to read as follows:

The department of personnel shall undertake salary and fringe benefit surveys for officers of the Washington state patrol, with one survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of each such survey shall be forwarded, after review and concurrence by the chief of the Washington state patrol, to the governor and director of (~~the office of program planning and fiscal~~) financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the legislative budget committee and the standing committees for appropriations of the senate and house of representatives. The office of (~~program planning and fiscal~~) financial management shall analyze the survey results and conduct investigations which may be necessary to arbitrate differences between interested parties regarding the accuracy of collected survey data and the use of such data for salary adjustment.

Surveys conducted by the department of personnel for the Washington state patrol shall be undertaken in a manner consistent with statistically accurate sampling techniques, including comparisons of weighted averages of salaries. This service performed by the department of personnel shall be on a reimbursable basis in accordance with the provisions of RCW 41.06.080 as now existing or hereafter amended.

A comprehensive salary and fringe benefits survey plan shall be submitted jointly by the department of personnel and the Washington state patrol to the director of (~~the office of program planning and fiscal~~) financial management, the committee on ways and means of the senate, the committee on appropriations of the house of representatives and to the legislative budget committee six months before the beginning of each periodic survey. The legislative budget committee shall review and evaluate the survey plan before final implementation.

Sec. 61. Section 27, chapter 1, Laws of 1961 and RCW 41.06.270 are each amended to read as follows:

A disbursing officer shall not pay any employee holding a position covered by this chapter unless the employment is in accordance with this chapter or the rules, regulations and orders issued hereunder. The board and the (~~state budget~~) director of financial management shall jointly establish procedures for the certification of payrolls.

Sec. 62. Section 2, chapter 239, Laws of 1975 1st ex. sess. and RCW 41.07.020 are each amended to read as follows:

The department of personnel is authorized to administer, maintain, and operate the central personnel-payroll system and to provide its services for any state agency designated jointly by the director of the department of

personnel and the director of ~~((the office of program planning and fiscal))~~ financial management.

The system shall be operated through state data processing centers. State agencies shall convert personnel and payroll processing to the central personnel-payroll system as soon as administratively and technically feasible as determined by the office of ~~((program planning and fiscal))~~ financial management and the department of personnel. It is the intent of the legislature to provide, through the central personnel-payroll system, for uniform reporting to the office of ~~((program planning and fiscal))~~ financial management and to the legislature regarding salaries and related costs, and to reduce present costs of manual procedures in personnel and payroll record keeping and reporting.

Sec. 63. Section 38, chapter 274, Laws of 1947 as last amended by section 20, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.370 are each amended to read as follows:

(1) The department shall ascertain and report to each employer the amount it shall provide for pension benefits for the ensuing biennium or fiscal year whichever is applicable to the said employer's operations. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 or 41.40.650 to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, or October 1, 1977, as the case may be, the amount to be collected as the employer's contribution for pension benefits shall be computed by applying the applicable rates established by RCW 41.40.361 or 41.40.650 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. The department shall bill each said employer at the end of each month for the amount due for that month and the same shall be paid as are its other obligations: PROVIDED, That the department may, at its discretion, establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter and shall be based upon the employer's payrolls for that quarter.

(3) In the event of failure, for any reason, of an employer other than a political subdivision of the state to have remitted amounts due for membership service of any of the employer's members rendered during a prior biennium, the department shall bill such employer through the director of ~~((the office of program planning and fiscal))~~ financial management for such employer's contribution. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls. If any such employer shall fail or refuse to honor such a billing, the director of ~~((the office of program planning and fiscal))~~ financial management shall cause the same to be paid from any funds appropriated to the director of

~~((the office of program planning and fiscal))~~ financial management for such purposes.

Sec. 64. Section 13, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.800 are each amended to read as follows:

If apportionments of budgeted funds are required because of the transfers herein authorized, the director of ~~((the office of program planning and fiscal))~~ financial management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustment in funds and appropriation accounts and equipment records in accordance with such certification.

Sec. 65. Section 15, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.802 are each amended to read as follows:

All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions transferred by this chapter shall be made available to the department and to the state actuary.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred by this chapter shall be made available to the department.

All funds, credits, or other assets held in connection with powers, duties, and functions transferred by this chapter shall be assigned to the department.

Any appropriations made to any committee, division, board, or any other state agency for the purpose of carrying out the powers, duties, and functions transferred by this chapter shall, in the manner prescribed by the director of ~~((the office of program planning and fiscal))~~ financial management, be transferred and credited to the department for the purpose of carrying out such transferred powers, duties, and functions.

Sec. 66. Section 4, chapter 5, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.801 are each amended to read as follows:

All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the marine employee commission, the office of the superintendent of public instruction, the state board for community college education, and the department of labor and industries and pertaining to the functions transferred to the commission by chapter 296, Laws of 1975 1st ex. sess. shall by January 1, 1976, be delivered to the custody of the commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the functions transferred by chapter 296, Laws of 1975 1st ex. sess. shall by January 1, 1976, be transferred to the commission.

Any appropriation or portion thereof remaining as of January 1, 1976, and which is made to an agency for the purpose of carrying out functions transferred from such agency pursuant to chapter 296, Laws of 1975 1st ex.

sess., shall, by January 1, 1976, be transferred and credited to the commission for the purpose of carrying out such functions. This paragraph shall not affect the transfer of moneys prior to January 1, 1976, pursuant to section 67, chapter ((+69-269)) 269, Laws of 1975 1st ex. sess.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the performance of the functions transferred under chapter 296, Laws of 1975 1st ex. sess., the director of ((program planning and fiscal)) financial management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

Sec. 67. Section 5, chapter 5, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.802 are each amended to read as follows:

Where transfers of budgeted funds or equipment are required under this act, the director of ((program planning and fiscal)) financial management shall certify such transfers to the agencies affected, the state auditor and the state treasurer all of whom shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

Sec. 68. Section 1, chapter 130, Laws of 1891 as last amended by section 1, chapter 59, Laws of 1969 and RCW 42.16.010 are each amended to read as follows:

The salaries of all state officers and employees shall be paid monthly on the last day of each month unless the ((budget)) director of financial management shall establish different dates in accordance with RCW 42.16.017: PROVIDED, That the ((budget)) director of financial management may adopt or authorize adoption of semimonthly or more frequent payment schedules for state agencies, in his discretion: AND PROVIDED FURTHER, That schedules for the payment of compensation more often than semimonthly 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.

Sec. 69. Section 2, chapter 25, Laws of 1967 ex. sess. as amended by section 2, chapter 59, Laws of 1969 and RCW 42.16.011 are each amended to read as follows:

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 law; 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 except for agencies

whose payrolls are prepared under a centralized system established pursuant to regulations of the ((~~budget~~)) director of financial management: 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.

Sec. 70. Section 4, chapter 25, Laws of 1967 ex. sess. as amended by section 3, chapter 59, Laws of 1969 and RCW 42.16.013 are each amended to read as follows:

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 on behalf of an agency from data authenticated and certified by the agency under a centralized system established pursuant to regulation of the ((~~budget~~)) director of financial management, the state treasurer shall make the transfer upon the certification of the head of the agency preparing the centralized payroll or his designee.

Sec. 71. Section 5, chapter 25, Laws of 1967 ex. sess. as amended by section 4, chapter 59, Laws of 1969 and RCW 42.16.014 are each amended to read as follows:

Disbursements from the revolving funds created by RCW 42.16.010 through 42.16.017 shall be by warrant in accordance with the provisions of RCW 43.88.160: PROVIDED, That when the payroll is prepared under a centralized system established pursuant to regulations of the ((~~budget~~)) director of financial management, disbursements on behalf of the agency shall be certified by the head of the agency preparing the centralized payroll or his designee: PROVIDED FURTHER, That disbursements from a centralized paying agency representing amounts withheld, and/or contributions, for payment to any individual payee on behalf of several agencies, may be by single warrant representing the aggregate amounts payable by all such agencies to such payee. The procedure for disbursement and certification of these aggregate amounts shall be established by the ((~~budget~~)) director of financial management.

All payments to employees or other payees, from the revolving funds created by RCW 42.16.010 through 42.16.017, whether certified by an agency or by the ((~~budget~~)) director of financial management 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. 72. Section 8, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.017 are each amended to read as follows:

To facilitate payroll preparation and accounting, or to implement the provisions of RCW 42.16.010 through 42.16.017, the ((~~budget~~)) director of

financial management may adopt customary and necessary procedures including the establishment of pay dates at reasonable times following periods in which payment is earned.

Sec. 73. Section 24, chapter 1, Laws of 1973 as last amended by section 1, chapter 104, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.240 are each amended and reenacted to read as follows:

(1) Every elected official (except president, vice president and precinct committeemen), every chief executive state officer as specified in RCW 43.17.020, as now or hereafter amended, the director of (~~the office of program planning and fiscal~~) financial management, the director of the department of personnel, and every member appointed to the state board for community college education, office of community development, data processing authority, state finance committee, department of fisheries, forest practices board, forest practices appeals board, gambling commission, game commission, department of game, each professional staff member of the office of the governor, and each professional staff member of the legislature, higher education personnel board, state highway commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control board, interagency commission for outdoor recreation, parks and recreation commission, personnel board, board of prison terms and paroles, public disclosure commission, public employees' retirement system, public pension commission, University of Washington board of regents, Washington State University board of regents, board of tax appeals, teachers' retirement system, Central Washington (~~State College~~) University board of trustees, Eastern Washington (~~State College~~) University board of trustees, Evergreen State College board of trustees, Western Washington (~~State College~~) University board of trustees, board of trustees of each community college, and the utilities and transportation commission, and each chief executive officer of the various state boards, authorities, commissions, councils, and other political agencies enumerated in this section in addition to those specified in RCW 43.17.020 shall after January 1st and before January 31st of each year; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate, and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed, or being appointed to such elective office, file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family, for the preceding twelve months: PROVIDED, That no individual shall be required to file more than once in any calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom any legislation, or any rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" shall not include payments made to an elected official by the governmental entity for which such person serves as an elected official for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the elected official holds any elective office, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the

preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an elected official or candidate, or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report; and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(1) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) All persons reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060.

Sec. 74. Section 3, chapter 60, Laws of 1969 ex. sess. and RCW 42.26-.030 are each amended to read as follows:

The ~~((budget))~~ director of financial management shall adopt such regulations as may be necessary or desirable to implement the provisions of this chapter relating to the establishment of an agency vendor payment revolving fund.

Sec. 75. Section 4, chapter 60, Laws of 1969 ex. sess. as amended by section 1, chapter 40, Laws of 1977 and RCW 42.26.040 are each amended to read as follows:

The state treasurer is authorized to advance moneys from treasury funds to state agencies for the purpose of establishing petty cash accounts. Any agency may petition the office of ~~((program planning and fiscal))~~ financial management for the establishment of a petty cash account. The maximum amount of such accounts shall be based on the special needs of the petitioning agency and shall be subject to approval by the office of ~~((program planning and fiscal))~~ financial management. The amount so advanced shall be reflected in the state treasurer's accounts as an amount due from the agency to the fund or account from which the advance was made.

Sec. 76. Section 5, chapter 60, Laws of 1969 ex. sess. and RCW 42.26-.050 are each amended to read as follows:

The agency requesting a petty cash account or an increase in the amount of petty cash advanced under the provisions of this chapter shall submit its request to the ~~((budget))~~ director of financial management in the form and detail prescribed by him. The agency's written request and the approval authorized by this chapter shall be the only documentation or certification required as a condition precedent to the issuance of such warrant.

A copy of his approval shall be forwarded by the ((~~budget~~)) director of financial management to the state treasurer.

Sec. 77. Section 7, chapter 60, Laws of 1969 ex. sess. and RCW 42.26-.070 are each amended to read as follows:

The head of the agency or an employee designated by him shall have full responsibility as custodian for the petty cash account and its proper use under this chapter and applicable regulations of the ((~~budget~~)) director of financial management. The custodian of the petty cash account shall be covered by a surety bond in the full amount of the account at all times and all advances to it, conditioned upon the proper accounting for and legal expenditure of all such funds, in addition to other conditions required by law.

Sec. 78. Section 8, chapter 60, Laws of 1969 ex. sess. and RCW 42.26-.080 are each amended to read as follows:

If a post audit by the state auditor discloses the amount of the petty cash account of any agency under this chapter to be excessive or the use of the account to be in violation of requirements governing its operation, the ((~~budget~~)) director of financial management may require the return of the account or of the excessive amount to the state treasury for credit to the fund from which the advance was made.

Sec. 79. Section 9, chapter 60, Laws of 1969 ex. sess. and RCW 42.26-.090 are each amended to read as follows:

The ((~~budget~~)) director of financial management shall adopt such regulations as may be necessary or desirable to implement the provisions of this chapter. Such regulation shall include but not be limited to, (1) defining limitations on the use of petty cash, and (2) providing accounting and reporting procedures for operation of the petty cash account.

Sec. 80. Section 43.01.050, chapter 8, Laws of 1965 as amended by section 1, chapter 212, Laws of 1967 and RCW 43.01.050 are each amended to read as follows:

Each state officer or other person, other than county treasurer, who is authorized by law to collect or receive moneys which are required by statute to be deposited in the state treasury shall transmit to the state treasurer each day, all such moneys collected by him on the preceding day: PROVIDED, That the state treasurer may in his discretion grant exceptions where such daily transfers would not be administratively practical or feasible. In the event that remittances are not accompanied by a statement designating source and fund the state treasurer shall deposit these moneys in the state treasury in a fund hereby created to be known as the "undistributed receipts fund". These moneys shall be retained in said fund until such time as the transmitting agency provides a statement in duplicate of the source from which each item of money was derived and the fund into which it is to be transmitted. The ((~~budget~~)) director of financial management in accordance with RCW 43.88.160 shall promulgate regulations designed to

assure orderly and efficient administration of this fund. In the event moneys are deposited in this fund that constitute overpayments, refunds may be made by the remitting agency without virtue of a legislative appropriation.

Sec. 81. Section 43.01.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 82, Laws of 1973 1st ex. sess. and RCW 43.01.090 are each amended to read as follows:

The director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of operating and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full costs including appropriate overhead charges of the foregoing by billing either quarterly or semiannually as determined by the director including but not limited to transfers upon accounts and advancements into the general administration facilities and services revolving fund. Rates shall be established by the director of general administration after consultation with the director of ~~((the office of program planning and fiscal))~~ financial management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as are equitable and reasonably reflect the actual costs of the services provided: PROVIDED, HOWEVER, That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section. Billings shall be adjusted at intervals of not to exceed six months to reflect any change in actual costs relative to whatever estimates may have been made for budget purposes.

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration facilities and services revolving fund established in RCW 43.19.500 unless the director of ~~((the office of program planning and fiscal))~~ financial management has authorized another method for payment of costs.

Sec. 82. Section 2, chapter 48, Laws of 1974 ex. sess. and RCW 43.01-.140 are each amended to read as follows:

Within one hundred twenty days after the close of each fiscal biennium, the office of ~~((program planning and fiscal))~~ financial management shall prepare a report which indicates as accurately as possible the total operating expenditures of each commission, committee, agency or department on a per capita basis for the two immediately preceding fiscal biennia. The report shall be based on population figures prepared by the office of ~~((program~~

~~planning and fiscal~~) financial management and shall be distributed to each member of the legislature and to at least one newspaper of general circulation in each county of this state.

Sec. 83. Section 43.03.050, chapter 8, Laws of 1965 as last amended by section 1, chapter 312, Laws of 1977 ex. sess. and RCW 43.03.050 are each amended to read as follows:

(1) The director of (~~the office of program planning and fiscal~~) financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of (~~the office of program planning and fiscal~~) financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of (~~program planning and fiscal~~) financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of (~~program planning and fiscal~~) financial management.

(3) The initial schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be subject to legislative approval.

Sec. 84. Section 43.03.060, chapter 8, Laws of 1965 as last amended by section 2, chapter 312, Laws of 1977 ex. sess. and RCW 43.03.060 are each amended to read as follows:

(1) 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 travel be by a privately-owned vehicle rather than a common carrier or a state-owned or operated vehicle, a mileage rate not to exceed the rate established by the director of (~~the office of program planning and fiscal~~) financial management shall be allowed. The maximum rate established by the director shall be based on the estimated cost of using a privately-owned vehicle on state business.

(2) The director of (~~the office of program planning and fiscal~~) financial management may prescribe and regulate the specific mileage rate or other allowance for the use of privately-owned vehicles or common carriers on official business and the conditions under which reimbursement of transportation costs may be allowed: PROVIDED, That reimbursement or other

payment for transportation expenses of any employee or appointive official of the state shall be based on the method deemed most advantageous and economical to the state.

(3) The initial maximum mileage rate established by the director of ~~((the office of program planning and fiscal))~~ financial management pursuant to this section and any subsequent changes thereto shall be subject to legislative approval.

Sec. 85. Section 4, chapter 312, Laws of 1977 ex. sess. and RCW 43.03.065 are each amended to read as follows:

The allowances prescribed pursuant to RCW 43.03.050 as now or hereafter amended may be paid as reimbursements to individuals for subsistence and lodging expenses during official travel. Alternatively, amounts not exceeding those allowances may be paid directly to appropriate suppliers of subsistence and lodging, when more economical and advantageous to the state, under general rules and regulations adopted by the director of ~~((the office of program planning and fiscal))~~ financial management with the advice of the state auditor. Payments to suppliers for subsistence and lodging expenses of individuals in travel status shall not result in a cost to the state in excess of what would be payable by way of reimbursements to the individuals involved.

Sec. 86. Section 2, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.120 are each amended to read as follows:

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 RCW 43.03.060, 43.03.110 through 43.03.210 including moving expenses of new employees, exempt or classified, and others, shall be subject to reasonable regulations promulgated by the ~~((budget))~~ director of financial management, 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. 87. Section 6, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.150 are each amended to read as follows:

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 of financial management.

Sec. 88. Section 12, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.210 are each amended to read as follows:

The ((~~budget~~)) director of financial management may prescribe rules and regulations to assist in carrying out the purposes of RCW 43.03.150 through 43.03.210 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.

Sec. 89. Section 43.08.060, chapter 8, Laws of 1965 as amended by section 1, chapter 16, Laws of 1977 and RCW 43.08.060 are each amended to read as follows:

All persons required by law to pay any moneys into the state treasury, or to transmit any public funds to the state treasurer on state accounts, shall, at the time of making such payments or transmissions specify the amount and date of such payment, and for what particular fund or account.

For all sums of money so paid the state treasurer shall forthwith give duplicate receipts in accordance with the rules and regulations promulgated by the office of ((~~program planning and fiscal~~)) financial management as authorized by RCW 43.88.160(1).

Sec. 90. Section 43.08.110, chapter 8, Laws of 1965 and RCW 43.08.110 are each amended to read as follows:

The fiscal agent shall issue the necessary receipts for all moneys collected, and such receipts shall show the date when paid, the amount, from whom received, and on what account the money was collected.

One or more copies of such receipt shall be given to the persons from whom the money was received, and one copy shall be given to the ((~~budget~~)) director of financial management.

Sec. 91. Section 43.09.050, chapter 8, Laws of 1965 as last amended by section 40, chapter 75, Laws of 1977 and by section 7, chapter 144, Laws of 1977 ex. sess. and RCW 43.09.050 are each amended and reenacted to read as follows:

The auditor shall:

(1) Except as otherwise specifically provided by law, audit the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

(2) In his discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(3) Inform the attorney general in writing of the necessity for him to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

(4) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his office;

(5) Report to the ~~((chief fiscal officer of the executive branch))~~ director of financial management in writing the names of all persons who have received any moneys belonging to the state, and have not accounted therefor;

(6) Authenticate with his official seal papers issued from his office;

(7) Make his official report annually on or before the 31st of December.

Sec. 92. Section 1, chapter 17, Laws of 1975-'76 2nd ex. sess. and RCW 43.09.310 are each amended to read as follows:

The state auditor, through the division of departmental audits, shall make a post-audit of every state department at such reasonable periodic intervals as he shall determine but in each case an audit shall be conducted every two years: PROVIDED, That for any state department whose biennial appropriation is less than six hundred thousand dollars, such interval may exceed two years, but shall not exceed five years. A report shall be made of each post-audit upon completion thereof, and one copy shall be transmitted to the governor, one to the director of ~~((the office of program planning and fiscal))~~ financial management, one to the attorney general, one to the state department audited, one to the legislative budget committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor.

Sec. 93. Section 43.09.340, chapter 8, Laws of 1965 and RCW 43.09-.340 are each amended to read as follows:

The governor may, from time to time, provide for a post-audit of the books, accounts, and records of the state auditor, and the funds under his control, to be made either by independent qualified public accountants or the director of ~~((budget))~~ financial management, as he may determine. The expense of making such audit shall be paid from appropriations made therefor from the general fund.

Sec. 94. Section 2, chapter 71, Laws of 1971 ex. sess. as amended by section 2, chapter 146, Laws of 1974 ex. sess. and RCW 43.10.160 are each amended to read as follows:

The amounts to be disbursed from the legal services revolving fund from time to time shall be transferred thereto by the state treasurer from funds appropriated to any and all agencies for legal services or administrative expenses on a quarterly basis. Agencies operating in whole or in part from nonappropriated funds shall pay into the legal services revolving fund such funds as will fully reimburse funds appropriated to the attorney general for any legal services provided activities financed by nonappropriated funds.

The director of (~~(the office of program planning and fiscal)~~) financial management shall allot all such funds to the attorney general for the operation of his office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other agencies headed by elected officers under chapter 43.88 RCW.

Sec. 95. Section 4, chapter 71, Laws of 1971 ex. sess. as amended by section 3, chapter 146, Laws of 1974 ex. sess. and RCW 43.10.180 are each amended to read as follows:

The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of (~~(the office of program planning and fiscal)~~) financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

Sec. 96. Section 5, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.190 are each amended to read as follows:

In cases where there are unanticipated demands for legal services or where there are insufficient funds on hand or available for payment through the legal services revolving fund or in other cases of necessity, the attorney general may request payment for legal services directly from agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of (~~(the office of program planning and fiscal)~~) financial management the agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of (~~(the office of program planning and fiscal)~~) financial management.

Sec. 97. Section 43.19.1902, chapter 8, Laws of 1965 as last amended by section 3, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1902 are each amended to read as follows:

There is hereby created a state supply management advisory board which shall consist of twelve members as follows: The director of general administration as chairman, and a representative from each of the following eight 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)~~) transportation, the department of

social and health services, the department of natural resources, the University of Washington, Washington State University, the state board for community college education, the superintendent of public instruction, and the office of (~~program planning and fiscal~~) financial management. In addition, three members shall be appointed by the governor to the board from the private sector: PROVIDED, That special care shall be exercised to select private sector representatives without a conflict of interest involving sale, lease or rental of property, material, supplies, equipment, commodities, or services to the state of Washington. Members of the board shall serve without additional compensation and at the pleasure of the governor, but shall be reimbursed for subsistence, lodging, and travel expenses as provided in chapter 43.03 RCW, as now or hereafter amended. Board members from the private sector shall be reimbursed from appropriated funds allocated to the division of purchasing. All other board members shall be reimbursed from funds appropriated for their respective agencies. Seven members of the board shall constitute a quorum. The board 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.

Sec. 98. Section 6, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.19052 are each amended to read as follows:

Initial policy determinations for the functions described in RCW 43.19-.1905 shall be developed and published within the 1975-77 biennium by the director, after consultation with the supply management advisory board for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director, after consultation with the advisory board, in future biennia as required to maintain an efficient and up-to-date state supply management system. The director shall transmit to the governor and the legislature in June 1976 and June 1977 a progress report which indicates the degree of accomplishment of each of these assigned duties, and which summarizes specific achievements obtained in increased effectiveness and dollar savings or cost avoidance within the overall state purchasing and material control system. The second progress report in June 1977 shall include a comprehensive supply management plan which includes the recommended organization of a state-wide purchasing and material control system and development of an orderly schedule for implementing such recommendation. In the interim between these annual progress reports, the director shall furnish periodic reports to the office of (~~program planning and fiscal~~) financial management and the legislative budget committee for review of progress being accomplished in achieving increased efficiencies and dollar savings or cost avoidance.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director, in consultation with the supply management advisory board, and through the state purchasing and material control director, shall have the authority to direct and require the submittal of data from all state organizations concerning purchasing and material control matters.

Sec. 99. Section 6, chapter 104, Laws of 1967 ex. sess. as amended by section 10, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19-.1918 are each amended to read as follows:

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 in coordination with the director of (~~(program planning and fiscal)~~) financial management to assure establishment of standard state-wide accounting policies and regulations for such records.

Sec. 100. Section 43.19.1921, chapter 8, Laws of 1965 and RCW 43-.19.1921 are each amended to read as follows:

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

(1) Establish and maintain warehouses hereinafter referred to as "central stores" for the centralized storage and distribution of such supplies, equipment, and other items of common use in order to effect economies in the purchase of supplies and equipment for state agencies. To provide central stores warehouse facilities the division of purchasing may, by arrangement with the state agencies, utilize any surplus available state owned space, and may acquire other needed warehouse facilities by lease or purchase of the necessary premises;

(2) Provide for the central salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies, and also by means of such a service provide an equipment pool for effecting sales and exchanges of surplus and unused property by and between state agencies. Funds derived from the sale and exchange of property shall be placed to the account of the appropriate state agency on the central stores accounts but such funds may not be expended through central stores without prior approval of the (~~(central budget agency)~~) office of financial management.

Sec. 101. Section 2, chapter 159, Laws of 1971 ex. sess. and RCW 43-.19.500 are each amended to read as follows:

There is hereby created a fund within the state treasury designated as the "department of general administration facilities and services revolving fund". Such revolving fund shall be used by the department of general administration for the payment of certain costs, expenses, and charges, as hereinafter specified, incurred by it in the operation and administration of the department in the rendering of services, the furnishing or supplying of equipment, supplies and materials, and for providing or allocating facilities, including the operation, maintenance, rehabilitation, or furnishings thereof to other agencies, offices, departments, activities, and other entities enumerated in RCW 43.01.090.

The schedule of services, facilities, equipment, supplies, materials, maintenance, rehabilitation, furnishings, operations, and administration to be so financed and recovered shall be determined jointly by the director of general administration and the director of (~~the office of program planning and fiscal~~) financial management, in amounts which, together with any other income or appropriation, will provide the department of general administration with funds to meet its anticipated expenditures during any allotment period.

The director of general administration may promulgate rules and regulations governing the provisions of RCW 43.01.090 and this section and the relationships and procedures between the department of general administration and such other entities.

Sec. 102. Section 10, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.600 are each amended to read as follows:

(1) On or after July 1, 1975, any passenger motor vehicles currently owned or hereafter acquired by any state agency, except vehicles acquired from federal granted funds and over which the federal government retains jurisdiction and control, may be purchased by or transferred to the department of general administration with the consent of the state agency concerned. The director of general administration may accept vehicles subject to the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 prior to July 1, 1975, if he deems it expedient to accomplish an orderly transition.

(2) The department, in cooperation with the office of (~~program planning and fiscal~~) financial management, shall study and ascertain current and prospective needs of state agencies for passenger motor vehicles and shall recommend transfer to a state motor pool or other appropriate disposition of any vehicle found not to be required by a state agency.

(3) The automotive policy board shall direct the transfer of passenger motor vehicles from a state agency to a state motor pool or other disposition as appropriate, based on a study under subsection (2) of this section, or after a public hearing if a finding is made based on testimony and data

therein submitted that the economy, efficiency, or effectiveness of state government would be improved by such a transfer or other disposition of passenger motor vehicles. Any dispute over the accuracy of testimony and data submitted as to the benefits in state governmental economy, efficiency, and effectiveness to be gained by such transfer shall be resolved by a majority vote of the automotive policy board established by RCW 43.19.580.

Sec. 103. Section 14, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.620 are each amended to read as follows:

The director of general administration, through the supervisor of motor transport, shall adopt, promulgate, and enforce such regulations as may be deemed necessary to accomplish the purpose of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140. Such regulations, in addition to other matters, shall provide authority for any agency director or his delegate to approve the use on official state business of personally owned or commercially owned rental passenger motor vehicles. Before such an authorization is made, it must first be reasonably determined that state owned passenger vehicles or other suitable transportation is not available at the time or location required or that the use of such other transportation would not be conducive to the economical, efficient, and effective conduct of business.

Such regulations shall be consistent with and shall carry out the objectives of the general policies and guidelines adopted by the office of (~~program planning and fiscal~~) financial management pursuant to RCW 43.41.130, after approval by the automotive policy board.

Sec. 104. Section 16, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.630 are each amended to read as follows:

RCW 43.19.560 through 43.19.620, 43.41.130 and 43.41.140 shall not be construed to prohibit a state officer or employee from using his personal motor vehicle on state business and being reimbursed therefor, where permitted under state travel policies, rules, and regulations promulgated by the office of (~~program planning and fiscal~~) financial management after concurrence of the automotive policy board, and where such use is in the interest of economic, efficient, and effective management and performance of official state business.

Sec. 105. Section 1, chapter 86, Laws of 1977 ex. sess. and RCW 43.19.640 are each amended to read as follows:

It is the intent of RCW 43.19.640 through 43.19.665 that the current activities of the printing and duplicating committee, presently fragmented within the department of general administration, the office of the public printer, and the office of (~~program planning and fiscal~~) financial management, be consolidated as an organizational entity, within the department of general administration, which shall expire on June 30, 1981.

Sec. 106. Section 5, chapter 86, Laws of 1977 ex. sess. and RCW 43.19.660 are each amended to read as follows:

The operation of the printing and duplicating management center shall be financed by the director of the department of general administration from moneys appropriated by the legislature.

The director of the department of general administration shall be responsible for establishing realistic fees to be charged for services rendered by the printing and duplicating management center. The director of (~~the office of program planning and fiscal~~) financial management shall approve any fees prior to their implementation. All fees and charges collected for services rendered by the printing and duplicating management center shall be deposited in the general fund. It is the intent of RCW 43.19.640 through 43.19.665 that the fees paid by the agencies and the savings experienced from the activities of the printing and duplicating management center shall more than offset the operating costs of the center.

The director of the department of general administration shall, in December of each calendar year, submit a report of all reported savings by each agency for the year to the senate committee on ways and means, the house committee on appropriations, and the legislative budget committee.

Sec. 107. Section 11, chapter 179, Laws of 1974 ex. sess. and RCW 43-.21C.140 are each amended to read as follows:

Each state agency, political subdivision, municipal and public corporation, and county shall review all actions taken to implement this chapter (the state environmental policy act) and may submit a report of such actions to the office of (~~program planning and fiscal~~) financial management, which shall compile and analyze such data and prepare a report which shall be submitted to the forty-fifth regular session of the legislature. In addition information on the cost of implementation and administration of the act shall be included in such report including the cost of preparation of all detailed statements since May 5, 1974.

Sec. 108. Section 43.30.240, chapter 8, Laws of 1965 and RCW 43.30-.240 are each amended to read as follows:

The transfer of equipment, funds and appropriations from agencies that are not abolished by this chapter to the department, as provided in RCW 43.30.220 and 43.30.230, shall be accomplished in accordance with apportionments among the several agencies by the director of (~~the budget~~) financial management, 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~~) financial management 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.

Sec. 109. Section 1, chapter 239, Laws of 1969 ex. sess. and RCW 43-41.030 are each amended to read as follows:

The legislature finds that the need for long-range state program planning and for the short-range planning carried on through the budget process, complement each other. The biennial budget submitted to the legislature must be considered in the light of the longer-range plans and goals of the state. The effectiveness of the short-range plan presented as budget proposals, cannot be measured without being aware of these longer-range goals. Thus efficient management requires that the planning and fiscal activities of state government be integrated into a unified process. It is the purpose of this chapter to bring these functions together in a new division of the office of the governor to be called the office of (~~(program planning and fiscal)~~) financial management.

Sec. 110. Section 2, chapter 239, Laws of 1969 ex. sess. and RCW 43-41.040 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Office" means the office of (~~(program planning and fiscal)~~) financial management.

(2) "Director" means the director of (~~(program planning and fiscal)~~) financial management.

Sec. 111. Section 3, chapter 239, Laws of 1969 ex. sess. and RCW 43-41.050 are each amended to read as follows:

There is created in the office of the governor, the office of (~~(program planning and fiscal)~~) financial management which shall be composed of the present central budget agency and the state planning, program management, and population and research divisions of the present planning and community affairs agency. Any powers, duties and functions assigned to the central budget agency, or any state planning, program management, or population and research functions assigned to the present planning and community affairs agency by the 1969 legislature, shall be transferred to the office of (~~(program planning and fiscal)~~) financial management.

Sec. 112. Section 4, chapter 239, Laws of 1969 ex. sess. and RCW 43-41.060 are each amended to read as follows:

The executive head of the office of (~~(program planning and fiscal)~~) financial management shall be the director, who shall be appointed by the governor with the consent of the senate, and who shall serve at the pleasure of the governor. He shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his position 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 may delegate such of his powers, duties and functions to other officers and employees

of the department as he may deem necessary to the fulfillment of the purposes of this chapter.

Sec. 113. Section 6, chapter 239, Laws of 1969 ex. sess. and RCW 43-.41.080 are each amended to read as follows:

The director may appoint such deputy directors and assistant directors as shall be needed to administer the office of (~~(program planning and fiscal)~~) financial management. The officers appointed under this section and exempt from the provisions of the state civil service law by the terms of RCW 41.06.075, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

Sec. 114. Section 8, chapter 239, Laws of 1969 ex. sess. and RCW 43-.41.100 are each amended to read as follows:

The director of (~~(program planning and fiscal)~~) financial management shall:

(1) Supervise and administer the activities of the office of (~~(program planning and fiscal)~~) financial management.

(2) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget and accounting system.

(3) Advise the governor and the legislature with respect to matters affecting program management and planning.

(4) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make confidential reports to the governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning.

The director may enter into contracts on behalf of the state to carry out the purposes of this chapter; he may act for the state in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter; and he may accept gifts and grants, whether such grants be of federal or other funds.

Sec. 115. Section 5, chapter 128, Laws of 1977 ex. sess. and RCW 43-.41.102 are each amended to read as follows:

Subject to a specific appropriation for that purpose, the director of (~~(the office of program planning and fiscal)~~) financial management is hereby authorized and directed to contract with the United States bureau of census for collection and tabulation of block statistics in any or all cities and towns.

Sec. 116. Section 10, chapter 144, Laws of 1977 ex. sess. and RCW 43-.41.104 are each amended to read as follows:

Upon receipt of information from the state auditor as provided in RCW 43.09.050(5) as now or hereafter amended, the ~~((chief fiscal officer of the executive branch))~~ director of financial management shall require all persons who have received any moneys belonging to the state and have not accounted therefor, to settle their accounts and make payment thereof.

Sec. 117. Section 11, chapter 144, Laws of 1977 ex. sess. and RCW 43.41.106 are each amended to read as follows:

The ~~((chief fiscal officer of the executive branch))~~ director of financial management may, in his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it.

***Sec. 118. Section 5, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.41.130 are each amended to read as follows:**

The director of ~~((the office of program planning and fiscal))~~ financial management, after consultation with other interested or affected state agencies and approval of the automotive policy board established pursuant to RCW 43.19.580, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. Any use other than such defined use shall be considered as personal use.

***Sec. 118. was vetoed, see message at end of chapter.**

Sec. 119. Section 15, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.41.140 are each amended to read as follows:

Pursuant to policies and regulations promulgated by the office of ~~((program planning and fiscal))~~ financial management after consultation with and approval by the automotive policy board, an elected state officer or his delegate or a state agency director or his delegate may permit employee commuting in a state owned or leased vehicle only if such travel is on official business, as determined in accordance with RCW 43.41.130, and is determined to be economical and advantageous to the state.

Sec. 120. Section 13, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.900 are each amended to read as follows:

All employees of the central budget agency and of the state planning, program management, and population and research divisions of the planning and community affairs agency, as well as any other employees of the planning and community affairs agency engaged in duties pertaining to the functions transferred by this chapter, shall be transferred to the jurisdiction of the office of ~~((program planning and fiscal))~~ financial management. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the

same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

Sec. 121. Section 14, chapter 239, Laws of 1969 ex. sess. and RCW 43-.41.910 are each amended to read as follows:

All reports, documents, surveys, books, records, files, papers or other writings in the possession of the central budget agency and the planning and community affairs agency relating to the functions transferred by this chapter, shall be delivered to the custody of the office of (~~(program planning and fiscal)~~) financial management. All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the functions transferred by this chapter shall be made available to the office. All funds, credits or other assets held in connection with the functions herein transferred shall be assigned to the office.

Sec. 122. Section 15, chapter 239, Laws of 1969 ex. sess. and RCW 43-.41.920 are each amended to read as follows:

All state officials required to maintain contacts with or provide services to the central budget agency or the planning and community affairs agency in connection with any of the functions transferred by this chapter, shall continue to maintain contacts with and provide services to the office of (~~(program planning and fiscal)~~) financial management, unless this or any concurrent act of the 1969 legislature shall indicate otherwise.

Sec. 123. Section 16, chapter 239, Laws of 1969 ex. sess. and RCW 43-.41.930 are each amended to read as follows:

Any appropriations heretofore made to the planning and community affairs agency or the central budget agency for the purpose of carrying out the powers, duties and functions transferred by this chapter shall on August 11, 1969 be transferred and credited to the office of (~~(program planning and fiscal)~~) financial management for the purpose of carrying out such transferred powers, duties and functions.

Sec. 124. Section 17, chapter 195, Laws of 1977 ex. sess. and RCW 43-.51A.040 are each amended to read as follows:

Prior to July 1, 1977:

(1) All reports, documents, surveys, books, records, files, and papers or other writings in the possession of the Washington state parks and recreation commission and pertaining to the functions affected by this 1977 amendatory act, shall be delivered to the custody of the preservation officer; and

(2) All funds, credits, appropriations, or other assets held in connection with the functions affected and transferred by this 1977 amendatory act shall be transferred to or assigned to the office: **PROVIDED**, That whenever any question arises as to the transfer of any funds, including unexpended

balances within any accounts, the director of (~~((program planning and fiscal))~~) financial management, or the director's designee, shall make a determination as to the proper allocation and certify the same to the concerned state agencies. If apportionments of budgeted funds are required because of the transfers authorized, the director of (~~((program planning and fiscal))~~) financial management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each agency shall make the appropriate transfer and adjustments in funds and appropriation accounts in accordance with such certification.

Sec. 125. Section 10, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.901 are each amended to read as follows:

All reports, documents, surveys, books, records, files, papers, or other writings in the possession of all departments and agencies of state government concerned with veterans services, and pertaining to the functions affected by this chapter, shall be delivered to the custody of the department of veterans affairs. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers and duties transferred by this chapter shall be made available to the department. All funds, credits, or other assets held in connection with the functions transferred by this chapter shall be assigned to the department.

Any appropriations made to the department of social and health services or other departments or agencies affected by this chapter for the purpose of carrying out the powers and duties transferred by this chapter, shall on June 25, 1976, be transferred and credited to the department of veterans affairs for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this chapter, the director of (~~((program planning and fiscal))~~) financial management or successor thereto shall make a determination as to the proper allocation and certify the same to the state departments and agencies concerned.

Sec. 126. Section 12, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.903 are each amended to read as follows:

If apportionments of budgeted funds are required because of the transfers authorized by this chapter, the director of (~~((program planning and fiscal))~~) financial management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

Sec. 127. Section 43.62.010, chapter 8, Laws of 1965 as amended by section 121, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.62-.010 are each amended to read as follows:

If the state or any of its political subdivisions, or other agencies, use the population studies services of the ((board)) office of financial management or the successor thereto, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. Expenditures shall be paid out of funds allocated to cities and towns under RCW 82.44.150, as derived from section 5, chapter 152, Laws of 1945, and shall be paid from said fund before any allocations or payments are made to cities and towns under said act.

Sec. 128. Section 43.62.020, chapter 8, Laws of 1965 and RCW 43.62-.020 are each amended to read as follows:

Whenever cities and towns of the state are, by law, allocated and entitled to be paid any funds or state moneys from any source, and the allocation and payment is required to be made on a populations basis, notwithstanding the provisions of any other law to the contrary, all such allocations shall be made on the basis of the population of the respective cities and towns as last determined by the ((state census board)) office of financial management: PROVIDED, That the regular federal decennial census figures released for cities and towns shall be considered by the ((board)) office of financial management in determining the population of cities and towns.

Sec. 129. Section 43.62.030, chapter 8, Laws of 1965 as last amended by section 61, chapter 75, Laws of 1977 and RCW 43.62.030 are each amended to read as follows:

The office of ((program planning and fiscal)) financial management shall annually as of April 1st, determine the populations of all cities and towns of the state; and on or before July 1st of each year, shall file with the secretary of state a certificate showing its determination as to the populations of cities and towns of the state. A copy of such certificate shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and on and after January 1st next following the date when such certificate or certificates are filed, the population determination shown in such certificate or certificates shall be used as the basis for the allocation and payment of state funds, to cities and towns until the next January 1st following the filing of successive certificates by the agency: PROVIDED, That whenever territory is annexed to a city or town, the population of the annexed territory shall be added to the population of the annexing city or town upon the effective date of the annexation as specified in the relevant ordinance, and upon approval of the agency as provided in RCW 35.13.260, as now or hereafter amended, a revised certificate reflecting the determination of the population as increased from such annexation shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and upon and after the date

of the commencement of the next quarterly period, the population determination indicated in such revised certificate shall be used as the basis for allocation and payment of state funds to such city or town until the next annual population determination becomes effective: PROVIDED FURTHER, That whenever any city or town becomes incorporated subsequent to the determination of such population, the populations of such cities and towns as shown in the records of incorporation filed with the secretary of state shall be used in determining the amount of allocation and payments, and the agency shall so notify the proper state officials or departments, and such cities and towns shall be entitled to participate in allocations thereafter made: PROVIDED FURTHER, That in case any incorporated city or town disincorporates subsequent to the filing of such certificate or certificates, the agency shall promptly notify the proper state officials or departments thereof, and such cities and towns shall cease to participate in allocations thereafter made, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns. The secretary of state shall promptly notify the agency of the incorporation of each new city and town and of the disincorporation of any cities or towns.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate due to an annexation is forwarded by the agency thirty days or less prior to the commencement of the next quarterly period, the population of the annexed territory shall not be considered until the commencement of the following quarterly period.

Sec. 130. Section 43.62.040, chapter 8, Laws of 1965 as amended by section 25, chapter 278, Laws of 1975 1st ex. sess. and RCW 43.62.040 are each amended to read to follows:

The department of revenue or any other state officer or officials of cities, towns, or counties shall upon request of the ~~((board))~~ office of financial management furnish such information, aid, and assistance as may be required by the ~~((board))~~ office of financial management in the performance of its ~~((duties))~~ population studies. The action of the ~~((board))~~ office of financial management in determining the population shall be final and conclusive.

Sec. 131. Section 43.62.050, chapter 8, Laws of 1965 as last amended by section 62, chapter 75, Laws of 1977 and RCW 43.62.050 are each amended to read as follows:

The office of ~~((program planning and fiscal))~~ financial management shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges, and universities. A current report of such forecasts shall be submitted to the standing committees on ways and means of the house and the senate on or before the fifteenth day of November of each even-numbered year.

Sec. 132. Section 7, chapter 74, Laws of 1967 as amended by section 28, chapter 151, Laws of 1977 ex. sess. and RCW 43.63A.070 are each amended to read as follows:

The planning and community affairs agency shall have the following planning functions and responsibilities:

(1) Provide technical assistance to the governor and the legislature in identifying long range goals for the state;

(2) Prepare a state comprehensive plan as the state's long range public declaration of intent in developmental policy, for programming its facilities and services and for guidance of private activities and public programs at all levels of government. Plan elements may include but shall not be limited to transportation, scenic highways, public facilities, recreation, open spaces, natural resources, patterns of urban and rural development, and quality of the natural and man-made environment: PROVIDED, That plan elements relating to transportation shall be in accord with the state-wide transportation policies and plans developed by the transportation commission pursuant to RCW 47.01.071;

(3) Provide assistance and coordination to other state agencies for preparation of agency plans and programs;

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds;

(5) Participate with other states or subdivisions thereof in interstate planning, and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions in planning;

(6) Assist the office of (~~program planning and fiscal~~) financial management in capital improvement programming and other programming activities;

(7) Encourage educational and research programs that further planning and community development, and provide administrative and technical services therefor.

Sec. 133. Section 1, chapter 53, Laws of 1969 ex. sess. as amended by section 64, chapter 75, Laws of 1977 and RCW 43.63A.085 are each amended to read as follows:

The office of (~~program planning and fiscal~~) financial management shall provide by administrative regulation for the maintenance of an inventory of all state owned or controlled land resources by all state agencies owning or controlling land. That office shall cooperate with the state departments and agencies charged with administering state owned and/or controlled land resources to assist them in developing and maintaining land resources inventories that will permit their respective inventories to be summarized into meaningful reports for the purposes of providing executive agencies with information for planning, budgeting, and managing state

owned or administered land resources and to provide the legislature, its members, committees, and staff with data needed for formulation of public policy.

Such departments or agencies shall maintain and make available such summary inventory information as may be prescribed by the rules and regulations of the office of (~~(program planning and fiscal)~~) financial management. That office shall give each affected department or agency specific written notice of hearings for consideration, adoption, or modification of such rules and regulations. All information submitted to that office as provided herein shall be a matter of public record and shall be available from said agency upon request.

Sec. 134. Section 43.78.070, chapter 8, Laws of 1965 and RCW 43.78-.070 are each amended to read as follows:

The public printer shall use the state printing plant upon the following conditions, to wit:

(1) He shall do the public printing, and charge therefor the fees as provided by law. He may print the Washington Reports for the publishers thereof under a contract approved in writing by the governor.

(2) The gross income of the public printer shall be deposited in an account designated "state printing plant revolving fund" in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:

First, in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: PROVIDED, That no machinery shall be purchased except on written approval of the governor;

Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;

Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;

Fourth, in remitting the balance to the state treasurer for the general fund: PROVIDED, That a reasonable sum to be determined by the governor, the public printer, and the director of (~~(budget)~~) financial management shall be retained in the fund for working capital for the public printer.

Sec. 135. Section 43.88.020, chapter 8, Laws of 1965 as last amended by section 4, chapter 83, Laws of 1975-'76 2nd ex. sess. and RCW 43.88-.020 are each amended to read as follows:

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

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

(3) "Director of (~~(program planning and fiscal)~~) financial management" shall mean the official appointed by the governor to serve at the governor's

pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of ~~((program planning and fiscal))~~ financial management shall be head of the office of ~~((program planning and fiscal))~~ financial management which shall be in the office of the governor.

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

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

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

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

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

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

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

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

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

Sec. 136. Section 10, chapter 239, Laws of 1969 ex. sess. and RCW 43-88.025 are each amended to read as follows:

Unless the context clearly requires a different interpretation, whenever "~~((budget))~~ director" is used in this chapter, it shall mean the director of

~~((program planning and fiscal))~~ financial management created in RCW 43.41.060.

Sec. 137. Section 43.88.090, chapter 8, Laws of 1965 as last amended by section 5, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.090 are each amended to read as follows:

For purposes of developing his budget proposals to the legislature, the governor shall have the power, and it shall be his duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as he shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of ~~((program planning and fiscal))~~ financial management. In the year of the gubernatorial election, the governor shall invite the governor-elect or his designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or his designee with such information as will enable him to gain an understanding of the state's budget requirements. The governor-elect or his designee may ask such questions during the hearings and require such information as he deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 138. Section 43.88.110, chapter 8, Laws of 1965 as amended by section 6, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.110 are each amended to read as follows:

Subdivisions (1) and (2) of this section set forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch.

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

made for agencies headed by elective officials. The aggregate of the allotments for any agency shall not exceed the total of appropriations available to the agency concerned for the fiscal period.

(2) Except for agencies headed by elective officials, approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, he shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, and with the exception stated in this section for allotments involving agencies headed by elective officials the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation which in the governor's discretion is not needed for the allotment. No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter.

Sec. 139. Section 43.88.160, chapter 8, Laws of 1965 as last amended by section 8, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.160 are each amended to read as follows:

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

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

In addition, the director of (~~(program planning and fiscal)~~) financial management, as agent of the governor, shall:

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

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

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

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

(e) 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 director of (~~program planning and fiscal~~) financial management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such

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

(3) The state auditor shall:

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

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

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

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

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related

in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of (~~program planning and fiscal~~) financial management. It shall be the duty of the director of (~~program planning and fiscal~~) financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

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

(4) The legislative budget committee may:

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

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

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

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

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

Sec. 140. Section 1, chapter 248, Laws of 1969 ex. sess. as last amended by section 109, chapter 169, Laws of 1977 ex. sess. and RCW 43.88.195 are each amended to read as follows:

After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, regional universities, The Evergreen State College, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the office of (~~program planning and fiscal~~) financial management shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the director of (~~the office of program planning and fiscal~~) financial management authorizes the creation of such fund or account, he shall forthwith give written notice of the fact to the standing committees on ways and means of the house and senate.

Sec. 141. Section 4, chapter 41, Laws of 1967 ex. sess. as last amended by section 10, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.205 are each amended to read as follows:

(1) 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, give notice in such form and manner as the director of (~~(program planning and fiscal)~~) financial management may prescribe, or the chairman of the legislative budget committee, standing committees on ways and means of the house and senate, the chief clerk of the house, or the secretary of the senate may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested 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 if such is requested.

Sec. 142. Section 1, chapter 23, Laws of 1977 and RCW 43.88.500 are each amended to read as follows:

The legislature finds that members of boards, commissions, councils, and committees in state government make a valuable contribution to the public welfare.

Nevertheless, the legislature also finds that the continued proliferation of both statutory and nonstatutory groups of this nature without effective, periodic review of existing groups can result in wasteful duplication of effort, fragmentation of administrative authority, lack of accountability, plus an excessive and frequently hidden financial burden on the state.

The legislature further finds that effective legislative oversight and review of boards, commissions, councils, and committees is frustrated by a lack of current and reliable information on the status and activities of such groups.

The legislature declares that legislative oversight and overall accountability in state government can be significantly improved by creating in the office of (~~(program planning and fiscal)~~) financial management a central clearinghouse for information on boards, commissions, councils, and committees.

Sec. 143. Section 2, chapter 23, Laws of 1977 and RCW 43.88.505 are each amended to read as follows:

(1) The director of (~~(program planning and fiscal)~~) financial management shall compile, and revise within ninety days after the beginning of

each biennium, a current list of all permanent and temporary, statutory and nonstatutory boards, commissions, councils, committees, and other groups of similar nomenclature that are established by the executive, legislative, or judicial branches of state government and whose members are eligible to receive travel expenses for their meetings in accordance with RCW 43.03-.050 and 43.03.060 as now existing or hereafter amended.

(2) Such list shall include but not be limited to any such group which:

(a) Functions primarily in an advisory, planning, or coordinating capacity;

(b) Performs advertising, research, promotional, or marketing services for a specific business, industry, or occupation; or

(c) Performs licensing, regulatory, or quasi-judicial functions, adopts rules, or has responsibility for the administration or policy direction of a state agency or program.

(3) Such list shall contain the following information for each board, commission, council, committee, or other group of similar nomenclature:

(a) The legal authorization for the creation of the group;

(b) The number of members on the group, the appointing authority, and the agency to which the group reports;

(c) The number of meetings held during the preceding biennium;

(d) A brief summary of the primary responsibilities of the group;

(e) The total estimated cost of operating the group during the preceding biennium and the estimated cost of the group during the ensuing biennium. Such cost data shall include the estimated administrative expenses of the group as well as the estimated cost to an agency of providing full time equivalent or part time supporting staff to the group; and

(f) The source of funding for the group.

Sec. 144. Section 3, chapter 23, Laws of 1977 and RCW 43.88.510 are each amended to read as follows:

Not later than ninety days after the beginning of each biennium, the director of (~~(program planning and fiscal)~~) financial management shall submit the compiled list of boards, commissions, councils, and committees, together with the information on each such group, that is required by RCW 43.88.505 to:

(1) The speaker of the house and the president of the senate for distribution to the appropriate standing committees; and

(2) The legislative budget committee.

Sec. 145. Section 4, chapter 23, Laws of 1977 and RCW 43.88.515 are each amended to read as follows:

(1) In order to facilitate the compilation of data required by RCW 43-.88.505, each agency of the executive, legislative, and judicial branches of state government shall submit to the director of (~~(program planning and fiscal)~~) financial management a current list of the permanent and temporary, statutory and nonstatutory boards, commissions, councils, committees,

and other groups of similar nomenclature that report to, or are involved in the operation of, the agency and whose members are eligible to receive travel expenses for their meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) Such list shall contain the administrative and cost information for each group that is prescribed in RCW 43.88.505(3).

(3) The director of (~~(program planning and fiscal)~~) financial management shall establish guidelines and a format for agencies to follow in submitting information on boards, commissions, councils, and committees.

Sec. 146. Section 2, chapter 25, Laws of 1977 ex. sess. and RCW 43.88A.020 are each amended to read as follows:

The office of (~~(program planning and fiscal)~~) financial management shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of fiscal notes on the expected impact of bills and resolutions which increase or decrease or tend to increase or decrease state government revenues or expenditures. Such fiscal notes shall indicate by fiscal year the impact for the remainder of the biennium in which the bill or resolution will first take effect as well as a cumulative forecast of the fiscal impact for the succeeding four fiscal years.

In establishing the fiscal impact called for pursuant to this chapter, the office of (~~(program planning and fiscal)~~) financial management shall coordinate the development of fiscal notes with all state agencies affected.

Sec. 147. Section 3, chapter 25, Laws of 1977 ex. sess. and RCW 43.88A.030 are each amended to read as follows:

When a fiscal note is prepared and approved as to form, accuracy, and completeness by the office of (~~(program planning and fiscal)~~) financial management, which depicts the expected fiscal impact of a bill or resolution, copies shall be filed immediately with:

(1) The chairperson of the committee to which the bill or resolution was referred upon introduction in the house of origin;

(2) The senate committee on ways and means, or its successor;

(3) The house committees on revenue and appropriations, or their successors; and

(4) The legislative budget committee.

Whenever possible, such fiscal note shall be provided prior to or at the time the bill or resolution is first heard by the committee of reference in the house of origin.

Sec. 148. Section 4, chapter 25, Laws of 1977 ex. sess. and RCW 43.88A.040 are each amended to read as follows:

The office of (~~(program planning and fiscal)~~) financial management shall also provide a fiscal note on any legislative proposal at the request of any legislator. Such fiscal note shall be returned to the requesting legislator,

and copies shall be filed with the appropriate legislative committees pursuant to RCW 43.88A.030 at the time such proposed legislation is introduced in either house.

Sec. 149. Section 2, chapter 19, Laws of 1977 ex. sess. and RCW 43.132.020 are each amended to read as follows:

The director of (~~the office of program planning and fiscal~~) financial management or the director's designee shall, in cooperation with appropriate legislative committees and legislative staff, establish a mechanism for the determination of the fiscal impact of proposed legislation which if enacted into law would directly or indirectly increase or decrease revenues received or expenditures incurred by counties, cities, towns, or any other political subdivisions of the state. The office of (~~program planning and fiscal~~) financial management shall, when requested by a member of the state legislature, report in writing as to such fiscal impact and said report shall be known as a "fiscal note".

Such fiscal notes shall indicate by fiscal year the total impact on the subdivisions involved for the first two years the legislation would be in effect and also a cumulative six year forecast of the fiscal impact. Where feasible and applicable, the fiscal note also shall indicate the fiscal impact on each individual county or on a representative sampling of cities, towns, or other political subdivisions.

A fiscal note as defined in this section shall be provided only upon request of any member of the state legislature. A legislator also may request that such a fiscal note be revised to reflect the impact of proposed amendments or substitute bills. Fiscal notes shall be completed within seventy-two hours of the request unless a longer time period is allowed by the requesting legislator. In the event a fiscal note has not been completed within seventy-two hours of a request, a daily report shall be prepared for the requesting legislator by the director of the office of (~~program planning and fiscal~~) financial management which report summarizes the progress in preparing the fiscal note. If the request is referred to the director of the planning and community affairs agency, the daily report shall also include the date and time such referral was made.

Sec. 150. Section 3, chapter 19, Laws of 1977 ex. sess. and RCW 43.132.030 are each amended to read as follows:

The director of (~~the office of program planning and fiscal~~) financial management is hereby empowered to designate the director of the planning and community affairs agency or its statutory successor as the official responsible for the preparation of fiscal notes authorized and required by this chapter. It is the intent of the legislature that when necessary the resources of other state agencies, appropriate legislative staffs, and the various associations of local government may be employed in the development of such fiscal notes.

Sec. 151. Section 4, chapter 19, Laws of 1977 ex. sess. and RCW 43-.132.040 are each amended to read as follows:

When a fiscal note is prepared and approved as to form and completeness by the director of (~~(the office of program planning and fiscal)~~) financial management, the director shall transmit copies immediately to:

- (1) The requesting legislator;
- (2) With respect to proposed legislation held by the senate, the chairperson of the committee which holds or has acted upon the proposed legislation, the chairperson of the ways and means committee, the chairperson of the local government committee, and the secretary of the senate;
- (3) With respect to proposed legislation held by the house of representatives, the chairperson of the committee which holds or has acted upon the proposed legislation, the chairpersons of the revenue and taxation and appropriations committees, the chairperson of the local government committee, and the chief clerk of the house of representatives; and
- (4) The legislative budget committee.

Sec. 152. Section 5, chapter 19, Laws of 1977 ex. sess. and RCW 43-.132.050 are each amended to read as follows:

The office of (~~(program planning and fiscal)~~) financial management and the legislative budget committee may make additional copies of the fiscal note available to members of the legislature and others on request.

At the request of any member of the senate or house of representatives, whichever is considering the proposed legislation, and unless it is prohibited by the rules of the body, copies of the fiscal note or a synopsis thereof shall be placed on the members' desks at the time the proposed legislation takes its place on the second reading calendar.

Whenever proposed legislation accompanied by such a fiscal note is passed by either the senate or the house of representatives, the fiscal note shall be transmitted with the bill to the other house.

Sec. 153. Section 6, chapter 36, Laws of 1947 as last amended by section 4, chapter 134, Laws of 1967 ex. sess. 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 of financial management 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. 154. Section 9, chapter 265, Laws of 1969 ex. sess. and RCW 44-.30.050 are each amended to read as follows:

The members of the committee shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittee of the committee or while engaged in other committee business authorized by the committee in accordance with standard legislative per diem and travel rates. All expenses incurred by the committee including salaries of the employees shall be paid upon voucher forms as provided by the office of (~~program planning and fiscal~~) financial management and signed by the chairman of the committee, and approved by the secretary of the committee. The authority of said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

Sec. 155. Section 9, chapter 130, Laws of 1965 ex. sess. and RCW 44-.33.280 are each amended to read as follows:

The members of the committee shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittee of the committee or while engaged in other committee business authorized by the committee to the extent of twenty-five dollars per day plus ten cents per mile in going and coming from committee sessions or subcommittee meetings or for travel on other committee business authorized by the committee. All expenses incurred by the committee including salaries of the employees shall be paid upon voucher forms as provided by the (~~central budget agency~~) office of financial management and signed by the chairman of the committee and approved by the secretary of the committee and the authority of said chairman or said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

Sec. 156. Section 9, chapter 260, Laws of 1969 ex. sess. and RCW 44-.39.050 are each amended to read as follows:

All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the director of (~~program planning and fiscal~~) financial management 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.

Sec. 157. Section 39, chapter 3, Laws of 1963 ex. sess. as last amended by section 8, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.040 are each amended to read as follows:

The members of the legislative transportation committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120 as now or hereafter amended. All expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation committee, shall be paid upon voucher forms as provided by the office of (~~(program planning and fiscal)~~) financial management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

Sec. 158. Section 9, chapter 373, Laws of 1977 ex. sess. and RCW 44.48.090 are each amended to read as follows:

The committee shall have the following powers:

(1) To have timely access, upon written request of the administrator, to all machine readable, printed, and other data of state agencies relative to expenditures, budgets, and related fiscal matters;

(2) To suggest changes relative to state accounting and reporting systems to the office of (~~(program planning and fiscal)~~) financial management or its successor and to require timely written responses to such suggestions; and

(3) To enter into contracts; and when entering into any contract for computer access, make necessary provisions relative to the scheduling of computer time and usage in recognition of the unique requirements and priorities of the legislative process.

Sec. 159. Section 5, chapter 150, Laws of 1967 ex. sess. as last amended by section 4, chapter 218, Laws of 1977 ex. sess. and RCW 44.60.050 are each amended to read as follows:

The boards may meet as frequently as they deem necessary, whether or not the legislature is in session. Each board shall hold at least one public hearing each year at which the public will be permitted to testify only on matters relating to present or proposed legislative ethics codes, rules, and laws, as well as the functions and operations of the board. 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 travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended from funds appropriated for that purpose.

All expenses incurred by a board or any member thereof shall be paid upon voucher forms as provided by the (~~(budget)~~) director of financial management and signed by the chairman of the board or his designee:

PROVIDED, That vouchers for the expenses of the joint board shall be signed and attested by the chairman of the joint board.

Sec. 160. Section 7, chapter 204, Laws of 1963 and RCW 46.38.070 are each amended to read as follows:

Pursuant to Article VI(a) of the compact, the vehicle equipment safety commission shall submit its budgets to the (~~(budget)~~) director of financial management.

Sec. 161. Section 46.68.110, chapter 12, Laws of 1961 as last amended by section 1, chapter 100, Laws of 1975 1st ex. sess. and RCW 46.68.110 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the (~~(state highway commission)~~) department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the (~~(highway commission)~~) department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the (~~(state census board)~~) office of financial management.

Sec. 162. Section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 14, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.190 are each amended to read as follows:

(1) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 for that biennium, except calculations of needs shall be based upon a projection of needs for the ensuing six year period as determined by the (~~(state highway commission)~~) department of transportation. Except as otherwise provided in subsection (3) of this section, such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules and regulations of the urban arterial board.

(2) All amounts credited to the urban arterial trust account, except those provided for in subsection (3) of this section and except proceeds from the sale of first authorization bonds and any funds that may be required to repay such bonds or the interest thereon when due, after apportionment to each region, shall be divided on the basis of relative population established at the beginning of each biennium by the office of ~~((program planning and fiscal))~~ financial management between (a) the group of cities and that portion of those counties within federally approved urban areas and (b) the group of incorporated cities outside the boundaries of federally approved urban areas. Within each region, funds divided between the groups identified under (a) and (b) above shall then be allocated by the urban arterial board to incorporated cities and counties, as the case may be, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.

(3) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for each of the five regions for the apportionment of the proceeds from the sale of fifteen million dollars of series II bonds authorized by RCW 47.26.420, as now or hereafter amended, in the ratio which the population of the incorporated cities and towns lying outside the boundaries of federally approved urban areas of each region bears to the total population of all incorporated cities and towns of the state lying outside the boundaries of federally approved urban areas, as such populations are determined at the beginning of each biennium by the office of ~~((program planning and fiscal))~~ financial management. Such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules and regulations of the urban arterial board. Funds apportioned to each region shall be allocated by the urban arterial board to incorporated cities lying outside the boundaries of federally approved urban areas, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.

Sec. 163. Section 4, chapter 267, Laws of 1975 1st ex. sess. as amended by section 1, chapter 214, Laws of 1977 ex. sess. and RCW 47.26.281 are each amended to read as follows:

Urban arterial trust funds initially authorized by the state urban arterial board in the 1967-69 biennium for specific projects in cities over three hundred thousand population, as last determined by the office of ~~((program planning and fiscal))~~ financial management, shall remain obligated to such projects for the period through June 30, 1978, unless such project is earlier withdrawn or abandoned by the sponsoring city. This continued obligation of urban arterial trust funds shall be terminated for any project if the sponsoring city earlier provides written notice of withdrawal or abandonment of

the project to the urban arterial board or if the city acts to expend any other funds, exclusive of the required matching funds, which have heretofore been allocated or set aside to pay a part of the costs of such project.

After June 30, 1975, no additional urban arterial trust funds shall be expended for conceptual or feasibility studies of any project initially authorized prior to June 30, 1969 in a city of over three hundred thousand population, but such limitation shall not apply to the cost of preparing final plans, specifications and estimates or other contract documents required to advertise the project for competitive bids for its construction.

Sec. 164. Section 1, chapter 139, Laws of 1941 as last amended by section 1, chapter 88, Laws of 1974 ex. sess. and RCW 52.36.020 are each amended to read as follows:

Wherever a fire protection district has been organized which includes within its area or is adjacent to, buildings and equipment, except those leased to a nontax exempt person or organization, owned by the legislative or administrative authority of a state agency or institution or a municipal corporation, the agency or institution or municipal corporation involved shall contract with such district for fire protection services necessary for the protection and safety of personnel and property pursuant to the provisions of chapter 39.34 RCW, as now or hereafter amended: PROVIDED, That nothing in this section shall be construed to require that any state agency, institution, or municipal corporation contract for services which are performed by the staff and equipment of such state agency, institution, or municipal corporation: PROVIDED FURTHER, That nothing in this section shall apply to state agencies or institutions or municipal corporations which are receiving fire protection services by contract from another municipality, city, town or other entities: AND PROVIDED FURTHER, That school districts shall receive fire protection services from the fire protection districts in which they are located without the necessity of executing a contract for such fire protection services: PROVIDED FURTHER, That prior to September 1, 1974 the superintendent of public instruction, the insurance commissioner, the director of ~~((program planning and fiscal))~~ financial management, and the executive director of the Washington fire commissioners association, or their designees, shall develop criteria to be used by the insurance commissioner in establishing uniform rates governing payments to fire districts by school districts for fire protection services. On or before September 1, 1974, the insurance commissioner shall establish such rates to be payable by school districts on or before January 1st of each year commencing January 1, 1975, payable July 1, 1975: AND PROVIDED FURTHER, That beginning with the 1975-77 biennium and in each biennium thereafter the superintendent of public instruction shall present in his budget submittal to the governor an amount sufficient to reimburse affected school districts for the moneys necessary to pay the costs of the uniform rates established by the insurance commissioner.

Sec. 165. Section 7, chapter 366, Laws of 1977 ex. sess. and RCW 54.28.055 are each amended to read as follows:

(1) After computing the tax imposed by RCW 54.28.025, the department of revenue shall instruct the state treasurer to distribute the amount collected as follows:

(a) Fifty percent to the state general fund for the support of schools; and

(b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts.

(2) Each county, city, fire protection district and library district shall receive a percentage of the amount for distribution to counties, cities, fire protection districts and library districts, respectively, in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area.

(3) If any distribution pursuant to subsection (1)(b) of this section cannot be made, then that share shall be prorated among the state and remaining local districts.

(4) All distributions directed by this section to be made on the basis of population shall be calculated in accordance with data to be provided by the office of (~~program planning and fiscal~~) financial management.

Sec. 166. Section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 75, Laws of 1967 ex. sess. and RCW 66.08.180 are each amended to read as follows:

Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title: AND PROVIDED FURTHER, That all license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees shall every three months be disbursed by the board to the University of Washington and to Washington State University for medical and biological research only, in such proportions as shall be determined by the board after consultation with the heads of said state institutions: AND PROVIDED FURTHER, That when the allocations in any biennium to the University of Washington and Washington State University shall amount to a total of one million dollars, the entire allocation for the remainder of the biennium shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085, as now or hereafter amended: AND PROVIDED FURTHER, That twenty percent of the total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370, as such sections are now or hereafter amended, shall be transferred to the general fund to be

used by the department of social and health services solely to carry out the purposes of RCW 70.96.085, as now or hereafter amended. The ~~((budget))~~ director of financial management shall prescribe suitable accounting procedure to insure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

Sec. 167. Section 7, chapter 175, Laws of 1957 as amended by section 2, chapter 110, Laws of 1977 ex. sess. and RCW 66.08.200 are each amended to read as follows:

With respect to the ten percent share coming to the counties, the computations for distribution shall be made by the state agency responsible for collecting the same as follows:

The share coming to each eligible county shall be determined by a division among the eligible counties according to the relation which the population of the unincorporated area of such eligible county, as last determined by the office of ~~((program planning and fiscal))~~ financial management, bears to the population of the total combined unincorporated areas of all eligible counties, as determined by the office of ~~((program planning and fiscal))~~ financial management: PROVIDED, That no county in which the sale of liquor is forbidden in the unincorporated area thereof as the result of an election shall be entitled to share in such distribution. "Unincorporated area" means all that portion of any county not included within the limits of incorporated cities and towns.

When a special county census has been conducted for the purpose of determining the population base of a county's unincorporated area for use in the distribution of liquor funds, the census figure shall become effective for the purpose of distributing funds as of the official census date once the census results have been certified by the office of ~~((program planning and fiscal))~~ financial management and officially submitted to the office of the secretary of state.

Sec. 168. Section 8, chapter 175, Laws of 1957 as amended by section 3, chapter 110, Laws of 1977 ex. sess. and RCW 66.08.210 are each amended to read as follows:

With respect to the forty percent share coming to the incorporated cities and towns, the computations for distribution shall be made by the state agency responsible for collecting the same as follows:

The share coming to each eligible city or town shall be determined by a division among the eligible cities and towns within the state ratably on the basis of population as last determined by the office of ~~((program planning and fiscal))~~ financial management: AND PROVIDED, That no city or town in which the sale of liquor is forbidden as the result of an election shall be entitled to any share in such distribution.

Sec. 169. Section 9, chapter 55, Laws of 1933 as last amended by section 81, chapter 75, Laws of 1977 and RCW 67.16.100 are each amended to read as follows:

In addition to the license fees required by this chapter the licensee shall pay to the commission five percent of the gross receipts of all parimutuel machines at each race meet, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: Twenty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. Of the remaining eighty percent, forty-seven percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of commerce and economic development for the sole purpose of assisting state trade fairs. The remaining thirty percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of (~~program planning and fiscal~~) financial management, retain any sum required for working capital.

Sec. 170. Section 6, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.060 are each amended to read as follows:

(1) As a condition of eligibility for such financial assistance as may be provided by or through the state of Washington exclusively for the construction and/or modernization of jails, all jail construction and/or substantial remodeling projects shall be submitted by the governing unit to the commission for review. The commission shall submit the projects to the office of (~~program planning and fiscal~~) financial management, pursuant to subsection (3) of this section, if they comply with the physical plant standards adopted by the commission, pursuant to the provisions of RCW

70.48.050(5). Notice of rejection because of noncompliance to said standards shall be given within forty-five days after receipt by the commission of the submitted project.

(2) If the projects are approved, the department shall oversee the construction and remodeling to the extent necessary to assure compliance with the standards adopted and approved pursuant to RCW 70.48.050(7).

(3) The commission shall develop estimates of the costs of the capital construction grants for each biennium required under the provisions of this chapter. The estimates shall be subject to the review of the secretary and shall be submitted to the office of (~~(program planning and fiscal)~~) financial management consistent with the provisions of chapter 43.88 RCW.

Sec. 171. Section 34, chapter 32, Laws of 1951 as amended by section 3, chapter 175, Laws of 1977 ex. sess. and RCW 70.79.350 are each amended to read as follows:

The chief inspector shall give an official receipt for all fees required by chapter 70.79 RCW and shall transfer all sums so received to the treasurer of the state of Washington as ex officio custodian thereof and by him, as such custodian, shall place said sums in a special fund hereby created (~~(by this 1977 amendatory act to be)~~) and designated as the "pressure systems safety fund". Said funds by him shall be paid out upon vouchers duly and regularly issued therefor and approved by the director of the department of labor and industries. The treasurer, as ex officio custodian of said fund, shall keep an accurate record of any payments into said fund, and of all disbursements therefrom. Said fund shall be used exclusively to defray only the expenses of administering chapter 70.79 RCW by the chief inspector as authorized by law and the expenses incident to the maintenance of his office. The fund shall be charged with its pro rata share of the cost of administering said fund which is to be determined by the director of (~~(the office of program planning and fiscal)~~) financial management and by the director of the department of labor and industries.

Sec. 172. Section 25, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.220 are each amended to read as follows:

The transfer of equipment, funds and appropriations from agencies that are not abolished by this act to the department of social and health services, as provided in the office of (~~(program planning and fiscal)~~) financial management, shall be accomplished in accordance with apportionments among the several agencies by the director of (~~(the office of program planning and fiscal)~~) financial management, 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 office of program planning and fiscal)~~) financial management 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.

Sec. 173. Section 4, chapter 273, Laws of 1959 as amended by section 11, chapter 189, Laws of 1971 ex. sess. and RCW 72.60.270 are each amended to read as follows:

At such times as the moneys in the institutional industries revolving fund exceed such amount as shall be necessary for the efficient operation of the institutional industries program to be determined by periodic audits of the director of (~~(budget)~~) financial management, the excess shall be forwarded and paid over by the secretary to the state treasurer for deposit in the general fund of the state treasury.

Sec. 174. Section 4, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.430 are each amended to read as follows:

(1) All powers, duties, and functions of the department of social and health services relating to state services for the blind are transferred to the commission, along with all facilities, buildings, desks, equipment, files, furniture, supplies, contracts, personnel, records, reports, documents, books, papers, or other writings within the department of social and health services which pertain to such powers, duties, and functions and which are presently vested with state services for the blind or as vested in the department of social and health services in the name of services for the blind as administered under RCW 74.16.170, 74.16.181, 74.16.183, 74.16.190, 74.16.300, and chapter 74.17 RCW.

(2) All appropriations and funds allocated to the department of social and health services and/or to any other department for such services to the blind as are set forth in subsection (1) of this section are transferred to the commission.

(3) All transfer of funds and/or any tangible property, under subsections (1) and (2) of this section, shall be executed as efficiently and expeditiously as possible. Whenever any question arises with respect to the transfers referred to herein, the director of (~~(program planning and fiscal)~~) financial management shall make a determination as to the proper allocation and verify the same to the affected state agencies.

Sec. 175. Section 75.08.230, chapter 12, Laws of 1955 as last amended by section 33, chapter 327, Laws of 1977 ex. sess. and RCW 75.08.230 are each amended to read as follows:

All license fees, taxes, fines, and moneys realized from the sale of property seized or confiscated under the provisions of this title, and all bail moneys forfeited under prosecutions instituted under the provisions of this title, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the department, such moneys as are realized from the sale of food fish or shellfish caught or taken during test fishing operations conducted by

the department for the purpose of food fish or shellfish resource evaluation studies, all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund unless otherwise provided by law: **PROVIDED**, That salmon taken in test fishing operations shall not be sold except during a season open to commercial fishing in the district wherein test fishing is being conducted: **PROVIDED FURTHER**, That fifty percent of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit fifty percent of the same to the state treasurer and at the same time shall furnish a statement to the director showing the amount of fines so remitted and from whom collected: **PROVIDED**, That in instances wherein any portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted by the county treasurer to the state treasurer and shall be credited to the general fund: **PROVIDED FURTHER**, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds may exceed estimates thereof in the budget approved by the legislature, may be allocated by the office of (~~program planning and fiscal~~) financial management as unanticipated receipts under such procedures as are adopted by the legislature for the allocation of such receipts to reimburse the department for any unanticipated costs for test fishing operations in excess of any allowance therefor in the budget as approved by the legislature.

Proceeds of all sales of salmon and all sales of salmon eggs by the department, to the extent these proceeds may exceed estimates in the budget as approved by the legislature, may be allocated by the office of (~~program planning and fiscal~~) financial management as unanticipated receipts under such procedures as the legislature may adopt for the allocation of such receipts.

Such allocations shall be made only for the purpose of meeting department obligations in regards to hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal as may be provided by law.

Sec. 176. Section 77.12.280, chapter 36, Laws of 1955 as last amended by section 8, chapter 144, Laws of 1977 ex. sess. and RCW 77.12.280 are each amended to read as follows:

No payment of any such claim shall be made in excess of one thousand dollars, and in the event any claim is not adjusted, compromised, or settled and paid by the commission for a sum up to such amount, and within one year from the filing of such claim the same may be filed with the (~~chief fiscal officer of the executive branch~~) director of financial management. Contents of all such claims shall conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended. The (~~chief fiscal officer of the executive branch~~) director of financial management shall recommend to the legislature whether such claims should be approved or rejected. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law. The payment of any claim by the commission shall be full and final payment upon such claim.

In the event that any valid claim for damages as provided for in RCW 77.12.270 has been refused or has not been compromised, adjusted, settled and paid by the commission within one hundred and twenty days of the filing of the claim for damages with the commission as provided for in RCW 77.12.290, either the claimant or the commission may serve upon the other personally or by registered mail a notice of an intention to arbitrate; said notice shall contain the name of a person, selected as one arbitrator. Within ten days of receiving such a notice to arbitrate the person upon whom such notice was served shall serve personally or by registered mail upon the other party the name of an arbitrator. The two arbitrators, within seven days of the naming of the second arbitrator shall select a third arbitrator, said arbitrator not to be an employee or commissioner of the state game department. In the event that the two arbitrators as selected by the parties to the dispute cannot agree upon a third arbitrator, either party to the dispute may petition the superior court in the county in which the claim arose, asking said court to select the third arbitrator and upon receiving such a petition the court shall appoint a third arbitrator. Any filing fee or court costs arising from the foregoing petition shall be shared equally by the claimant and the department of game.

The award of the arbitrators shall be advisory only; it shall be written and filed with the department of game at its office in Seattle, King county, Washington, not later than ninety days following the naming of the third arbitrator.

In the event that the parties arbitrate no payment shall be made by the commission until the arbitrators shall have made their advisory award. The payment of any claim by the commission shall be full and final payment of the claim.

In the event that any claim is not adjusted, compromised, settled and paid through arbitration or otherwise within one year from the filing of said claim the same may be filed with the (~~chief fiscal officer of the executive branch~~) director of financial management. Contents of all such claims shall

conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended. The ~~((chief fiscal officer of the executive branch))~~ director of financial management shall recommend to the legislature whether such claims should be approved or rejected. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

Sec. 177. Section 4, chapter 164, Laws of 1919 as amended by section 4, chapter 20, Laws of 1963 and RCW 79.44.040 are each amended to read as follows:

Notice of the intention to make such improvement, together with the estimate of the amount to be charged to each lot, tract or parcel of land, or other property owned by the state to be assessed for said improvement, shall be forwarded by registered or certified mail to the ~~((budget))~~ director of financial management and to the chief administrative officer of the agency of state government occupying, using, or having jurisdiction over such lands at least thirty days prior to the date fixed for hearing on the resolution or petition initiating said improvement. Such assessing district, shall not have jurisdiction to order such improvement as to the interest of the state in harbor areas and state tidelands until the written consent of the commissioner of public lands to the making of such improvement shall have been obtained, unless other means be provided for paying that portion of the cost which would otherwise be levied on the interest of the state of Washington in and to said tidelands, and nothing herein shall prevent the city from assessing the proportionate cost of said improvement against any leasehold, contractual or possessory interest in and to any tideland or harbor area owned by the state: PROVIDED, HOWEVER, That in the case of tidelands and harbor areas within the boundaries of any port district, notice of intention to make such improvement shall also be forwarded to the commissioners of said port district.

Sec. 178. Section 5, chapter 164, Laws of 1919 as last amended by section 5, chapter 20, Laws of 1963 and RCW 79.44.050 are each amended to read as follows:

Upon the approval and confirmation of the assessment roll for any local improvement ordered by the proper authorities of any assessing district, the treasurer of such assessing district shall certify and forward to the ~~((budget))~~ director of financial management and to the chief administrative officer of the agency of state government occupying, using, or having jurisdiction over the lands, in accordance with such rules and regulations as the ~~((budget))~~ director of financial management may provide, a statement of all the lots or parcels of land held or owned by the state and charged on such assessment roll for the cost of such improvement, separately describing each such lot or parcel of the state's land, with the amount of the local assessment charged against it, or the proportionate amount assessed against the fee simple interest of the state, in case said land has been leased. The chief

administrative officer upon receipt of such statement shall cause a proper record to be made in his office of the cost of such improvement upon the lands occupied, used, or under the jurisdiction of his agency.

No penalty shall be provided or enforced against the state, and the interest upon such assessments shall be computed and paid at the rate paid by other property situated in the same improvement district.

Sec. 179. Section 1, chapter 205, Laws of 1947 as last amended by section 2, chapter 116, Laws of 1971 ex. sess. and RCW 79.44.060 are each amended to read as follows:

When the chief administrative officer of an agency of state government is satisfied that an assessing district has complied with all the conditions precedent to the levy of assessments for district purposes, pursuant to this chapter against state lands occupied, used, or under the jurisdiction of his agency, he shall pay them, together with any interest thereon from any funds specifically appropriated to his agency therefor or from any funds of his agency which under existing law have been or are required to be expended to pay assessments on a current basis. In all other cases, the chief administrative officer shall certify to the ~~((budget))~~ director of financial management that the assessment is one properly chargeable to the state. The ~~((budget))~~ director of financial management shall pay such assessments from funds available or appropriated to him for this purpose.

Except as provided in RCW 79.44.190 no lands of the state shall be subject to a lien for unpaid assessments, nor shall the interest of the state in any land be sold for unpaid assessments where assessment liens attached to the lands prior to state ownership.

Sec. 180. Section 6, chapter 164, Laws of 1919 as amended by section 7, chapter 20, Laws of 1963 and RCW 79.44.070 are each amended to read as follows:

When any assessing district has made or caused to be made an assessment against such leasehold, contractual or possessory interest for any such local improvement, the treasurer of said assessing district shall immediately give notice to the ~~((budget))~~ director of financial management and to the chief administrative officer of the agency having jurisdiction over the lands. Said assessment shall become a lien against the leasehold, contractual or possessory interest in the same manner as the assessments on other property, and its collection may be enforced against such interests as provided by law for the enforcement of other local improvement assessments: **PROVIDED**, That said assessment shall not be made payable in installments unless the owner of such leasehold, contractual or possessory interest shall first file with such treasurer a satisfactory bond guaranteeing the payment of such installments as they become due.

Sec. 181. Section 7, chapter 164, Laws of 1919 as amended by section 8, chapter 20, Laws of 1963 and RCW 79.44.080 are each amended to read as follows:

Whenever any assessing district shall have foreclosed the lien of any such delinquent assessments, as provided by law, and shall have obtained title to such leasehold, contractual or possessory interest, the ~~((budget))~~ director of financial management and the chief administrative officer of the agency having jurisdiction over the lands shall be notified by registered or certified mail of such action and furnished a statement of all assessments against such leasehold, contractual or possessory interest, and the chief administrative officer or ~~((budget))~~ director of financial management shall cause the amount of such assessments to be paid as provided in RCW 79.44.060, and upon the receipt of an assignment from such assessing district, the chief administrative officer shall cancel such lease or contract: PROVIDED, HOWEVER, That unless the assessing district making said local improvement and levying said special assessment shall have used due diligence in the foreclosure thereof, the chief administrative officer and the ~~((budget))~~ director of financial management shall not be required to pay any sum in excess of what they deem to be the special benefits accruing to the state's reversionary interest in said property: AND PROVIDED FURTHER, That if such delinquent assessment or installment shall be against a leasehold interest in fresh water harbor areas within a port district, the chief administrative officer shall notify the commissioners of said port district of the receipt of such assignment, and said commissioners shall forthwith cancel such lease.

Sec. 182. Section 12, chapter 164, Laws of 1919 as amended by section 12, chapter 20, Laws of 1963 and RCW 79.44.140 are each amended to read as follows:

The provisions of this chapter shall apply to all local improvements initiated after June 11, 1919, including assessments to pay the cost and expense of taking and damaging property by the power of eminent domain, as provided by law: PROVIDED, That in case of eminent domain assessments, it shall not be necessary to forward notice of the intention to make such improvement, but the eminent domain commissioners, authorized to make such assessment, shall, at the time of filing the assessment roll with the court in the manner provided by law, forward by registered or certified mail to the ~~((budget))~~ director of financial management and to the chief administrative officer of the agency using, occupying or having jurisdiction over the lands a notice of such assessment, and of the day fixed by the court for the hearing thereof: PROVIDED, That no assessment against the state's interest in tidelands or harbor areas shall be binding against the state if the commissioner of public lands shall file a disapproval of the same in court before judgment confirming the roll.

Sec. 183. Section 14, chapter 20, Laws of 1963 and RCW 79.44.180 are each amended to read as follows:

The ((budget)) director of financial management shall adopt rules and regulations:

(1) Governing the preparation, certification, and submission of all notices and statements required by chapter 79.44 RCW as now or hereafter amended;

(2) Authorizing and prescribing additional reports, records, and information necessary to achieve budgetary objectives in accordance with chapter 43.88 RCW and any appropriation hereafter made;

(3) Assuring the payment of all assessments properly chargeable to the state; and

(4) Protecting the state against illegal or inequitable assessments.

Sec. 184. Section 82.32.340, chapter 15, Laws of 1961 as last amended by section 4, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.340 are each amended to read as follows:

Any tax or penalty which the department of revenue deems to be uncollectible, may be transferred from accounts receivable, subject to approval by the director of ((budget)) financial management, 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 department of revenue may charge off as finally uncollectible any tax or penalty which it deems uncollectible at any time after twelve years from the date of the filing of a warrant covering such tax and penalty with the clerk of the superior court after the department of revenue and the attorney general are satisfied that there are no available and lawful means by which such tax or penalty may thereafter be collected.

After any tax or penalty has been charged off as finally uncollectible under the provisions of this section, the department of revenue may destroy any or all files and records pertaining to the liability of any taxpayer for such tax or penalty.

The department of revenue, subject to the approval of the state records committee, may at the expiration of five years after the close of any taxable year, destroy any or all files and records pertaining to the tax liability of any taxpayer for such taxable year, who has fully paid all taxes, penalties and interest for such taxable year, or any preceding taxable year for which such taxes, penalties and interest have been fully paid. In the event that such files and records are reproduced on film pursuant to RCW 40.20.020 for use in accordance with RCW 40.20.030, the original files and records may be destroyed immediately after reproduction and such reproductions

may be destroyed at the expiration of the above five year period, subject to the approval of the state records committee.

Sec. 185. Section 84.48.110, chapter 15, Laws of 1961 as amended by section 11, chapter 95, Laws 1973 and RCW 84.48.110 are each amended to read as follows:

Within three days after the receipt of the record of the proceedings of the state board of equalization, the office of (~~program planning and fiscal~~) financial management shall transmit to each county assessor a transcript of the proceedings of the board, specifying the amount to be levied and collected on said assessment books for state purposes for such year, and in addition thereto it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the seventh preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The office of (~~program planning and fiscal~~) financial management shall close the account of each county for the seventh preceding year and charge the amount of such delinquency to the tax levy of the current year. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the seventh preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

NEW SECTION. Sec. 186. RCW 43.101.910 is hereby decodified.

NEW SECTION. Sec. 187. Section 12, chapter 144, Laws of 1977 ex. sess. and RCW 43.41.108 are each hereby repealed.

NEW SECTION. Sec. 188. 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 February 21, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 29, 1979, with the exception of Section 118, which is vetoed.

Filed in Office of Secretary of State March 29, 1979.

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

"I am returning herewith without my approval as to one section House Bill No. 848 entitled:

"AN ACT Relating to state government;"

Section 118 of the bill amends RCW 43.41.130 to change reference to "The director of the office of program planning and fiscal management" to "The director of financial management." Because section 12 of Substitute House Bill No. 96, chapter 111, Laws of 1979, approved by me on March 26, 1979, made that same change in reference and made other substantive changes in RCW 43.41.130, section 118 of House Bill No. 848 is therefore unnecessary.

With the exception of section 118 which I have vetoed, the remainder of House Bill No. 848 is approved."

CHAPTER 152

[Substitute Senate Bill No. 2030]

PUBLIC EMPLOYEES—SICK LEAVE PAYMENT—EXCLUSION FROM
WAGES

AN ACT Relating to accounting for public employees' sick leave; and adding new sections to chapter 41.48 RCW.

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

NEW SECTION. Section 1. There is created in the general fund a separate account to be known as the sick leave account, to be used for payments made after January 1, 1980, to state employees made on account of sickness, for the purpose of excluding such payments from the meaning of "wages" under federal old age and survivors' insurance. The legislature shall appropriate amounts necessary for the account.

NEW SECTION. Sec. 2. The director of the office of financial management shall, by January 1, 1980, develop an accounting plan and payroll procedures sufficient to meet the requirements of federal statutes and regulations for the purpose of implementing section 1 of this act.

NEW SECTION. Sec. 3. Nothing in sections 1 or 2 of this act shall affect the power of the state personnel board, the higher education personnel board, or any other state personnel authority to establish sick leave regulations except as may be required under sections 1 or 2 of this act: PROVIDED, That each personnel board and personnel authority shall establish the maximum number of working days an employee under its jurisdiction may be absent on account of sickness or accident disability without a medical certificate.

"Personnel authority" as used in this section, means a state agency, board, committee, or similar body having general authority to establish personnel regulations.

NEW SECTION. Sec. 4. "Employee," as used in sections 1 and 3 of this act, includes all officers and employees of the state, except officials and employees compensated on a fee basis, for whom contributions are made to federal old age and survivors' insurance.

NEW SECTION. Sec. 5. A political subdivision of the state may, pursuant to ordinance or resolution, adopt an accounting plan and payroll procedures sufficient to meet the requirements of federal statutes and regulations and the department of health, education, and welfare for the purpose of excluding payments made on account of sickness, from the meaning of "wages" under federal old age and survivors' insurance.

NEW SECTION. Sec. 6. Payments to employees pursuant to sections 1 or 5 of this act shall be included in compensation reported to the appropriate retirement system. Any compensation for unused sick leave shall not be

considered payment on account of sickness and shall not be paid from the sick leave account.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are added to chapter 41.48 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 22, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 29, 1979.

Filed in Office of Secretary of State March 29, 1979.

CHAPTER 153

[Engrossed Senate Bill No. 2569]

STATE PARKS—OVERNIGHT CAMPING FEES—NONRESIDENTS' SURCHARGE

AN ACT Relating to state parks; adding a new section to chapter 43.51 RCW; and providing an expiration date.

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

NEW SECTION. Section 1. There is added to chapter 43.51 RCW a new section to read as follows:

(1) Persons camping overnight in state parks who are residents of other states shall pay a surcharge in addition to any camping fees charged. The surcharge shall be equal to the surcharge levied by the person's state of origin for overnight camping in state parks by nonresidents of that state. A surcharge shall not be levied on residents of foreign countries or of states that do not levy a camping surcharge on nonresidents. No surcharge shall be levied against any person camping in facilities leased by the commission to a private concessionaire or operated under lease agreement with any other governmental agency whose formal policy prohibits nonresident surcharges.

(2) The state parks and recreation commission shall adopt such rules as are necessary to administer this section. The rules shall specify the amounts of the surcharges and may provide that drivers' licenses and vehicle license plates create a presumption of residency in the state in which the licenses or plates were issued.

NEW SECTION. Sec. 2. The provisions of this act shall expire on June 30, 1983.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 5, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 29, 1979.

Filed in Office of Secretary of State March 29, 1979.

CHAPTER 154

[Engrossed Substitute Senate Bill No. 2254]

AGRICULTURE, OMNIBUS REGULATIONS—APPROPRIATION

AN ACT Relating to agriculture; amending section 33, chapter 63, Laws of 1969 and RCW 15.49.330; amending section 7, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.902; amending section 24, chapter 22, Laws of 1967 ex. sess. as amended by section 10, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.54.360; amending section 7, chapter 256, Laws of 1961 and RCW 15.65.070; amending section 49, chapter 256, Laws of 1961 as amended by section 10, chapter 106, Laws of 1973 and RCW 15.65.490; amending section 2, chapter 31, Laws of 1951 as amended by section 14, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.020; amending section 3, chapter 31, Laws of 1951 as amended by section 15, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.030; amending section 1, chapter 165, Laws of 1927 as last amended by section 2, chapter 17, Laws of 1953 and RCW 16.36.020; amending section 3, chapter 165, Laws of 1927 as amended by section 2, chapter 172, Laws of 1947 and RCW 16.36.030; amending section 4, chapter 165, Laws of 1927 as amended by section 3, chapter 172, Laws of 1947 and RCW 16.36.040; amending section 5, chapter 165, Laws of 1927 as amended by section 4, chapter 172, Laws of 1947 and RCW 16.36.050; amending section 6, chapter 165, Laws of 1927 as amended by section 5, chapter 172, Laws of 1947 and RCW 16.36.060; amending section 9, chapter 165, Laws of 1927 as amended by section 8, chapter 172, Laws of 1947 and RCW 16.36.090; amending section 2, chapter 160, Laws of 1957 and RCW 16.36.095; amending section 11, chapter 165, Laws of 1927 as last amended by section 1, chapter 161, Laws of 1959 and RCW 16.40.010; amending section 12, chapter 165, Laws of 1927 as last amended by section 10, chapter 172, Laws of 1947 and RCW 16.40.060; amending section 1, chapter 54, Laws of 1959 as amended by section 34, chapter 240, Laws of 1967 and RCW 16.57.010; amending section 29, chapter 54, Laws of 1959 as amended by section 6, chapter 120, Laws of 1967 ex. sess. and RCW 16.57.290; amending section 6, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.060; amending section 21, chapter 190, Laws of 1939 and RCW 69.16.160; amending section 15.38.010, chapter 11, Laws of 1961 and RCW 15.38.010; adding a new section to chapter 16.13 RCW; adding a new section to chapter 16.36 RCW; adding a new section to chapter 16.57 RCW; repealing section 13, chapter 165, Laws of 1927 and RCW 16.40.100; repealing section 1, chapter 135, Laws of 1903, section 1, chapter 206, Laws of 1919 and RCW 69.11.010; repealing section 2, chapter 135, Laws of 1903 and RCW 69.11.020; repealing section 3, chapter 135, Laws of 1903 and RCW 69.11.030; repealing section 4, chapter 135, Laws of 1903 and RCW 69.11.040; repealing section 5, chapter 135, Laws of 1903 and RCW 69.11.050; repealing section 6, chapter 135, Laws of 1903 and RCW 69.11.060; repealing section 7, chapter 135, Laws of 1903 and RCW 69.11.070; repealing section 8, chapter 135, Laws of 1903 and RCW 69.11.080; repealing section 9, chapter 135, Laws of 1903 and RCW 69.11.090; repealing section 10, chapter 135, Laws of 1903 and RCW 69.11.100; repealing section 8(a), chapter 137, Laws of 1937, section 1, chapter 169, Laws of 1945 and RCW 69.12.090; repealing section 9, chapter 137, Laws of 1937 and RCW 69.12.100; repealing section 19, chapter 190, Laws of 1939 and RCW 69.16.140; repealing section 20, chapter 190, Laws of 1939 and RCW 69.16.150; repealing section 20, chapter 112, Laws of 1939 and RCW 69.20.130; repealing section 21, chapter 112, Laws of 1939 and RCW 69.20.140; and making an appropriation.

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

Section 1. Section 33, chapter 63, Laws of 1969 and RCW 15.49.330 are each amended to read as follows:

(1) All screenings, removed in the cleaning or processing of seeds, which contain prohibited or restricted noxious weed seeds shall be removed from the seed processing plant only under ~~((permit issued by the department))~~ conditions that will prevent weed seeds from being dispersed into the environment. ~~((It shall be unlawful to distribute, give away, or use screenings for feeding purposes unless the screenings have been ground and/or treated in such a way as to destroy the viability of the noxious weed seeds and have met the requirements of the Washington commercial feed act.))~~

(2) ~~((Every processing or cleaning establishment desiring to grind and/or treat screenings to destroy the viability of weed seeds as required herein, shall submit evidence satisfactory to the department concerning the effectiveness of the method selected. After investigation, the department may issue a permit of authorization to which shall be attached such conditions governing the destruction of weed seed. Such permit of authorization shall be conspicuously displayed in the place of business for which it is issued))~~ The director may by regulation adopt requirements for moving, processing, and/or disposing of screenings.

Sec. 2. Section 7, chapter 31, Laws of 1965 ex. sess. and RCW 15.53-.902 are each amended to read as follows:

It shall be unlawful for any person to distribute an adulterated feed. A commercial feed shall be deemed to be adulterated:

(1) If any poisonous, deleterious, or nonnutritive ingredient has been added in sufficient amount to render it injurious to health when fed in accordance with directions for use on the label;

(2) If any valuable constituent has been in whole or in part omitted or abstracted therefrom and/or any less valuable substance added;

(3) If it contains viable ~~((primary))~~, prohibited (primary) noxious weed seeds in excess of one per pound, or if it contains viable ~~((secondary))~~, restricted (secondary) noxious weed seeds in excess of twenty-five per pound. The primary and secondary noxious weed seeds shall be those as named pursuant to the provisions of chapter ~~((15.48))~~ 15.49 RCW as enacted or hereafter amended and rules adopted thereunder.

Sec. 3. Section 24, chapter 22, Laws of 1967 ex. sess. as amended by section 10, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.54.360 are each amended to read as follows:

(1) Each person made responsible by this chapter 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))~~ six calendar months immediately preceding the

date the report is due: PROVIDED, That upon permission of the department, an annual statement under oath may be filed by any person distributing within the state less than ~~((fifty))~~ one hundred tons ~~((per quarter))~~ for each such six-month period during any calendar year, and upon filing such statement such person shall pay the inspection fee at the rate stated in RCW 15.54.350(1) as now or hereafter amended. 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.

(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 chapter.

(3) Notwithstanding the provisions of chapter 42.17 RCW, the report required by subsection (1) ~~((hereof))~~ of this section shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report: PROVIDED, That nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person in any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the director of the department.

Sec. 4. Section 7, chapter 256, Laws of 1961 and RCW 15.65.070 are each amended to read as follows:

The director shall publish notice of any hearing called for the purpose of considering and acting upon any proposal for a period of not less than ~~((five))~~ two days in a newspaper of general circulation in Olympia and such other newspapers as the director may prescribe. No such public hearing shall be held prior to five days after the last day of such period of publication. Such notice shall set forth the date, time and place of said hearing, the agricultural commodity and the area covered by such proposal; a concise statement of the proposal; a concise statement of each additional subject upon which the director will hear evidence and make a determination, and a statement that, and the address where, copies of the proposal may be obtained. The director shall also mail a copy of such notice to all producers and handlers who may be directly affected by such proposal and whose names and addresses appear, on the day next preceding the day on which

such notice is published, upon lists of such persons then on file in the department.

Sec. 5. Section 49, chapter 256, Laws of 1961 as amended by section 10, chapter 106, Laws of 1973 and RCW 15.65.490 are each amended to read as follows:

The director and each of his designees shall keep or cause to be kept separately for each agreement and order in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, monies and other financial transactions made and done pursuant to such order or agreement, and the same shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts maintained under every such agreement and order shall be closed as of the last day of each fiscal year of the state of Washington or of a fiscal year determined by the director. A copy of every such audit shall be delivered within thirty days after the completion thereof to the governor and the commodity board of the agreement or order concerned. ~~((The department of agriculture shall make at least annually a composite financial statement showing the financial position under all such orders and agreements as of the last day of the fiscal year of the state of Washington and a copy of such composite financial statement shall be delivered within thirty days after completion thereof to the governor-))~~

Sec. 6. Section 2, chapter 31, Laws of 1951 as amended by section 14, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.020 are each amended to read as follows:

Any horses, mules, donkeys, or cattle of any age running at large in violation of RCW 16.13.010 as now or hereafter amended are declared to be a public nuisance, and shall be impounded by the sheriff of the county where found: PROVIDED, That the nearest brand inspector shall also have authority to impound class I estrays as defined in section 22 of this 1979 act.

Sec. 7. Section 3, chapter 31, Laws of 1951 as amended by section 15, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.030 are each amended to read as follows:

Upon taking ~~((custody of any animal))~~ possession of a class I estray, the sheriff or brand inspector shall cause it to be transported to and impounded at the nearest public livestock market licensed under chapter 16.65 RCW or at such place as approved by the director. If the sheriff has impounded a class I estray, he shall forthwith notify the nearest brand inspector of the department of agriculture, who shall examine the animal and, by brand, tattoo, or other identifying characteristic, shall attempt to ascertain the ownership thereof.

Sec. 8. Section 1, chapter 165, Laws of 1927 as last amended by section 2, chapter 17, Laws of 1953 and RCW 16.36.020 are each amended to read as follows:

The director of agriculture shall have general supervision of the prevention of the spread and the suppression of infectious, contagious, communicable and dangerous diseases affecting ~~((the domestic))~~ animals within, in transit through, and, by means of the division of ~~((dairy and livestock))~~ animal industry, may establish and enforce quarantine of and against any and all domestic animals which have been fed garbage or which are affected with any such disease or that may have been exposed to others thus affected, whether within or without the state, for such length of time as he deems necessary to determine whether any such animal is infected with any such disease. The director shall also enforce and administer the provisions of RCW 16.36.005, 16.36.020, 16.36.103, 16.36.105, 16.36.107, 16.36.108, 16.36.109 and 16.36.110, and when garbage has been fed to swine he may require the disinfection of all facilities, including yard, transportation and feeding facilities, used for keeping such swine.

Sec. 9. Section 3, chapter 165, Laws of 1927 as amended by section 2, chapter 172, Laws of 1947 and RCW 16.36.030 are each amended to read as follows:

It shall be unlawful for the owner or owners of any ~~((domestic))~~ animal quarantined, or their agents or employees, to fail to place the quarantined animals within the certain described and designated enclosure or area within this state, to break such quarantine or to move, or allow to be moved, any such animal from within the quarantined area, or across the quarantined line, as established, or to sell, exchange or in any other way part with the products of such animals, without first obtaining a permit in writing from the director of agriculture, or his duly authorized representative. Any owner or owners of any quarantined animal or any agent of such owner or owners, who fails to comply with or violates any such quarantine or who negligently allows any such quarantined animal to escape from quarantine, and any other person who removes any quarantined animal from such quarantine shall be guilty of a misdemeanor.

Sec. 10. Section 4, chapter 165, Laws of 1927 as amended by section 3, chapter 172, Laws of 1947 and RCW 16.36.040 are each amended to read as follows:

The director of agriculture shall have power to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable or dangerous diseases affecting domestic animals in this state, and to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper governing the inspection and test of all ~~((domestic))~~ animals within or about to be imported into this state, and to promulgate and enforce intercounty embargoes and quarantine

to prevent the shipment, trailing, trucking, transporting or movement of bovine animals from any county that has not been declared modified accredited by the United States (~~(bureau of animal industry)~~) department of agriculture, animal and plant health inspection service, for tuberculosis and/or (~~(Bang's disease)~~) certified brucellosis-free, into a county which has been declared modified accredited by the United States (~~(bureau of animal industry)~~) department of agriculture, animal and plant health inspection service, for tuberculosis and/or (~~(Bang's disease)~~) certified brucellosis-free, unless such animals are accompanied by a negative certificate of tuberculin test made within sixty days and/or a negative (~~(Bang's)~~) brucellosis test made within (~~(ten days, last)~~) the forty-five day period prior to the movement of such animal into such county, issued by a duly authorized veterinary inspector of the state department of agriculture, or of the United States (~~(bureau of animal industry)~~) department of agriculture, animal and plant health inspection service, or an accredited veterinarian authorized by permit issued by the director of agriculture to execute such certificate.

Sec. 11. Section 5, chapter 165, Laws of 1927 as amended by section 4, chapter 172, Laws of 1947 and RCW 16.36.050 are each amended to read as follows:

It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any domestic animals without first having secured an official health certificate, certified by the state veterinarian of origin that such animals meet the health requirements promulgated by the director of agriculture of the state of Washington(~~(, and without having obtained a permit so to do from the director of agriculture or his duly authorized representative)~~): PROVIDED, That this section shall not apply to domestic animals imported into this state for immediate slaughter, or domestic animals imported for the purpose of unloading for feed, rest, and water, for a period not in excess of twenty-eight hours except upon prior permit therefor secured from the director of agriculture. It shall be unlawful for any person to divert en route for other than to (~~(a federal)~~) an approved, inspected stockyard for immediate slaughter or to sell for other than immediate slaughter or to fail to slaughter within fourteen days after arrival, any animal imported into this state for immediate slaughter. It shall be unlawful for any person, railroad, transportation company, or other common carrier, to keep any domestic animals which are unloaded for feed, rest and water in other than quarantined pens, or not to report any missing animals to the director of agriculture at the time the animals are reloaded.

Sec. 12. Section 6, chapter 165, Laws of 1927 as amended by section 5, chapter 172, Laws of 1947 and RCW 16.36.060 are each amended to read as follows:

It shall be unlawful for any person to wilfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any

peace officer acting under him or them, when engaged in the performance of the duties or in the exercise of the powers conferred by this ~~((act))~~ chapter, and it shall be unlawful for any person to wilfully fail to comply with or violate any rule, regulation or order promulgated by the director of agriculture or his duly authorized representatives under the provisions of this ~~((act))~~ chapter. The director of agriculture shall have the authority under such rules and regulations as shall be promulgated by him to make tests on any ~~((domestic))~~ animals for diseased conditions, and it shall be unlawful for any person to interfere with such tests in any manner, or to violate any segregation or identification order made in connection with such tests by the director of agriculture, or his duly authorized representative.

Sec. 13. Section 9, chapter 165, Laws of 1927 as amended by section 8, chapter 172, Laws of 1947 and RCW 16.36.090 are each amended to read as follows:

Whenever in the opinion of the director of agriculture, upon the report of the supervisor or a duly appointed and qualified veterinarian of the division of ~~((dairy and livestock))~~ animal industry, the public welfare demands the destruction of any animal found to be affected with any infectious, contagious, communicable or dangerous disease, he shall be authorized to, by written order, direct such animal to be destroyed by or under the direction of the supervisor or a duly appointed and qualified veterinarian of the division of ~~((dairy and livestock))~~ animal industry.

Sec. 14. Section 2, chapter 160, Laws of 1957 and RCW 16.36.095 are each amended to read as follows:

The director of agriculture may condemn for slaughter any bovine animals which are infected with a highly contagious or communicable disease, other than tuberculosis and ~~((Bang's disease))~~ brucellosis, and pay indemnity therefor in accordance with the provisions of RCW 16.40.080: PROVIDED, That the director shall first ascertain that the best interests of the livestock industry and general public will be served thereby.

Sec. 15. Section 11, chapter 165, Laws of 1927 as last amended by section 1, chapter 161, Laws of 1959 and RCW 16.40.010 are each amended to read as follows:

The director of agriculture of the state shall cause all bovine animals within the state to be examined and tested for the presence or absence of tuberculosis and/or ~~((Bang's disease))~~ brucellosis, and such other tests necessary to prevent the spread of communicable diseases among livestock. Such tests and examinations shall be made under the supervision of the director of agriculture by any duly authorized ~~((veterinary inspector of the department of agriculture))~~ veterinarian, such tests to be made in such manner, and at such reasonable and seasonable times, and in such counties or localities as the director of agriculture may from time to time prescribe.

The giving of such tests and examinations shall commence immediately upon the taking effect of this act in any county or counties which the director of agriculture may select: PROVIDED, HOWEVER, That the owners of a majority of the bovine animals in any county, as shown by the last assessment roll in such county, may petition the director of agriculture to have the bovine animals in the county of their residence tested and examined forthwith, said petition to be filed with the county auditor in the county where such animals are located, and it shall be the duty of the county auditor of such county immediately upon the filing of such a petition to forward to the director of agriculture a certified copy of such petition. The director of agriculture upon receipt of the first petition so filed shall immediately cause the bovine animals in such county to be tested, and ~~((tuberculin))~~ tuberculosis and/or ~~((Bang's disease))~~ brucellosis tests in other counties shall be made under the direction of the director of agriculture in the order in which said petitions are filed as herein provided except when in the opinion of the director of agriculture an emergency exists, by reason of the outbreak of contagious or infectious diseases of animals, and in such event all or any portion of the tests being conducted in the state as a result of a petition may be suspended until such time as the director of agriculture shall decide that such emergency no longer exists, and in such event the testing and examinations herein mentioned shall be renewed.

In the event that no petition to have ~~((tuberculin))~~ tuberculosis and/or ~~((Bang's disease))~~ brucellosis tests of bovine animals made is filed with the county auditor, as herein provided, or in the event that such tests, in the counties having petitioned for such tests, as herein prescribed, are completed, the director of agriculture shall designate in what counties or localities such tests shall be made.

Whenever the owner of any untested bovine animal within the state refuses to have his bovine animal or animals tested then the director of agriculture may order the premises or farm on which such untested animal or animals is harbored to be put in quarantine, so that no domestic animal shall be removed from or brought to the premises quarantined, and so that no products of the domestic animals on the premises so quarantined shall be removed from the said premises.

Every inspector ~~((and))~~ or authorized veterinarian ~~((of the department of agriculture))~~ making examinations and tests, as provided in this section, shall be a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state: PROVIDED, That the veterinary inspectors of the United States ~~((bureau of animal industry))~~ department of agriculture, animal and plant health inspection service, may be appointed by the director of agriculture to make such examinations and tuberculin tests as herein provided, and when so employed they shall act without compensation, and shall possess the same power and authority in this state as ~~((a veterinary~~

~~inspector of the department of agriculture~~) department-authorized veterinarians.

Should the owner or owners of any bovine animals desire to select a duly licensed and accredited veterinarian, approved by the director of agriculture, for making such examination and tests in accordance with the provisions of this act, the owner or owners shall pay all expenses in connection with such examinations and tests.

Sec. 16. Section 12, chapter 165, Laws of 1927 as last amended by section 10, chapter 172, Laws of 1947 and RCW 16.40.060 are each amended to read as follows:

If, on the completion of any examination and test as provided in RCW 16.40.010, the inspector or veterinarian making the examination and test, shall believe that the animal is infected with tuberculosis or (~~Bang's disease~~) brucellosis, the owner of the animal shall have, with the approval of the director of agriculture or his representative, the option of indemnity or quarantine; if the owner selects indemnity he shall market the animal within (~~thirty~~) fifteen days from the date of condemnation. All bovine animals which have shown a suspicious reaction to the test on three successive tests for tuberculosis or (~~Bang's disease~~) brucellosis and are held as suspects may be slaughtered under the provisions of this (~~act~~) chapter at the option of the owner and approval of the director or his representative and the owner shall have a valid claim for indemnity to the same extent and in the same amount as for bovine animals which give a positive reaction to the above test. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the department of agriculture, or the United States (~~bureau of animal industry~~) department of agriculture, animal and plant health inspection service, or a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state. The veterinary inspector or veterinarian shall hold a post mortem examination and determine whether or not the animal shall be passed to be used for food. The post mortem examination must conform with the meat inspection regulations of the United States (~~bureau of animal industry~~) department of agriculture, animal and plant inspection service. Upon the receipt of the post mortem report and if the owner has complied with all lawful quarantine laws and regulations, the director of agriculture shall cause to be paid to the owner or owners of the animals an amount not exceeding twenty-five dollars for any grade female, or more than fifty dollars for any purebred registered bull or female, and for dairy breeds an amount not to exceed one hundred dollars for any grade female or more than one hundred fifty dollars for any pure bred registered bull or female or such portion thereof as would represent an equitable and agreed amount of the contribution of the state of Washington as determined by the director of agriculture and (~~representatives of the United States bureau of animal industry~~) in no case shall indemnity and salvage value received exceed eighty percent of the true value, and in no

case shall any indemnity be paid for grade bulls, for steers, or spayed females, and the state shall not be required to pay the owner of any animal imported into this state within six months prior to the inspection and tests, the sums hereinabove provided for, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: PROVIDED, That the right to indemnity shall not exist nor shall payment be made for any animal owned by the United States, this state, or any county, city, town or township in this state: AND PROVIDED FURTHER, That no bovine animal shall be condemned for tuberculosis without having been first subjected to the tuberculin test and a positive reaction has resulted and no bovine animal shall be condemned for ~~((Bang's disease unless it has been subjected to a blood agglutination test in dilutions of serum to antigen of one to fifty (1:50), one to one hundred (1:100), and one to two hundred (1:200), by an approved laboratory, and a positive reaction for Bang's disease has resulted))~~ brucellosis unless it has been tested and classified as a reactor by the director of agriculture or his duly authorized representative.

Sec. 17. Section 1, chapter 54, Laws of 1959 as amended by section 34, chapter 240, Laws of 1967 and RCW 16.57.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry and rabbits: PROVIDED, That livestock when used herein under the provisions of RCW 16.57.160 through 16.57.200, 16.57.220 through 16.57.260, and 16.57.280 through 16.57.330 shall mean and include only cattle of whatever species, breed or age.

(5) "Brand" means a permanent fire brand or any artificial mark approved by the director to be used in conjunction with a brand or by itself.

(6) "Production record brand" means a number brand which shall be used for production identification purposes only.

(7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.

(8) "Class I estray" means any livestock at large contrary to the provisions of RCW 16.13.010 as now or hereafter amended, or any unclaimed

livestock submitted or impounded by any person at any public livestock market or any other facility approved by the director.

(9) "Class II estray" means any livestock identified as estray that is offered for sale and as provided for in RCW 16.57.290 as now or hereafter amended.

Sec. 18. Section 29, chapter 54, Laws of 1959 as amended by section 6, chapter 120, Laws of 1967 ex. sess. 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 to be class II estrays, unless other satisfactory proof of ownership is presented showing the person presenting them to be lawfully in possession. Such estrays shall be sold by the director or his representative who shall give the purchasers a bill of sale therefor.

Sec. 19. Section 6, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.060 are each amended to read as follows:

The director may, subsequent to a hearing thereon, deny, suspend or revoke any license provided for in this chapter 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 chapter, 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 chapter, or to make such records available when requested pursuant to the provisions of this chapter.

(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 chapter.

(4) Refused the department access to any records required to be kept under the provisions of this chapter.

(5) Refused, neglected, or failed to comply with any provisions of chapter 69.04 RCW, Washington Food, Drug, and Cosmetic Act, or any regulations adopted thereunder.

Sec. 20. Section 21, chapter 190, Laws of 1939 and RCW 69.16.160 are each amended to read as follows:

In addition to the acts by this chapter made unlawful, it shall be unlawful in connection with the operation of any macaroni factory or the sale or distribution of any macaroni product:

(1) To sell, advertise, describe, brand, mark, label or pack macaroni or any simulation or imitation thereof in a manner which is calculated to mislead or deceive or has the tendency or capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public with respect to the grade, quality, quantity, substance, character, nature, origin, size, material content, composition, color, preparation, or manufacture of such products or in any material respect.

(2) To sell, offer for sale, advertise, describe, brand, label or otherwise represent any macaroni or noodle product as being a semolina or farina product when such is not true and correct.

(3) To use yellow coloring in, or yellow transparent containers for, any macaroni product in such manner as deceptively to import or imply to purchasers, prospective purchasers or the consuming public that such product contains egg in greater proportion than is in fact present, or in such manner as to mislead or deceive in any other respect.

(4) To advertise, describe, brand, label, or otherwise represent any product as containing a food ingredient which is not macaroni, found, or is not present in the advertised quantities, resulting in purchasers, prospective purchasers or the consuming public being misled or deceived.

(5) To use photographs, cuts, engraving, illustrations or pictorial or other adoptions or devices of industry products in catalogs, sales literature or advertisements or on packages or containers or otherwise in such manner as to have the capacity and tendency or effect of misleading or deceiving the purchaser or consuming public as to the grade, quality, quantity, substance, character, nature, origin, size, material content, composition, coloring, preparation or manufacture of such products.

~~(6) ((To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standings, or any other false representations, or falsely to disparage the grade, quality or manufacture of the products of competitors or of their business method, selling price, values, grade, terms, policies or services.~~

~~(7))~~ To fail to brand, mark or identify macaroni products so as to disclose their true character, where such failure has the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public.

Sec. 21. Section 15.38.010, chapter 11, Laws of 1961 and RCW 15.38-.010 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "person" includes individuals, firms, partnerships, associations, trusts, estates, corporations, and any and all other business units, devices or arrangements.

(2) The term "filled dairy products" means any milk, cream, or skimmed milk, or any combination thereof, whether or not condensed, evaporated, concentrated, frozen, powdered, dried, or desiccated, or any

food product made or manufactured therefrom, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat so that the resulting product is in imitation or semblance of any dairy product, including but not limited to, milk, cream, sour cream, skimmed milk, ice cream, whipped cream, flavored milk or skim-milk, dried or powdered milk, (~~cheese, cream cheese, cottage cheese, creamed cottage cheese;~~) ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk: PROVIDED, HOWEVER, That this term shall not be construed to mean or include:

(a) Oleomargarine;

(b) Any distinctive proprietary food compound not readily mistaken for a dairy product where such compound is customarily used on the order of a physician and is prepared and designed for medicinal or special dietary use and prominently so labeled;

(c) Any dairy product flavored with chocolate or cocoa where the fats or oils other than milk fat contained in such product do not exceed the amount of cacao fat naturally present in the chocolate or cocoa used; (~~or~~)

(d) Any dairy product in which the vitamin content has been increased and food oil utilized as a carrier of such vitamins provided the quantity of such food oil does not exceed one one-hundredths of one percent of the weight of the finished dairy product;

(e) Any cheese product or cheese; or

(f) Any cream sauce added to processed vegetables.

(3) The term "intrastate commerce" means any and all commerce within the state of Washington subject to the jurisdiction thereof; and includes the operation of any business or service establishment.

NEW SECTION. Sec. 22. There is added to chapter 16.13 RCW a new section to read as follows:

There are established two classes of estray livestock:

(1) Class I—any livestock at large contrary to the provisions of RCW 16.13.010 as now or hereafter amended, or any unclaimed livestock submitted or impounded, by any person, at any public livestock market or any other facility approved by the director; and

(2) Class II—any livestock identified as estray that is offered for sale and as provided for in RCW 16.57.290 as now or hereafter amended.

***NEW SECTION.** Sec. 23. *There is added to chapter 16.36 RCW a new section to read as follows:*

The director of agriculture shall, pursuant to the provisions of chapter 34.04 RCW, adopt rules governing the intrastate movement in animals in order to prevent the spread of, and to suppress, infections, contagious, communicable, and dangerous diseases affecting animals, especially brucellosis. Such rules shall provide for change of ownership testing for eligible animals.

*Sec. 23. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 24. There is appropriated to the department of agriculture from the general fund, the sum of one hundred sixty-two thousand five hundred dollars, or so much thereof as may be necessary to carry out the purposes of Section 16 of this act.

NEW SECTION. Sec. 25. There is added to chapter 16.57 RCW a new section to read as follows:

Class I estrays shall be disposed of in accordance with the provisions of chapter 16.13 RCW.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

- (1) Section 13, chapter 165, Laws of 1927 and RCW 16.40.100;
- (2) Section 1, chapter 135, Laws of 1903, section 1, chapter 206, Laws of 1919 and RCW 69.11.010;
- (3) Section 2, chapter 135, Laws of 1903 and RCW 69.11.020;
- (4) Section 3, chapter 135, Laws of 1903 and RCW 69.11.030;
- (5) Section 4, chapter 135, Laws of 1903 and RCW 69.11.040;
- (6) Section 5, chapter 135, Laws of 1903 and RCW 69.11.050;
- (7) Section 6, chapter 135, Laws of 1903 and RCW 69.11.060;
- (8) Section 7, chapter 135, Laws of 1903 and RCW 69.11.070;
- (9) Section 8, chapter 135, Laws of 1903 and RCW 69.11.080;
- (10) Section 9, chapter 135, Laws of 1903 and RCW 69.11.090;
- (11) Section 10, chapter 135, Laws of 1903 and RCW 69.11.100;
- (12) Section 8(a), chapter 137, Laws of 1937, section 1, chapter 169, Laws of 1945 and RCW 69.12.090;
- (13) Section 9, chapter 137, Laws of 1937 and RCW 69.12.100;
- (14) Section 19, chapter 190, Laws of 1939 and RCW 69.16.140;
- (15) Section 20, chapter 190, Laws of 1939 and RCW 69.16.150;
- (16) Section 20, chapter 112, Laws of 1939 and RCW 69.20.130; and
- (17) Section 21, chapter 112, Laws of 1939 and RCW 69.20.140.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder.

NEW SECTION. Sec. 27. If any provision of this 1979 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 8, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 29, 1979, with the exception of Section 23, which is vetoed.

Filed in Office of Secretary of State March 29, 1979.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2254 entitled:

"AN ACT Relating to agriculture;"

I am aware of the problems concerning the necessary and adequate control of brucellosis. I am also cognizant of the differences of opinion expressed by some members of the legislature trying to determine how best to assure effective control of this disease. Additionally two vital industries are involved, both the dairy and beef cattle interests. This administration recognizes their different and legitimate concerns.

Even so, I have reservations about the need to include Section 23 in this comprehensive omnibus agricultural bill, Substitute Senate Bill No. 2254. The language of this section could be construed to require the Director of Agriculture to establish a mandatory test for infections, contagious, communicable, and dangerous diseases at each change of ownership of all eligible animals in intrastate commerce. This section originated as an amendment in the House of Representatives, and I understand that it was developed in an effort to address the current problem of brucellosis.

There are two points I wish to make here. First, the amendment failed to recognize the ongoing brucellosis control program of the Department, and the importance of vaccination as the cornerstone of that program. Second, Section 23 could be construed as eliminating departmental discretion and causing the perpetuation of an expensive and difficult program of full testing for brucellosis and other diseases whether necessary or not and beyond the time when the current brucellosis outbreak is brought under control.

I believe that powers conferred upon the Director of the Department of Agriculture as set forth in RCW 16.36.040, RCW 16.40.010 and RCW 16.65.340, properly exercised and with sufficient resources of personnel and funding are adequate to assure that the state will be free of this serious disease.

With the exception of Section 23, which I have vetoed, the remainder of Substitute Senate Bill No. 2254 is approved."

CHAPTER 155

[Engrossed Substitute Senate Bill No. 2768]

JUVENILE JUSTICE, CARE, CUSTODY, TREATMENT

AN ACT Relating to juveniles; amending section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010; amending section 2, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.011; amending section 3, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.021; amending section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030; amending section 5, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.033; amending section 6, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.035; amending section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040; amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130; amending section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278; amending section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.030; amending section 33, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.050; amending section 34, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.060; amending section 6, chapter 160, Laws of 1913 as amended by section 35, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.070; amending section 7, chapter 160, Laws of 1913 as last amended by section 36, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.080; amending section 37, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.090; amending section 38, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.100; amending section 5, chapter 302, Laws of 1961 as amended by section 39, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.110; amending section 40, chapter 291, Laws of

1977 ex. sess. and RCW 13.34.120; amending section 41, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.130; amending section 46, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.180; amending section 47, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.190; amending section 49, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.210; amending section 56, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.020; amending section 57, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.030; amending section 58, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.040; amending section 59, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.050; amending section 60, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.060; amending section 61, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.070; amending section 62, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.080; amending section 64, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.100; amending section 65, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.110; amending section 66, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.120; amending section 67, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.130; amending section 68, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.140; amending section 69, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.150; amending section 70, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.160; amending section 73, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.190; amending section 74, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.200; amending section 75, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.210; amending section 77, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.230; amending section 1, chapter 170, Laws of 1975 1st ex. sess. and RCW 13.40.300; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031; amending section 9, chapter 291, Laws of 1955 as amended by section 1, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.090; amending section 3, chapter 30, Laws of 1965 as last amended by section 21, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.020; amending section 2, chapter 172, Laws of 1967 as amended by section 71, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.020; adding a new section to chapter 291, Laws of 1977 ex. sess. and to chapter 13.04 RCW; adding a new section to chapter 13.24 RCW; adding new sections to chapter 13.34 RCW; adding new sections to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; adding new chapters to Title 13 RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; creating new sections; repealing section 10, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.270; repealing section 11, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.272; repealing section 12, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.274; repealing section 16, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.010; repealing section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020; repealing section 18, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.030; repealing section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040; repealing section 23, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.010; repealing section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020; repealing section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030; repealing section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040; repealing section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050; repealing section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140; repealing section 71, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.170; repealing section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400; making an appropriation; prescribing penalties; and declaring an emergency.

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

Section 1. Section 2, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.011 are each amended to read as follows:

For purposes of this ((chapter)) title:

(1) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, as now or hereafter amended, "juvenile((;-))," "youth((;-))," and "child" ((shat)) mean any individual who is under the chronological age of eighteen years;

(2) "Juvenile offender" and "juvenile offense" ((shat)) have the meaning ascribed in RCW 13.40.010 through 13.40.240; ((and))

(3) "Court" when used without further qualification (~~shall~~) means the juvenile court judge(s) or commissioner(s);

(4) "Parent" or "parents," except as used in chapter 13.34 RCW, as now or hereafter amended, means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;

(5) "Custodian" means that person who has the legal right to custody of the child.

Sec. 2. Section 3, chapter 291, Laws of 1977 ex. sess. and RCW 13.04-.021 are each amended to read as follows:

(1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually (~~in the month of January;~~) assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury.

Sec. 3. Section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030 are each amended to read as follows:

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

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

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

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

(4) To approve or disapprove alternative residential placement as provided in (~~RCW 13.32.020 through 13.32.050~~) section 31 of this 1979 act;

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

(6) Relating to (~~youth~~) juveniles alleged or found to (~~be a juvenile offender~~) have committed offenses or violations as provided in RCW 13.40.020 through 13.40.230, as now or hereafter amended, unless:

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

(b) The ~~((period))~~ statute of limitations ~~((of actions))~~ applicable to adult prosecution for the offense ~~((alleged in the petition))~~ or violation has expired; or

(c) The alleged offense is a traffic, fish, boating, or game offense ~~((involves a violation of the traffic laws, which is not a misdemeanor, by juveniles over fifteen years of age))~~ committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried in a court of limited jurisdiction, in which instance the case shall be heard in the appropriate court of limited jurisdiction: PROVIDED, That where such an alleged offense and an alleged offense subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or subsection (6)(a) of this section; and

(7) Under the interstate compact on juveniles as provided in chapter 13.24 RCW.

Sec. 4. Section 5, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.033 are each amended to read as follows:

Any person aggrieved by a final order of the ~~((juvenile))~~ court may appeal ~~((said))~~ the order as provided by this section. All appeals in matters other than those related to commission of a juvenile offense shall be taken in the same manner as in other civil cases. Except as otherwise provided in this title, all appeals in matters related to the commission of a juvenile offense shall be taken in the same manner as criminal cases and the right to collateral relief shall be the same as in criminal cases. The order of the juvenile court shall stand pending the disposition of the appeal: PROVIDED, That the ((juvenile)) court or the appellate court may upon application stay ((said)) the order.

If the final order from which an appeal is taken grants the custody of the child to, or withholds it from, any of the parties, or if the child is committed as provided under this chapter, the appeal shall be given priority in hearing.

Sec. 5. Section 6, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.035 are each amended to read as follows:

Juvenile court, probation counselor, and detention services shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county they may be administered by the legislative authority of the county in the manner prescribed by RCW 13.20.060: PROVIDED, That in any class AA county such services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor,

and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court.

Sec. 6. Section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040 are each amended to read as follows:

The administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the administrator. The probation counselor shall:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to RCW ~~((13.32.020,))~~ 13.34.040, 13.34.180, and 13.40.070 as now or hereafter amended, and section 29 of this 1979 act;

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child unless otherwise provided in this title;

(3) Arrange and supervise diversion agreements as provided in RCW 13.40.080, as now or hereafter amended, and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in RCW 13.34.120 and 13.40.130, as now or hereafter amended, and be present at the disposition hearing to respond to questions regarding the predisposition study: PROVIDED, That such duties shall be performed by the department of social and health services for cases relating to dependency or to the termination of a parent and child relationship ((in any class A or AA county)) which is filed by the department of social and health services unless otherwise ordered by the court; and

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance.

The administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or houses of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the ~~((board))~~ legislative authority of the county ((commissioners)), or in cases of joint counties, judicial districts of more than one county, or joint judicial

districts such sums as shall be agreed upon by the (~~boards of county commissioners~~) legislative authorities of the counties affected, and such persons shall be paid as other county officers are paid.

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to RCW 13.40.080, as now or hereafter amended.

Sec. 7. Section 2, chapter 132, Laws of 1945 and RCW 13.04.130 are each amended to read as follows:

(1) Neither the fingerprints nor a photograph (~~shall be taken~~) of any (~~child under the age of eighteen years~~) juvenile may be taken (~~into custody for any purpose~~) without the consent of juvenile court, except as provided in subsection (2) of this section and RCW 10.64.110.

(2) A law enforcement agency may fingerprint and photograph a juvenile arrested for a felony offense. If the court finds a juvenile's arrest for a felony offense unlawful, the court shall order the fingerprints and photographs of the juvenile taken pursuant to that arrest expunged, unless the court, after a hearing, orders otherwise.

NEW SECTION. Sec. 8. (1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, and persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information;

(b) An agency shall take reasonable steps to insure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to section 9(11) of this act. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

NEW SECTION. Sec. 9. (1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and section 8 of this act.

(4) Except as otherwise provided in this section and section 8 of this act, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being

pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding may be released to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system may be released to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in section 8(8) of this act.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

- (a) The person making the motion is at least twenty-three years of age;
- (b) The person has not subsequently been convicted of a felony;
- (c) No proceeding is pending against that person seeking the conviction of a criminal offense; and
- (d) The person has never been found guilty of a serious offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (16) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (16) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

NEW SECTION. Sec. 10. (1) This section governs records not covered by section 9 of this act.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and section 8 of this act.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section.

(8) Information concerning a juvenile or a juvenile's family contained in records covered by this section may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

NEW SECTION. Sec. 11. This chapter applies to all juvenile justice or care agency records created on or after July 1, 1978.

NEW SECTION. Sec. 12. Sections 8 through 11 of this act shall constitute a new chapter in Title 13 RCW. RCW 13.04.276 and 13.04.278, each as now or hereafter amended, are decodified and shall be recodified as part of such new chapter.

Sec. 13. Section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278 are each amended to read as follows:

Notwithstanding any other provision of this chapter, whenever a child is arrested for a violation of any law, including municipal ordinances, regulating the operation of vehicles on the public highways, a copy of the traffic citation and a record of the action taken by the ((juvenile)) court shall be forwarded by the juvenile court to the ((director of licenses)) department of licensing in the same manner as provided in RCW ((46.20.280)) 46.20.270.

NEW SECTION. Sec. 14. There is added to chapter 291, Laws of 1977 ex. sess. and chapter 13.04 RCW a new section to read as follows:

Nothing in chapter 13.04, 13.06, 13.30, 13.32, 13.34, or 13.40 RCW may be construed to prevent a juvenile from being found both dependent and an offender if there exists a factual basis for such a finding.

NEW SECTION. Sec. 15. The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, experience and maturity are better qualifications for establishing guidelines beneficial to and protective of individual members and the group as a whole than are youth and inexperience. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary.

NEW SECTION. Sec. 16. This chapter shall be known and may be cited as the Procedures for Families in Conflict.

NEW SECTION. Sec. 17. As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;
- (3) "Parent" means the legal custodian(s) or guardian(s) of a child;
- (4) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away: **PROVIDED,** That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

NEW SECTION. Sec. 18. Families who are in conflict may request crisis intervention services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Crisis intervention services shall be designed to develop skills and supports within families to resolve family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

NEW SECTION. Sec. 19. A law enforcement officer shall take a juvenile into custody:

- (1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from custody without consent; or
- (2) If a law enforcement officer reasonably believes that a juvenile is in circumstances which constitute a serious danger to the juvenile's physical safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement.

In no case may law enforcement custody extend more than six hours from the time of the juvenile's initial contact with the law enforcement officer.

NEW SECTION. Sec. 20. (1) An officer taking a juvenile into custody under section 19 of this 1979 act shall inform the juvenile of the reason for such custody and shall transport the juvenile to his or her home if the juvenile consents. The officer so releasing a juvenile from custody shall inform the parent of the reason for taking the juvenile into custody and may, if he or she believes further services may be needed, inform the juvenile and the person to whom the juvenile is released of the nature and location of appropriate services.

(2) If, in the judgment of the law enforcement officer, it is not practical nor in the best interests of the family to take the juvenile home, the law enforcement officer shall take the juvenile to a designated crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. The department shall ensure that all the enforcement authorities are informed on a regular basis as to the location of the designated crisis residential shelter or shelters in their judicial district, where juveniles taken into custody under section 19 of this 1979 act may be taken.

NEW SECTION. Sec. 21. An officer taking a juvenile into custody under section 19 of this 1979 act may, at his or her discretion, transport the juvenile to the home of a responsible adult other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a juvenile with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the juvenile into custody.

A law enforcement officer acting reasonably and in good faith pursuant to this chapter in releasing a juvenile to a person other than a parent of such juvenile is immune from civil or criminal liability for such action. A person other than a parent of such juvenile who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse.

NEW SECTION. Sec. 22. (1) Any person who knowingly provides shelter to a child without the acquiescence of the child's parent shall be guilty of a gross misdemeanor if he or she refuses to release the child to a law enforcement officer after being informed by the officer that the child is a reported runaway and that refusal to release the juvenile is a gross misdemeanor. This section does not apply to any person providing shelter to a reported runaway pursuant to section 23 of this 1979 act.

(2) Any person who provides shelter to a child, absent from home, may notify the department's local community service office of the child's presence.

(3) An adult responsible for involving a juvenile in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

(a) Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;

(b) Promoting prostitution as defined in chapter 9A.88 RCW; and

(c) Complicity of the adult in the crime of a minor, under RCW 9A.08.020.

NEW SECTION. Sec. 23. (1) The person in charge of a designated crisis residential center or the department pursuant to section 21 of this 1979 act shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under section 20 of this 1979 act;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under section 22(2) of this 1979 act that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to section 21 of this 1979 act.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Notify and inform the parent of the child as to the parent's rights under this chapter including, but not limited to, the right to file an alternative residential placement petition;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the

department, when the child and his or her parent agrees to the child's return home;

(e) Arrange transportation for the child to an alternative residential placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.

NEW SECTION. Sec. 24. Where a child is placed in a residence other than that of his or her parent pursuant to section 23(2)(e) of this 1979 act, the department shall make available crisis intervention services in order to facilitate the reunification of the family. Any such placement may continue as long as there is agreement by the child and parent.

NEW SECTION. Sec. 25. If a child who has a legal residence outside the state of Washington is admitted to a crisis residential center or is placed by a law enforcement officer with a responsible person other than the child's parent, and the child refuses to return home, the provisions of RCW 13.24-.010 shall apply.

NEW SECTION. Sec. 26. (1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an alternative residential placement arrived at pursuant to section 23(2)(e) of this 1979 act, the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an alternative residential placement under section 23(2)(e) of this 1979 act, either the child or parent may file with the juvenile court a petition to approve an alternative residential placement.

(3) If a child and his or her parent cannot agree to the continuation of an alternative residential placement arrived at under section 23(2)(e) of this 1979 act, either the child or parent may file with the juvenile court a petition to approve an alternative residential placement.

NEW SECTION. Sec. 27. A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under section 23(2)(e) of this 1979 act shall, except as provided for by section 28 and section 30(2) of this 1979 act, reside in such placement under the rules and regulations established for the center for a period not to exceed seventy-two hours from the point of intake, except as otherwise provided by this chapter.

NEW SECTION. Sec. 28. The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian; and

(e) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center or placed with a responsible adult other than his or her parent, and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to section 23(2)(e) or pursuant to section 26(1) of this 1979 act is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent; and

(e) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

NEW SECTION. Sec. 29. A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested,

assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved or disapproved. The filing of a petition to approve or disapprove such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove alternative residential placement or its continuation.

NEW SECTION. Sec. 30. (1) When a proper petition is filed under section 26, 28, or 29 of this 1979 act the juvenile court shall: (a) Schedule a date for a fact-finding hearing; notify the parent and child of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an alternative residential placement petition; and (e) notify all parties of their right to present evidence at the fact-finding hearing.

(2) Upon filing of an alternative residential placement petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the alternative residential placement petition by the court. Any placement may be reviewed by the court within three court days upon the request of the juvenile or the juvenile's parent.

NEW SECTION. Sec. 31. (1) The court shall hold a fact-finding hearing to consider a proper petition and may approve or disapprove alternative residential placement giving due weight to the intent of the legislature expressed in section 15 of this 1979 act. The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent if it is established by a preponderance of the evidence that a serious conflict exists between the parent and child and that the conflict cannot be resolved by the delivery of services to the family during continued placement of the child in the parental home.

(2) The order approving out-of-home placement shall direct the department to submit a disposition plan for a three-month placement of the child that is designed to reunite the family and resolve the family conflict. In making the order, the court shall further direct the department to make recommendations, as to which agency or person should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct

the department to consider the cultural heritage of the child in making its recommendations.

(3) The hearing to consider the recommendations of the department for a three-month disposition plan shall be set no later than fourteen days after the approval of the court of a petition to approve alternative residential placement. Each party shall be notified of the time and place of such disposition hearing.

(4) If the court disapproves a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court disapproves a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall instruct that the child remain at or return to the home of his or her parent.

(5) The court shall dismiss the petition if it finds (a) that a petition filed pursuant to section 29 of this 1979 act is capricious, or (b) that the filing party did not first reasonably attempt to resolve the conflict outside the court. Upon dismissing the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where a family conflict is so great that it cannot be resolved by the provision of in-home services.

NEW SECTION. Sec. 32. (1) At a dispositional hearing held to consider the three-month dispositional plan presented by the department the court shall consider all such recommendations included therein. The court, consistent with the stated goal of resolving the family conflict and reuniting the family, may modify such plan and shall make its dispositional order for a three-month out-of-home placement for the child. The court dispositional order shall specify the person or agency with whom the child shall be placed, those parental powers which will be temporarily awarded to such agency or person including but not limited to the right to authorize medical, dental, and optical treatment, and parental visitation rights. Any agency or residence at which the child is placed must, at a minimum, comply with minimum standards for licensed family foster homes.

(2) No placement made pursuant to this section may be in a secure residence as defined by the federal Juvenile Justice and Delinquency Prevention Act of 1974 and clarifying interpretations and regulations promulgated thereunder.

NEW SECTION. Sec. 33. (1) Upon making a dispositional order under section 32 of this 1979 act, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel to represent the child and the parent, if indigent, at the review hearing, advise nonindigent parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing.

(2) At the review hearing the court: (a) Shall approve or disapprove the continuation of the dispositional plan according to the standards of resolving

the conflict and reuniting the family which governed the initial approval; (b) if out-of-home placement is continued, the court may modify the dispositional plan according to the standards of resolving the family conflict and reuniting the family and shall set the matter on the calendar for further review within six months; (c) may determine that interim services as may be appropriate have been offered to the parent and child.

(3) Subsequent six-month review hearings shall be held pursuant to this section until such time as the family is reunited. If the court, at any such hearing, does not approve the continuation of an alternative residential placement and states that the child shall reside with his or her parents, it may hold another review hearing within six months.

NEW SECTION. Sec. 34. All hearings pursuant to this chapter may be conducted at any time or place within the county of the residence of the parent and such cases shall not be heard in conjunction with the business of any other division of the superior court. The general public shall be excluded from hearings and only such persons who are found by the court to have a direct interest in the case or the work of the court shall be admitted to the proceedings.

Sec. 35. Section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court: PROVIDED, That custody pursuant to chapter(~~(s 13.30, 13.32, and)~~) 13.34 RCW and RCW 74.13.020 and 74.13.031 and sections 15 through 34 of this 1979 act shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter(~~(s 13.32 and)~~) 13.34 RCW or sections 15 through 34 of this 1979 act, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

NEW SECTION. Sec. 36. There is added to chapter 13.24 RCW a new section to read as follows:

(1) The governor is hereby authorized and directed to execute a compact amending and supplementing the interstate compact on juveniles on

behalf of this state with any other state or states legally joining therein in the form substantially as set forth in subsection (2) of this section.

(2) (a) All provisions and procedures of Articles V and VI of the interstate compact on juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

(b) This amendment provides additional remedies and shall be binding only as among and between those party states which substantially execute the same.

Sec. 37. Section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13-34.030 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" (~~((shall))~~) means any individual under the age of eighteen years;

(2) "Dependent child" (~~((shall))~~) means any child:

(a) Who has been abandoned; that is, (~~((left by his or her parents, guardian, or other custodian without parental care and support))~~) where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so; or

(b) Who is abused or neglected as defined in chapter 26.44 RCW; or

(c) Who has no parent, guardian, or custodian(~~(, or~~

~~(d) Any child:~~

~~(i) Who is in conflict with his or her parent, guardian, or custodian;~~

~~(ii) Who refuses to remain in any nonsecure residential placement ordered by a court pursuant to RCW 13.32.040;~~

~~(iii) Whose conduct evidences a substantial likelihood of degenerating into serious delinquent behavior if not corrected; and~~

~~(iv) Who is in need of custodial treatment in a diagnostic and treatment facility))~~ willing and capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

Sec. 38. Section 33, chapter 291, Laws of 1977 ex. sess. and RCW 13-34.050 are each amended to read as follows:

The (~~(juvenile))~~) court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a

child into custody if a petition is filed with the juvenile court alleging that the child is dependent and the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

Sec. 39. Section 34, chapter 291, Laws of 1977 ex. sess. and RCW 13-.34.060 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. "Shelter care" means temporary physical care in a ~~((foster family home or receiving home))~~ facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section. Whenever a child is taken into such custody pursuant to this section, the supervising agency may authorize routine medical and dental examination and care and all necessary emergency care. In no case ~~((shall))~~ may a child who is taken into custody pursuant to RCW 13.34.050 or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a ~~((preliminary))~~ shelter care hearing. The court shall hold a ~~((preliminary))~~ shelter care hearing if one is requested.

(2) The juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian ~~((or))~~ and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived.

(4) The court shall take testimony concerning the circumstances for taking the child into custody and the need for shelter care. The court shall give the child and the child's parent or guardian and the parent's or guardian's counsel an opportunity to introduce evidence, to be heard in their own behalf, and to examine witnesses.

(5) ~~((In class A and AA counties the department of social and health services (and in all other counties))~~ The juvenile court probation counselor ~~((shall))~~ shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.

(6) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian (~~(or other suitable person able and willing to provide supervision and care for such child)~~) unless the court finds there is reasonable cause to believe that:

(a) The child has no parent, guardian, or legal custodian(~~(, or other suitable person)~~) to provide supervision and care for such child; or

(b) The release of such child would present a serious threat of substantial harm to such child.

~~((If continued shelter care is ordered, the court shall set forth its reasons for continued shelter care.))~~ If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order.

(7) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(8) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. No child (~~(shall)~~) may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

Sec. 40. Section 6, chapter 160, Laws of 1913 as amended by section 35, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.070 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The hearing on the petition shall be set for a time no later than forty-five days after the filing of the petition and shall be held at such time, unless for good cause the hearing is continued to a later time at the request of either party.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving

the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (4) or (5) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.04.070.

(7) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

~~((7))~~ (8) Service of summons may be made under the direction of the court by any person ~~((twenty-one))~~ eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

~~((8) If the person summoned as herein provided, shall fail without reasonable cause to appear and abide the order of the court, he may be proceeded against as for contempt of court.))~~

(9) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 41. Section 7, chapter 160, Laws of 1913 as last amended by section 36, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.080 are each amended to read as follows:

In a dependency case where it ~~((shall))~~ appears by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a nonresident of this state, or that the

name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in RCW 13.34.070, and a copy of ~~((said))~~ the notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence, the court ~~((may order said))~~ shall direct the clerk to publish notice ~~((published))~~ in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, with the first publication of ~~((said))~~ the notice to be at least twenty-five days prior to the date fixed for the hearing. Such notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known, or if unknown, the phrase "To whom it may concern" shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition ~~((and))~~, the date of hearing, and the object of the proceeding in general terms~~((;))~~ shall be set forth, and the whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due publication of the notice, and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

Sec. 42. Section 37, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.090 are each amended to read as follows:

Any party has a right to be represented by an attorney ~~((of his or her own choosing))~~ in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

At all stages of a proceeding in which a child is alleged to be dependent pursuant to RCW 13.34.030(2) ~~((a), (b), or (c))~~, the child's parent or guardian ~~((shall have))~~ has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court.

~~((A child alleged to be dependent pursuant to RCW 13.34.030(2)(d) shall have the right to appointed counsel.))~~

Sec. 43. Section 38, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.100 are each amended to read as follows:

The court, at any stage of a proceeding under this chapter, may appoint an attorney and/or a guardian ad litem for a child who is a party to the proceedings. A party to the proceeding or the party's employee or representative shall not be so appointed. Such attorney and/or guardian ad litem shall receive all notice contemplated for a parent in all proceedings under this chapter. A report by the guardian ad litem to the court shall contain,

where relevant, information on the legal status of a child's membership in any Indian tribe or band.

Sec. 44. Section 5, chapter 302, Laws of 1961 as amended by section 39, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.110 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. No social file or social study (~~shall~~) may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases (~~shall~~) may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons (~~shall~~) may be admitted who are found by the judge to have a direct interest in the case or in the work of the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 45. Section 40, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.120 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file and social study at the disposition hearing in addition to evidence produced at the fact-finding hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent (~~further~~) serious harm to the child; the reasons why such programs are likely to be useful; the availability

of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 46. Section 41, chapter 291, Laws of 1977 ex. sess. and RCW 13-34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2) (~~((a), (b), or (c))~~); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be (~~((placed in foster care))~~) removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Such an order may be made only if:

(i) There is no parent or guardian available to care for such child; or

(ii) The child is unwilling to reside in the custody of the child's parent (~~((or))~~), guardian, or legal custodian; or

(iii) The parent (~~((or))~~), guardian, or legal custodian is not willing to take custody of the child; or

(iv) A manifest danger (~~((would))~~) exists that the child will suffer (~~((further))~~) serious abuse or neglect if the child is not removed from the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will (~~((receive))~~) be offered in order to enable them to resume custody and what (~~((actions))~~) requirements the parents must (~~((take))~~) meet in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall (~~((be responsible for assuming that all services are provided))~~) provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section still exists. When a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) What services have been provided to or offered to the (~~((parents))~~) parties to facilitate reunion;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order (~~((such))~~) that reasonable services be offered; and

(v) When return of the child can be expected.

~~(c) ((If a child is not returned to the child's home, at such review hearing the court shall advise the parents that a petition to seek termination of parental rights may be ordered at the next review hearing.~~

~~(d))~~ The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 47. Section 46, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.180 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court. Such petition shall conform to the requirements of RCW 13.34.040 as now or hereafter amended and shall allege:

(1) That the child has been found to be a dependent child under RCW 13.34.030(2); and

(2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and

(3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2) ((a) or (b)); and

~~((2) That the conditions which led to the removal still persist; and~~

~~(3))~~ (4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and

(5) That there is little likelihood that ((those)) conditions will be remedied so that the child can be returned to the parent in the near future; and

~~((4))~~ (6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; ((and

~~(5) That, if the finding of dependency has been pursuant to RCW 13.34.030(2)(b), necessary services have been provided or offered to the parent to facilitate a reunion; and~~

~~(6) That the parent has substantially failed to accept such services; and~~

~~(7) That if the parent is subject to an order of disposition pursuant to the finding of dependency, the parent has substantially failed to comply with the order))~~

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the identity and whereabouts of the child's parent are unknown and no parent has claimed the child within two months after the child was found.

Sec. 48. Section 47, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.190 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) (a) The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or (b) RCW 13.34.180(3) may be waived because the allegations under RCW 13.34.180 (1), (2), (4), (5), and (6) are established beyond a reasonable doubt; or (c) the allegation under RCW 13.34.180(7) is established beyond a reasonable doubt; and

(2) Such an order is in the best interests of the child.

Sec. 49. Section 49, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.210 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department of social and health services or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption, or in the absence thereof in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within ~~((two years))~~ six months after the date of the order and a general guardian of the child has not been appointed by the court, the child shall be returned to the court for entry of further orders for his or her care, custody, and control, and the court shall review the case every six months thereafter until a decree of adoption is entered.

NEW SECTION. Sec. 50. There is added to chapter 13.34 RCW a new section to read as follows:

Written findings of fact, conclusions of law, and orders of termination of parent/child relationships made under this chapter shall be presented to the court by the prevailing party within thirty days of the court's decision unless extended by the court for good cause shown.

NEW SECTION. Sec. 51. There is added to chapter 13.34 RCW a new section to read as follows:

Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. The department of social and health services shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings. Guardianship may be established if the court finds that: (1) The requirements of chapter 11.88 RCW are met; (2) the requirements of RCW 13.34.180(1), (2), (3), (4), and (5) are met; and (3) sole guardianship is in the best interests of the child. Guardianship of a

child under this section shall not disentitle a guardian from eligibility to receive foster care payments. Guardianship shall be as defined in chapter 11.88 RCW: PROVIDED, That if guardianship is established pursuant to this section, the review hearing requirements of RCW 13.34.130 shall not apply; the juvenile court shall determine the appropriate frequency of visitation between the parent or parents and the child; the juvenile court shall determine the need for any continued involvement of a supervising agency; any party may seek modification of the guardianship under RCW 13.34.150.

NEW SECTION. Sec. 52. There is added to chapter 13.34 RCW a new section to read as follows:

The courts of this state shall give full faith and credit as provided for in the United States Constitution to the public acts, records, and judicial proceedings of any Indian tribe or band in any proceeding brought pursuant to this chapter to the same extent that full faith and credit is given to the public acts, records, and judicial proceedings of any other state.

NEW SECTION. Sec. 53. There is added to chapter 13.34 RCW a new section to read as follows:

Whenever appropriate, an Indian child shall be placed in a foster care home with the following characteristics which shall be given preference in the following order:

- (1) Relatives;
- (2) An Indian family of the same tribe as the child;
- (3) An Indian family of a Washington Indian tribe of a similar culture to that tribe;
- (4) Any other family which can provide a suitable home for an Indian child, such suitability to be determined through consultation with a local Indian child welfare advisory committee.

Sec. 54. Section 56, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:
 - (a) A class A felony, or an attempt to commit a class A felony;
 - (b) Manslaughter in the first degree, rape in the first degree, or rape in the second degree; or
 - (c) Assault in the second degree, extortion in the first degree, indecent liberties, kidnaping in the second degree, robbery in the second degree, burglary in the second degree, statutory rape in the first degree, or statutory rape in the second degree, where such offenses include the infliction of grievous bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator uses a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth for a period of time not to exceed one year. Such an order may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include ~~((partial confinement or))~~ confinement;

(4) "Confinement" means ~~((any commitment to))~~ physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile ~~((department of the superior))~~ court judge(s) or commissioner(s);

(6) "Criminal history" ~~((shall))~~ includes all criminal complaints against the respondent where:

(a) The allegations were found correct by a ~~((juvenile))~~ court. In any judgment where a respondent is convicted of two or more charges arising out of the same course of conduct, ~~((where one charge is included within the other, then))~~ only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) "Juvenile~~((;))₂" "youth~~((;))₂" and "child" ~~((shall))~~ mean any individual who is under the chronological age of eighteen years and who has~~~~

not been previously transferred to adult court (~~(, or who is over the age of eighteen years but remaining under the jurisdiction of the court as provided in RCW 13.40.300.);~~);

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older, committed pursuant to RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would impose an excessive penalty on the juvenile or a clear danger to society in light of the purposes of this chapter;

(13) "Minor or first offender" means a person sixteen years of age or younger (~~(who has committed an offense which if committed by an adult would be a class C felony, a gross misdemeanor, or a misdemeanor, and whose prior criminal history, if any, does not include any class A or B felony, more than two class C felonies, or more than one class C felony plus any series of misdemeanors and/or gross misdemeanors totalling three or more, or any series of misdemeanors and/or gross misdemeanors totalling four or more; or who has committed an offense which if committed by an adult would be a class B felony (except for any felony which is listed in subsections (1)(a), (b), or (c) of this section) and who has no prior criminal history))~~ whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony (except for any felony which is listed in subsection (1) (b) or (c) of this section) and one misdemeanor or gross misdemeanor;

(f) One class B felony (except for any felony which is listed in subsection (1) (a), (b), or (c) of this section).

For purposes of this definition, current violations shall be counted as misdemeanors;

(14) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(15) (~~("Partial confinement" means confinement in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days of the week spent under community supervision;~~

~~(16))~~ "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((+7))~~ (16) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((+8))~~ (17) "Secretary" means the secretary of the department of social and health services;

~~((+9))~~ (18) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter; ~~((and~~

~~(20))~~ (19) "~~(Shelter)~~ Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(20) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 55. Section 57, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.030 are each amended to read as follows:

(1) The secretary shall propose to the legislature no later than November 1st of each even-numbered year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement (~~and/or partial confinement~~) and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case (~~shall~~) may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards proposed for offenders listed in RCW 13.40.020(1) shall include a range of confinement which (~~shall~~) may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards proposed by the department shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed (~~shall~~) may relate only to the length of the proposed terms and not to the nature of the security to be imposed. The secretary shall also submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review at the same time the department proposes its disposition standards.

(2) The legislature may adopt the proposed standards or refer the proposed standards to the secretary for modification. If the legislature fails to adopt or refer the proposed standards to the secretary by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.

(3) If the legislature refers the proposed standards to the secretary for modification on or before February 15th, the secretary shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.

(4) Notwithstanding any other provision of this section, the secretary shall propose standards and submit guidelines to the legislature no later than November 1, 1977. The legislature shall consider the proposed standards and submitted guidelines during the following year in the manner prescribed by subsections (2) and (3) of this section. Such standards shall be in effect for the period July 1, 1978, to June 30, 1979.

(5) Any term of confinement in excess of thirty days shall be served at a facility operated by or pursuant to a contract with the state of Washington.

(6) In developing and promulgating the permissible ranges of confinement under this section the secretary shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range ~~((shall))~~ may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range ~~((shall))~~ may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range ~~((shall))~~ may be no less than eighty percent of the maximum term in the range.

~~((7) In developing and promulgating the permissible ranges of partial confinement under this section, the secretary shall be subject to the following limitations:~~

~~(a) Where the maximum term in the range is ninety days or less, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and~~

~~(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range.)~~

NEW SECTION. Sec. 56. There is added to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW a new section to read as follows:

The standards submitted by the secretary to the legislature prior to November 1, 1978, pursuant to RCW 13.40.030, as now or hereafter amended, including any such standards as modified by the legislature and by the secretary as provided for by that section, shall take effect thirty days after the effective date of this 1979 act.

Sec. 57. Section 58, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.040 are each amended to read as follows:

(1) A ~~((youth))~~ juvenile may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the ~~((youth))~~ juvenile has committed an offense or has violated terms of ~~((community supervision))~~ a disposition order or release order; or

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or

(c) Pursuant to a court order that the ~~((youth))~~ juvenile be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

(2) A ~~((youth shall))~~ juvenile may not be held in detention unless(:

~~(a) The youth has been taken into custody and referred to the court for allegedly committing an offense or when the youth has allegedly failed, or has been found to have failed, to meet the terms of his or her community supervision, and that the youth's past conduct or statements give reason))~~ there is probable cause to believe that:

(a) The juvenile has committed an offense or has violated the terms of a disposition order; and

(i) The ~~((youth))~~ juvenile will likely fail to appear for further proceedings; or

(ii) Detention is required to protect ~~((a youth who is dangerous to))~~ the juvenile from himself or herself; or

~~((b))~~ (iii) The ~~((court has ordered detention as a material witness;~~

(c) The youth is a fugitive from justice;

~~(d) The secretary or the secretary's designee has suspended the early release of a juvenile offender;~~

~~(e) There is clear and convincing evidence that the youth is dangerous to others))~~ juvenile is a threat to community safety; or

~~((f))~~ (iv) The ~~((youth))~~ juvenile will ~~((seek to))~~ intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or

(v) The juvenile has committed a crime while another case was pending;
or

(b) The juvenile is a fugitive from justice; or

(c) The juvenile's parole has been suspended or modified; or

(d) The juvenile is a material witness.

(3) Upon a finding that members of the community have threatened the health of a ((youth)) juvenile taken into custody, at the ((youth's)) juvenile's request the court may order continued detention pending further order of the court.

(4) A ((youth)) juvenile detained under this section may be released upon posting bond set by the court. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the ((youth)) juvenile and shall set the date of his or her next court appearance. The court shall advise the ((youth)) juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the ((youth)) juvenile or to return the ((youth)) juvenile to custody for failing to conform to the conditions imposed. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping.

Sec. 58. Section 59, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.050 are each amended to read as follows:

(1) When a ((youth)) juvenile taken into custody is held in detention:

(a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the ((youth)) juvenile shall be released; and

(b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.

(2) ~~((Written))~~ Notice of the detention hearing, stating the time, place, and purpose of the hearing, and stating the right to counsel, shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the ((youth)) juvenile if over twelve years of age.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a ~~((child))~~ juvenile shall at the detention hearing be ordered released on the ~~((child's))~~ juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 as now or hereafter amended.

(6) If detention is not necessary under RCW 13.40.040, as now or hereafter amended, the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

(a) Place the ~~((child))~~ juvenile in the custody of a designated person agreeing to supervise such ~~((child))~~ juvenile;

(b) Place restrictions on the travel of the ~~((child))~~ juvenile during the period of release;

(c) Require the ~~((child))~~ juvenile to report regularly to and remain under the supervision of the juvenile court;

(d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; or

(e) Require that the ~~((child))~~ juvenile return to detention during specified hours.

Sec. 59. Section 60, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.060 are each amended to read as follows:

(1) Proceedings under this chapter shall be commenced in the county where the ~~((child))~~ juvenile resides. However, proceedings may be commenced in the county where an element of the alleged criminal offense occurred if so requested by the ~~((child))~~ juvenile or by the prosecuting attorney of the county where the incident occurred.

(2) If the hearing takes place in the county where an element of the alleged criminal offense occurred, the case and copies of all legal and social documents pertaining thereto ~~((shall))~~ may in the discretion of the court be transferred to the county where the ~~((child))~~ juvenile resides for a disposition hearing. All costs and arrangements for care and transportation of the ~~((child))~~ juvenile in custody shall be the responsibility of the receiving county as of the date of the transfer of the juvenile to such county, unless the counties otherwise agree.

(3) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when:

(a) There is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun; or

(b) It appears that venue is incorrect under this section.

Sec. 60. Section 61, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.070 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint ~~((for legal sufficiency. The purpose of such screening shall be))~~ to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the ~~((youth))~~ juvenile did commit the offense.

(2) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (4), (5) and (6) of this section. If the prosecutor neither files nor diverts the case, he shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(3) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

~~((3))~~ (4) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if ((the alleged offender is one or more of the following)):

(a) An alleged offender is accused of a class A felony, ((an attempt to commit a class A felony;)) a class B felony, an attempt to commit a class B felony, assault in the third degree, rape in the third degree, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender ((with)) is accused of a felony and has a criminal history of at least ((a)) one class A or class B felony, or two class C ((felony offenses, or at least one class C felony offense and at least one misdemeanor or gross misdemeanor)) felonies, or at least two gross misdemeanors, or at least ((one gross misdemeanor and)) two misdemeanors((, or at least three misdemeanors)) and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender ((accused of violating his or her diversion agreement or who wishes to be prosecuted rather than enter into a diversion agreement or who)) has been referred by ((the)) a diversion unit for prosecution((: PROVIDED, That if the prosecutor elects not to file a charge for which there is probable cause, he shall maintain a record, for one year, of such election and the reasons therefor)) or desires prosecution instead of diversion.

~~((4))~~ If it appears that there is probable cause to believe that an offense has been committed by a youth, the prosecutor may file an information with the juvenile court if the alleged offender is an alleged offender accused of a class C felony:

(5) Whenever the alleged offender is an alleged offender listed in subsection (3) of this section, the prosecutor may file an information on any other criminal complaint regardless of whether or not the other offense is listed in subsection (3)(a) of this section. In lieu of filing an information, the prosecutor may file a motion to modify or revoke community supervision if a criminal complaint alleges a violation of a condition of community supervision:

~~(6) If an alleged offender does not fall within subsection (3) or (4) of this section, the prosecutor shall refer the complaint to the diversionary unit for the formation of a diversion agreement pursuant to RCW 13.40.080.)~~

(5) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed three offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (4) and (6) of this section, a case under this subsection may also be filed.

(6) Where a case is legally sufficient and falls into neither subsection (4) nor (5) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history.

(7) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.

(8) The responsibilities of the prosecutor under subsections (1) through (7) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

Sec. 61. Section 62, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.080 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a ~~((youth))~~ juvenile accused of an offense and a diversionary unit whereby the ~~((youth))~~ juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it.

(2) A diversion agreement ~~((may include))~~ shall be limited to:

(a) ~~((Periods of))~~ Community service not to exceed one hundred fifty hours, ((but)) not to be performed during school hours if the ((youth)) juvenile is attending school((, no community service shall be required during normal school hours));

(b) Restitution limited to the amount of actual loss incurred by the victim, and ~~((the youth shall be required to make restitution to the victim unless the youth does not have))~~ to an amount the juvenile has the means ((and could not acquire the means to do so)) or potential means to pay; and

(c) An informational, educational, or counseling interview, which may be required at a community agency.

~~((c))~~ (3) In assessing periods of community service to be performed and restitution to be paid by a ~~((youth))~~ juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall to the extent possible involve members of the community. Such members of the community shall meet with the ~~((youth))~~ juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the ~~((youth))~~ juvenile in carrying out its terms~~((;))~~.

~~((d))~~ (4) A diversion agreement ~~((shall))~~ may not exceed a period of six months for a misdemeanor or gross misdemeanor or one year for a felony and may include a period extending beyond the eighteenth birthday of the diverttee. Any restitution assessed during its term~~((shall))~~ may not exceed an amount which the ~~((youth))~~ juvenile could be reasonably expected to pay during this period. If additional time is necessary for the ~~((youth))~~ juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months~~((; and~~

~~((c) An informational, educational, or counseling interview may be required at a community agency)).~~

~~((f))~~ (5) The ~~((youth))~~ juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

~~((f))~~ (6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether ~~((said youths))~~ the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

~~((c))~~ No ~~((youth shall))~~ diverttee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the ~~((youth))~~ diverttee;

(d) The hearing shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the ~~((diverted youth))~~ diverttee has substantially violated the terms of his or her diversion agreement.

(c) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

~~((5))~~ (7) The diversion unit shall be responsible for advising a ~~((youth))~~ juvenile of his or her rights as provided in this chapter.

~~((6))~~ (8) The right to counsel shall inure prior to the initial interview for purposes of advising the ~~((youth))~~ juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The ~~((youth))~~ juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The ~~((youth))~~ juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews ~~((shall))~~ mean all interviews regarding the diversion agreement process.

The ~~((youth))~~ juvenile shall be advised that a diversion agreement shall constitute a part of the ~~((youth's))~~ juvenile's criminal history as defined by RCW 13.40.020(6) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the ~~((youth))~~ juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((7))~~ (9) When a ~~((youth))~~ juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The ~~((youth's))~~ juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((8))~~ (10) A diversionary unit may refuse to enter into a diversion agreement with a ~~((youth))~~ juvenile. It shall immediately refer such ~~((youth))~~ juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such ~~((youth))~~ juvenile fails to make restitution or perform community service as required by the diversion agreement.

~~((9))~~ (11) A diversionary unit may, in instances where it determines that the act or omission of an act for which a ~~((youth))~~ juvenile has been referred to it involved no victim, or where it determines that the ~~((youth))~~

juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a ~~((youth))~~ juvenile without entering into a diversion agreement: PROVIDED, That any ~~((youth))~~ juvenile so handled shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the ~~((youth's))~~ juvenile's criminal history as defined by RCW 13.40.020(6) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the ~~((youth))~~ juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language: PROVIDED FURTHER, That a ~~((youth))~~ juvenile determined to be eligible by a diversionary unit for such release shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other ~~((youth))~~ juvenile referred to the unit.

(12) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

Sec. 62. Section 64, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.100 are each amended to read as follows:

(1) Upon the filing of an information the alleged offender shall be notified by summons, warrant, or other method approved by the court of the next required court appearance.

(2) If notice is by summons, the clerk of the court shall issue a summons directed to the ~~((child))~~ juvenile, if the ~~((child))~~ juvenile is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

~~((2))~~ (3) A copy of the information shall be attached to each summons.

~~((3))~~ (4) The summons shall advise the parties of the right to counsel.

~~((4))~~ (5) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the ~~((child))~~ juvenile to bring the ~~((child))~~ juvenile to the hearing.

~~((5))~~ (6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the ~~((child))~~ juvenile needs to be taken into custody pursuant to RCW 13.34.050, as now or hereafter amended, the judge may endorse upon the summons an order that an officer serving the summons shall at once

take the ((child)) juvenile into custody and take the ((child)) juvenile to the place of detention or shelter designated by the court.

~~((6) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the party's address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.))~~

(7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor.

(8) If the person summoned as herein provided ((shall)) fails without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court.

Sec. 63. Section 65, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.110 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is sixteen or seventeen years of age and the ((petition)) information alleges a class A felony or an attempt to commit a class A felony; or

(b) The respondent is seventeen years of age and the ((petition)) information alleges assault in the second degree, extortion in the first degree, indecent liberties, kidnaping in the second degree, rape in the second degree, or robbery in the second degree.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 64. Section 66, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.120 are each amended to read as follows:

The court shall hold an adjudicatory hearing on the information, and, after it has announced its findings of fact and its ((~~verdict~~)) decision, shall hold a hearing to consider disposition of the case pursuant to RCW 13.40.150 and 13.40.160, as now or hereafter amended, immediately following the adjudicatory hearing or at a continued hearing within fourteen days unless good cause is shown for a further continuance. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases ((~~shall~~)) may not be heard in conjunction with other business of any other division of the superior court.

Sec. 65. Section 67, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.130 are each amended to read as follows:

(1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, a hearing date shall be set.

(3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.

(4) The court shall record its findings of fact and shall enter its ((~~verdict~~)) decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its ((~~verdict~~)) decision.

(5) If the respondent is found not guilty he or she shall be released from detention.

(6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing.

(7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.

(8) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay.

(9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.

Sec. 66. Section 68, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.140 are each amended to read as follows:

(1) A ~~((youth))~~ juvenile shall be advised of his or her rights when appearing before the court.

(2) A ~~((youth))~~ juvenile and his or her parent, guardian, or custodian shall be advised by the court or its representative that the ~~((youth))~~ juvenile has a right to be represented by counsel at all critical stages of the proceedings. Unless waived, counsel shall be provided to a ~~((youth,))~~ juvenile who is financially unable to obtain counsel without causing substantial hardship to himself or herself or the ~~((youth's))~~ juvenile's family, in any proceeding where the ~~((youth))~~ juvenile may be subject to transfer for criminal prosecution, or in any proceeding where the ~~((youth))~~ juvenile may be in danger of confinement ~~((or partial confinement))~~. The ability to pay part of the cost of counsel ~~((shall))~~ does not preclude assignment. In no case ~~((shall))~~ may a ~~((youth))~~ juvenile be deprived of counsel because of a parent, guardian, or custodian refusing to pay therefor. The ~~((youth))~~ juvenile shall be fully advised of his or her right to an attorney and of the relevant services an attorney can provide.

(3) The right to counsel ~~((shall))~~ includes the right to the appointment of experts necessary, and the experts shall be required pursuant to the procedures and requirements established by the supreme court.

(4) Upon application of a party, the clerk of the court shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing, or such subpoenas may be issued by an attorney of record.

(5) All proceedings shall be transcribed verbatim by means which will provide an accurate record.

(6) The general public and press shall be permitted to attend any hearing unless the court, for good cause, orders a particular hearing to be closed. The presumption shall be that all such hearings will be open.

(7) In all adjudicatory proceedings before the court, all parties shall have the right to adequate notice, discovery as provided in criminal cases, opportunity to be heard, confrontation of witnesses except in such cases as this chapter expressly permits the use of hearsay testimony, findings based solely upon the evidence adduced at the hearing, and an unbiased fact-finder.

(8) A juvenile shall be accorded the privilege against self-incrimination. An ~~((extra-judicial))~~ extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding ~~((shall))~~ may not be received in evidence at an adjudicatory hearing over objection. Evidence illegally seized or obtained ~~((shall))~~ may not be received in evidence over objection at an adjudicatory hearing to prove the allegations against the ~~((child))~~ juvenile. An ~~((extra-judicial))~~ extrajudicial admission or confession made by the ~~((child))~~ juvenile out of court is insufficient to support a finding that the

~~((child))~~ juvenile committed the acts alleged in the information unless evidence of a corpus delicti is first independently established.

(9) Waiver of any right which a ~~((child))~~ juvenile has under this chapter must be an express waiver intelligently made by the ~~((child))~~ juvenile after the ~~((child))~~ juvenile has been fully informed of the right being waived.

(10) Whenever this chapter refers to waiver or objection by a ~~((child))~~ juvenile, the word ~~((child))~~ juvenile shall be construed to refer to a ~~((child))~~ juvenile who is at least twelve years of age. If a ~~((child))~~ juvenile is under twelve years of age, the ~~((child's))~~ juvenile's parent, guardian, or custodian shall give any waiver or offer any objection contemplated by this chapter.

Sec. 67. Section 69, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.150 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

(a) Violations which are current offenses count as misdemeanors;

(b) Violations may not count as part of the offender's criminal history;

(c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement; and

(v) The respondent was the leader of a criminal enterprise involving several persons(;;).

~~((i))~~ (4) The following factors ~~((shall))~~ may not be considered in determining the punishment to be imposed:

~~((i))~~ (a) The sex of the respondent;

~~((ii))~~ (b) The race or color of the respondent or the respondent's family;

~~((iii))~~ (c) The creed or religion of the respondent or the respondent's family;

~~((iv))~~ (d) The economic or social class of the respondent or the respondent's family; and

~~((v))~~ (e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter(;;).

~~((k))~~ (5) A court ~~((shall))~~ may not commit a ~~((youth))~~ juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

Sec. 68. Section 70, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for ~~((a determinate sentence consisting of))~~ the standard range of disposition for the offense.

If the court ~~((finds that a disposition within the standard range would effectuate a manifest injustice, the court may impose a disposition outside~~

~~the range but only after it enters reasons upon which it bases)) concludes, and enters reasons for its conclusion,~~ that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(6), as now or hereafter amended, shall be used to determine the range. A disposition ((imposed)) outside ((a)) the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition. A disposition other than a community supervision ~~((shall))~~ may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(6), as now or hereafter amended, shall be used to determine the range. Any disposition other than community supervision may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision may not be appealed under RCW 13.40.230 as now or hereafter amended.

(3) ~~((A juvenile appearing before the court for formal disposition who has))~~ Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement ((and who would otherwise be so entitled shall, if determined to be a first or minor offender, be referred to a diversionary unit under the supervision of which such youth may only be required to perform the term of community service and, where there is a victim, shall be required to make restitution under the limits specified in this chapter)), the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) Where ~~((the))~~ a respondent is found to have committed an offense ~~((and))~~ which is neither a serious ~~((offender))~~ nor a minor or first ~~((offender, consistent with the purposes of this chapter the court shall: (a)(i) Where the appropriate))~~ offense:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense: PROVIDED, That if the standard range includes a ((period)) term of confinement exceeding thirty days, ((sentence the offender to the department for a term consisting of the appropriate standard range, or (ii) where the appropriate standard range does not include a period of confinement exceeding thirty days, sentence the offender to a determinate term within the appropriate standard range in which case the court shall consider only those)) commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement in which case, if confinement has been imposed, the court shall state either aggravating ((and)) or mitigating factors as set forth in RCW 13.40.150 ((and shall state its reasons for selecting the particular punishment imposed, or (b) shall impose a term of community supervision. If the court sentencing pursuant to subsection (a)(i) or (ii) of this section finds that a disposition within the standard range would effectuate a manifest injustice, it may impose a disposition other than community supervision outside the range but only after it)) as now or hereafter amended.

(c) Only if the court concludes, and enters reasons ((upon which it bases)) for its conclusions, that disposition ((within the standard range)) as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(6), as now or hereafter amended, shall be used to determine the range.

(d) A disposition ((so imposed outside the standard range may be appealed as provided in)) pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition ((within the standard range or of community supervision shall)) pursuant to subsection (4)(a) or (b) of this section is not ((be)) appealable under RCW 13.40.230 as now or hereafter amended.

(5) ((A court may require a juvenile offender to serve a period of partial confinement not to exceed thirty days or a period of confinement not to exceed the minimum period of confinement included within the standard range for the offense(s) for which he or she was found guilty, but in no case to exceed thirty days: PROVIDED, That such periods of partial confinement and confinement may be required only of youthful offenders who are: (a) Not sentenced to a sentence within a range established by the legislature; (b) not committed to the department; (c) not first and minor offenders; and (d) are serving terms of community supervision: PROVIDED FURTHER, That all such terms of partial confinement and confinement shall be served in a facility operated by or pursuant to a contract with a county or city.)) Whenever a juvenile offender is entitled to credit for time spent in

detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

Sec. 69. Section 73, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.190 are each amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution ~~((PROVIDED, That))~~. The court ((shall)) may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution. In cases where an offender has been committed to the department for a period of confinement exceeding fifteen weeks, restitution may be waived.

~~(2) ((When a respondent who has been ordered by a court to pay a fine or restitution, or to perform service for the public good fails to fulfill that order, the court upon the motion of the prosecutor or upon its own motion, shall require the respondent to show cause why the respondent should not be confined in a detention facility for nonfulfillment. The court may issue a summons or a warrant for arrest to compel the respondent's appearance.~~

~~(3) The respondent shall have the burden of showing that the nonpayment or nonfulfillment was not a wilful refusal and that he or she did not have the means and could not reasonably acquire the means to pay the fine or restitution or to perform the service for the public good. If the court finds that the default was wilful, it may order the youth detained in a county facility for one day for each twenty-five dollars of restitution or fine on which the youth wilfully defaulted or may order the youth detained in a county facility for one day for each eight hours of community service on which the youth wilfully defaulted)) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.~~

Sec. 70. Section 74, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.200 are each amended to read as follows:

~~((Consistent with the purposes of this chapter, if the respondent violates a condition of his or her community supervision, community supervision may be revoked or modified and further permissible punishment imposed pursuant to the provisions of this chapter. Such punishment may include a period of confinement and/or partial confinement in a county facility not to exceed thirty days. Community supervision may only be revoked or modified upon the same due process as would be afforded an adult alleged probation~~

violation:)) (1) When a respondent fails to comply with an order of restitution, community supervision, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine or restitution or perform community service.

(3) (a) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days confinement.

(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.

Sec. 71. Section 75, chapter 291, Laws of 1977 ex. sess. and RCW 13-40.210 are each amended to read as follows:

(1) The secretary shall, except in the case of a ((youth)) juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the ((youth)) juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each ((youth)) juvenile committed to its custody which shall be within the prescribed range to which a ((youth)) juvenile has been committed. Such dates shall be determined prior to the expiration of sixty percent of a ((youth's)) juvenile's minimum term of confinement included within the prescribed range to which the ((youth)) juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter: PROVIDED, That days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) Following the ((youth's)) juvenile's release pursuant to subsection (1) of this section, the secretary may require the ((youth)) juvenile to comply with a program of parole to be administered by the department in his or

her community which shall last no longer than eighteen months. The secretary shall, for the period of parole, facilitate the ~~((youth's))~~ juvenile's reintegration into his or her community and to further this goal may require the ~~((youth))~~ juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the ~~((youth))~~ juvenile shall be discharged from the department's supervision.

(3) The department may also ~~((revoke or))~~ modify parole for violation thereof. If, after affording a ~~((youth))~~ juvenile all of the due process rights to which he or she would be entitled if the ~~((youth))~~ juvenile were an adult, the secretary finds that a ~~((youth))~~ juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; and (d) imposition of a period of ~~((partial))~~ confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision.

(4) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

Sec. 72. Section 77, chapter 291, Laws of 1977 ex. sess. and RCW 13-.40.230 are each amended to read as follows:

(1) Dispositions reviewed pursuant to RCW 13.40.160, as now or hereafter amended, shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs ~~((shall))~~ may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, or which imposes confinement for a minor or first offender, the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the

record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range, or non-confinement for a minor or first offender, would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter.

(4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) Pending appeal, a respondent (~~shall~~) may not be committed or detained for a period of time in excess of the standard range for the offense(s) committed and (~~shall~~) may not be detained if a first or minor offender: PROVIDED, That if the order of the disposition court is below the standard range, the respondent shall be committed or detained for no longer than the term set by the disposition court.

(6) (~~Dispositions imposed by the disposition court shall not be final until either the deadline for appeal pursuant to state law or supreme court rule has passed without an appeal being taken, or the court of appeals has issued its decision on the appeal.~~) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt.

Sec. 73. Section 1, chapter 170, Laws of 1975 1st ex. sess. and RCW 13.40.300 are each amended to read as follows:

(1) In no case (~~shall~~) may a (~~delinquent~~) juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the (~~child's~~) juvenile offender's twenty-first birthday. A (~~delinquent~~) juvenile (~~shall~~) may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the (~~child's~~) juvenile's eighteenth birthday only if (~~the juvenile court has,~~) prior to the juvenile's eighteenth birthday (~~found the juvenile to be delinquent and has extended the jurisdiction~~);

(a) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence consisting of the standard range of disposition for the offense and the sentence includes a period beyond the juvenile offender's eighteenth birthday; or

(b) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence outside the standard range of disposition for the offense and the sentence includes a period beyond the (~~child's~~) juvenile's eighteenth birthday and the court by written order setting forth its reasons (~~therefor~~) extends jurisdiction of juvenile court over the juvenile offender for that period; or

(c) Proceedings are pending seeking the adjudication of a juvenile offense or seeking an order of disposition and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday.

(2) In no event (~~shall~~) may the juvenile court have authority to extend jurisdiction over any (~~delinquent~~) juvenile offender beyond the juvenile(~~s~~) offender's twenty-first birthday.

(3) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

NEW SECTION. Sec. 74. There is added to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW a new section to read as follows:

The provisions of RCW 10.01.040 apply to chapter 13.40 RCW.

Sec. 75. Section 9, chapter 291, Laws of 1955 as amended by section 1, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.090 are each amended to read as follows:

Upon the filing of a petition for adoption, the court shall cause an investigation of the propriety of the adoption to be made. The court shall appoint an approved agency or any qualified salaried court employee or any other suitable and proper person as next friend of the child to make such investigation. The investigation shall be made without expense to the petitioners. The investigator appointed by the court shall make a report in writing to the court within sixty days from the time of the appointment unless further time be granted by the court. Such report shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child, the religion of the child, if any, and if unknown, then the report shall designate unknown, the parents of the child, and the home environment, family life, health, facilities and resources of the petitioners, and any other facts and circumstances relating to the propriety and advisability of the adoption. Such report shall also include, where relevant, information on the child's special cultural heritage, including membership in any Indian tribe or band. Any preplacement report on the petitioner required by this chapter to be filed with the court shall be made available to the next friend; the next friend may in his discretion rely on its contents and adopt its recommendations and may incorporate the same in the report of the next friend.

When the object of the adoption proceeding is the petition of a parent to adopt the child of the other spouse, the report of the next friend shall be made within ten days of the date of appointment, unless such time is extended by the court, and in such cases the court may dispense with formal written report and require such information as the court deems necessary in the particular case as to the propriety of the adoption.

Sec. 76. Section 3, chapter 30, Laws of 1965 as last amended by section 21, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.020 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

- (1) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or ((delinquency)) criminal behavior of children;
- (2) Protecting and caring for homeless, dependent, or neglected children;
- (3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;
- (4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;
- (5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than eighteen years of age.

Sec. 77. Section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, and supervise a plan that establishes, ~~((extends aid to))~~ aids, and strengthens services for the protection and care of homeless, runaway, dependent ~~((children))~~, or neglected children ~~((, or juvenile offenders))~~.

(2) Investigate complaints of neglect, abuse, or abandonment of children by parents, ~~((guardians;))~~ legal custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, ~~((guardians;))~~ legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

**** (3) Offer, on a voluntary basis, crisis intervention to families who are in conflict. Private and public entities which intend to contract with the department to offer crisis intervention services shall provide, prior to entering into the contract, a written rationale for the service model or models to be offered***

by the agency, which shall include a description of the type of service or services to be offered, a service impact statement describing the anticipated effects of the types of services to be provided, and any evidence available to justify the service impact statement.

~~((Crisis intervention services (a) shall consist of an interview or series of interviews with the child or his or her family, as needed, conducted within a brief period of time by qualified professional persons, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or the family, and (b) may include, but are not limited to, the provision of or referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.~~

~~Nothing in this section shall prohibit an officer of the child welfare services from referring any child who, as a result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive towards others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, to a community mental health center pursuant to RCW 72.23.070.~~

~~(4) Have authority to accept for temporary residential care in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW a child who has been taken into limited custody pursuant to RCW 13.30.020: PROVIDED, That a juvenile shall in no event remain in temporary residential care for a period longer than seventy-two hours from the time of the juvenile's initial contact with the law enforcement officer except as otherwise provided in this section. Upon accepting the child, the staff of the facility shall notify the child's parents or custodian of his or her whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement and shall undertake to make arrangements for the child's return home.~~

~~In every case crisis intervention services shall be provided as needed and the staff of the temporary facility shall seek to effect the child's return home or alternative living arrangement agreeable to the child and the parent or custodian as soon as practicable.~~

~~(a) If, after his or her admission to a temporary residential facility, a child who is absent from home without permission and his or her parent or custodian agrees to the child's return home, the staff of the facility shall arrange transportation for the juvenile, as soon as practicable, to the county of residence of the parent or custodian, at the latter's expense to the extent of his or her ability to pay.~~

~~(b) If the child refuses to return home and if no other living arrangements agreeable to the child and the parent or custodian can be made, the staff of the facility shall arrange transportation for the child to a temporary nonsecure residential facility in the county of residence of the parent or custodian,~~

~~at the expense of the latter to the extent of his or her ability to pay. If there is no such facility in the county of that residence, the nearest such facility to that residence shall be used.~~

~~(c) If a child's legal residence is outside the state of Washington and such child refuses to return home, the provisions of RCW 13.24.010 shall apply.~~

~~(d) If the parent or custodian refuses to permit the child to return home, and no other living arrangement agreeable to the child and the parent or custodian can be made, staff of the child welfare services section shall notify the juvenile court to appoint legal counsel for the child and shall file a dependency petition in the juvenile court in the jurisdiction of the residence of the parent or custodian.~~

~~(e) If a child and his or her parent or guardian agree to an arrangement for alternative residential placement, such placement may continue as long as there is agreement. During any alternative residential placement, there shall be provided to the child and to his or her family such services as may be appropriate to the particular case, to the end that the child may be reunited with the family as soon as practicable.~~

~~(f) If such child and his or her parent or custodian cannot agree to an arrangement for alternative residential placement in the first instance, or cannot agree to the continuation of such placement, the child or his or her parent or custodian may file with the juvenile court a petition to approve alternative residential placement pursuant to RCW 13.32.020. The child shall remain in the placement where he or she is located at the time a petition to approve alternative residential placement is filed until a placement decision is made pursuant to RCW 13.32.040.~~

~~(g) In no event shall alternative residential placement for a child in conflict with his or her family be arranged in a secure detention facility or in a secure institution except as provided in this subsection and RCW 13.34.140. A child in conflict with his or her parents may be detained in a secure detention facility operated by a county for a maximum of seventy-two hours if:~~

~~(i) The staff of the child welfare services section find that the child taken into limited custody has previously been placed in alternative residential care and has run away from such placement and that it is likely that the child will run away from another and different residential placement, or~~

~~(ii) The child refuses to return home and refuses to be placed in alternative residential care.~~

~~During such detention, efforts shall be continued to the end that the child may be returned home or other living arrangements agreeable to the child and his or her parent, guardian, or custodian are made. If an agreement concerning living arrangements for the child cannot be reached a petition shall be filed within forty-eight hours after initial detention of the child, pursuant to subsection (4)(f) of this section. The hearing on the petition shall be held within seventy-two hours, excluding Sundays and holidays, of the~~

~~initial detention of the child. If the hearing on the petition is not held within these time limits the child shall be released from detention.~~

~~(5) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children including but not limited to contracting with private and public entities to provide basic education and vocational training and crisis intervention services:~~

~~(6) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed.)) (4) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities on behalf of children. Contract with local agencies for the provision of crisis intervention services including crisis intake and counseling in Class A and AA counties and counties of the first class. If agreement is obtained from the office of financial management that said services are not available at reasonable cost in said county or counties, purchase of services in said counties is not required: PROVIDED, That when contracting for the above-mentioned services the department shall monitor and administer intake services to the extent that there is a standardized intake system which shall include uniform eligibility criteria and shall yield the type of data enumerated in section 81 of this act.~~

(5) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed.

(6) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(7) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(8) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

(9) Notwithstanding any other provision of ~~((chapter 13.30 RCW, RCW 74.13.020, and this section;))~~ sections 31 through 34 and 78 through 82 of this 1979 act, or of this section all services to be provided by the department of social and health services under subsections (3) and (4) of this section, subject to the limitations of these subsections, may be provided by

any program offering such services funded pursuant to Title II of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.).

***Subsections (3) and (4) of Section 77 were vetoed, see message at end of chapter.**

NEW SECTION. Sec. 78. (1) The department shall establish, by contracts with private vendors, not less than eight regional crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. Each regional center shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children. The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in section 23 of this act.

(2) The department shall, in addition to the regional facilities established under subsection (1) of this section, establish not less than thirty additional crisis residential centers pursuant to contract with licensed private group care or specialized foster home facilities. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in section 23 of this 1979 act. The responsibilities stated in section 23 of this 1979 act may, in any of the centers, be carried out by the department.

Crisis residential facilities shall be operated as semi-secure facilities.

NEW SECTION. Sec. 79. (1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises, which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder. Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, to a community mental health center pursuant to RCW 72.23.070 or to a mental health professional pursuant to chapter 71.05 RCW whenever such action is deemed appropriate and consistent with law.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by sections 15 through 34 of this 1979 act. In providing these services, the facility shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible; and

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed seventy-two hours.

(3) A juvenile taking unauthorized leave from this residence may be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in section 19 of this 1979 act. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile may be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed seventy-two hours on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed seventy-two hours.

NEW SECTION. Sec. 80. (1) A child taken into custody and taken to a crisis residential center established pursuant to section 78(2) of this 1979 act may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed seventy-two hours from the point of intake as provided in section 27 of this 1979 act.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure detention facility operated by the county in which the center is located for a maximum of twenty-four hours, including Saturdays, Sundays, and holidays, if the person in charge of the crisis residential center finds that the child is severely, emotionally, or behaviorally disturbed to the point that the child is suicidal, seriously assaultive, or seriously destructive towards others and the center is unable to provide appropriate supervision and structure. Any child who takes unauthorized leave from the center, if the person in charge of the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave, may be taken to a secure detention facility subject to the provisions of this section: **PROVIDED**, That juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the

services defined in section 79(2) of this 1979 act. If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within forty-eight hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed seventy-two hours from the point of intake as provided in section 27 of this 1979 act.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5) It is the intent of the legislature that by December 1, 1980, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.

NEW SECTION. Sec. 81. Crisis residential centers shall compile yearly records which shall be transmitted to the department and which shall contain information regarding population profiles of the children admitted to the centers during each past calendar year. Such information shall include but shall not be limited to the following:

- (1) The number, age, and sex of children admitted to custody;
- (2) Who brought the children to the center;
- (3) Services provided to children admitted to the center;
- (4) The circumstances which necessitated the children being brought to the center;
- (5) The ultimate disposition of cases;
- (6) The number of children admitted to custody who ran away from the center and their ultimate disposition, if any;
- (7) Length of stay.

The department may require the provision of additional information and may require each center to provide all such necessary information in a uniform manner.

A center may, in addition to being licensed as such, also be licensed as a family foster home or group care facility and may house on the premises juveniles assigned for foster or group care.

NEW SECTION. Sec. 82. The department of social and health services shall oversee implementation of chapter 13.34 RCW and sections 15 through 34 of this 1979 act. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively

carry out these chapters. The department shall work with all such entities to ensure that this 1979 act is implemented in a uniform manner throughout the state. The department shall make periodic reports to the governor and to the legislature regarding implementation of the chapters cited in this section and shall report any violations and misunderstandings regarding the implementation thereof. Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.

Sec. 83. Section 2, chapter 172, Laws of 1967 as amended by section 71, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.020 are each amended to read as follows:

For the purpose of chapter 74.15 RCW (~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

- (1) "Department" means the state department of social and health services;
- (2) "Secretary" means the secretary of (~~(the state department of)~~) social and health services;
- (3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or developmentally disabled persons for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or developmentally disabled persons for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or developmentally disabled persons for services rendered:
 - (a) "Group-care facility" means an agency which is maintained and operated for the care of a group of children on a twenty-four hour basis;
 - (b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;
 - (c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;
 - (d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours; (~~(and)~~)
 - (e) "Foster-family home" means an agency which regularly provides care during any part of the twenty-four hour day to one or more children, expectant mothers or developmentally disabled persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or developmentally disabled person is placed; and
 - (f) "Crisis residential center" means an agency which is a temporary protective residential facility operated by the department to perform the

duties specified in sections 15 through 34 of this 1979 act, in the manner provided in sections 78 through 82 of this 1979 act.

"Agency" shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother or developmentally disabled persons in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother or developmentally disabled persons;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(e) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(f) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(j) Facilities approved and certified under RCW 72.33.810;

(k) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund.

(4) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

NEW SECTION. Sec. 84. There is added to chapter 74.15 RCW a new section to read as follows:

The department, pursuant to rules, may enable any licensed foster family home or group care facility to be designated as a semi-secure facility, as defined by section 17 of this 1979 act.

NEW SECTION. Sec. 85. Sections 15 through 34 of this 1979 act shall constitute a new chapter in Title 13 RCW.

Sections 78 through 82 of this 1979 act are each added to chapter 74.13 RCW.

NEW SECTION. Sec. 86. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.270;

(2) Section 11, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.272;

(3) Section 12, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.274;

(4) Section 16, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.010;

(5) Section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020;

(6) Section 18, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.030;

(7) Section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040;

(8) Section 23, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.010;

(9) Section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020;

(10) Section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030;

(11) Section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040;

(12) Section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050;

(13) Section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140;

(14) Section 71, chapter 291, Laws of 1977 ex. sess. and RCW 13.40-.170; and

(15) Section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400.

NEW SECTION. Sec. 87. There is appropriated to the department of social and health services for the period July 1, 1979, to June 30, 1981, from the general fund the sum of one million one hundred thousand dollars, or so much thereof as may be necessary, for the establishment of crisis residential centers throughout the several judicial districts of the state.

NEW SECTION. Sec. 88. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 89. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 8, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 29, 1979, with the exception of Subsection (3) and (4) of Section 77, which is vetoed.

Filed in Office of Secretary of State March 29, 1979.

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

"I am returning herewith without my approval as to Subsections 3 and 4 of Section 77 of Substitute Senate Bill 2768 entitled:

"An Act Relating to juveniles; amending section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010; amending section 2, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.011; amending section 3, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.021; amending section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030; amending section 5, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.033; amending section 6, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.035; amending section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040; amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130; amending section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278; amending section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.030; amending section 33, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.050; amending section 34, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.060; amending section 6, chapter 160, Laws of 1913 as amended by section 35, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.070; amending section 7, chapter 160, Laws of 1913 as last amended by section 36, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.080; amending section 37, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.090; amending section 38, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.100; amending section 5, chapter 302, Laws of 1961 as amended by section 39, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.110; amending section 40, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.120; amending section 41, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.130; amending section 46, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.180; amending section 47, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.190; amending section 49, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.210; amending section 56, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.020; amending section 57, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.030; amending section 58, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.040; amending section 59, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.050; amending section 60, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.060; amending section 61, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.070; amending section 62, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.080; amending section 64, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.100; amending section 65, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.110; amending section 66, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.120; amending section 67, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.130; amending section 68, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.140; amending section 69, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.150; amending section 70, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.160; amending section 73, chapter 291, Laws of 1977 ex.

sess. and RCW 13.40.190; amending section 74, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.200; amending section 75, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.210; amending section 77, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.230; amending section 1, chapter 170, Laws of 1975 1st ex. sess. and RCW 13.40.300; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031; amending section 9, chapter 291, Laws of 1955 as amended by section 1, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.090; amending section 3, chapter 30, Laws of 1965 as last amended by section 21, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.020; amending section 2, chapter 172, Laws of 1967 as amended by section 71, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.020; adding a new section to chapter 291, Laws of 1977 ex. sess. and to chapter 13.04 RCW; adding a new section to chapter 13.24 RCW; adding new sections to chapter 13.34 RCW; adding new sections to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; adding new chapters to Title 13 RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; creating new sections; repealing section 10, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.270; repealing section 11, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.272; repealing section 12, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.274; repealing section 16, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.010; repealing section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020; repealing section 18, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.030; repealing section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040; repealing section 23, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.010; repealing section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020; repealing section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030; repealing section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040; repealing section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050; repealing section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140; repealing section 71, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.170; repealing section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400; making an appropriation; prescribing penalties; and declaring an emergency."

Substitute Senate Bill 2768 represents many long hours of work aimed at improving the Juvenile Justice Act of 1977. Individuals and groups representing all aspects of the State's juvenile system participated in the development of this legislation. State agencies, prosecutors offices, public defenders, law enforcement officers, juvenile court directors, judges, and local youth service agencies, all helped address the problems that have arisen since the implementation of the 1977 law.

Passage of Substitute Senate Bill 2768 will help the State to maintain control over the problem of runaways by allowing police to pick up runaway juveniles and transport them to semi-secure Crisis Residential Centers until the family can be successfully reunited. This law will also improve the day to day performance of the juvenile system by more clearly defining roles and responsibilities of those agencies involved with juveniles. The law will also put Washington in conformance with the Interstate Compact on Runaways.

Subsections (3) and (4) of Section 77 of the Act require the Department of Social and Health Services to contract for Crisis Intervention Services, I would prefer that the Department of Social and Health Services management be allowed the option of determining the most cost-effective way of providing these services. This would assure the best use of taxpayer funds. This is a far better policy than is the establishment of rigid rules that inhibit management efficiency. Allowing the Department of Social and Health Services the authority to provide the intake portion of Crisis Intervention Services means that the Department of Social and Health Services can be held fully accountable for the performance of the program. For these reasons I have vetoed Subsections (3) and (4) of Section 77 of Substitute Senate Bill 2768.

I will expect the Department of Social and Health Services to test the cost-effectiveness of the contracting concept by carefully evaluating the benefits and costs of the different modes of service delivery.

In making the decision to veto Subsections of Substitute Senate Bill 2768 I am fully aware that Amendment 62 of the Washington State Constitution provides that the Governor "may not object to less than an entire section." The combined subsections I am vetoing do comprise a "section" as defined in Apartment Associations vs. Evans 88 W2d 553, 564 P. 2d 788 (1977). Although Apartment Associations interpreted the meaning of "section" as it existed before Amendment 62, the definition is still applicable. Amendment 62 abrogated the Governor's power to veto an "item". The intent of the Legislature and the people was to prohibit the Governor from vetoing a word, a comma, or other integrated segment of a proposal by the Legislature. The Legislature did not address the definition of the word "section." Therefore the definition set out in Apartment Associations (supra) appears valid.

The court, in testing several vetoes, reveals that a section is determined by its severability from other parts of the bill, and its ability to stand alone as a complete concept. In the present situation, Section 77 of Substitute Senate Bill 2768 delegates duties to the Department of Social and Health Services. The subsections within section 77 set out individual duties. Subsections (3) and (4) embody one duty separate and distinct from the other duties, clearly this duty is severable from the others and is a complete "section" as defined in Apartment Associations.

It is not my intent to change the remainder of the bill. My objection is toward the single concept of mandating contracts for services.

With the exception of Subsection (3) and (4) of Section 77, which I have vetoed, the remainder of Substitute Senate Bill 2768 is approved."

CHAPTER 156

[House Bill No. 86]

DEBT ADJUSTING

AN ACT Relating to debt adjusting; amending section 1, chapter 201, Laws of 1967 as amended by section 1, chapter 97, Laws of 1970 ex. sess. and RCW 18.28.010; amending section 6, chapter 201, Laws of 1967 as last amended by section 20, chapter 292, Laws of 1971 ex. sess. and RCW 18.28.060; amending section 8, chapter 201, Laws of 1967 as amended by section 2, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.080; amending section 10, chapter 201, Laws of 1967 and RCW 18.28.100; amending section 11, chapter 201, Laws of 1967 and RCW 18.28.110; amending section 15, chapter 201, Laws of 1967 and RCW 18.28.150; amending section 17, chapter 201, Laws of 1967 and RCW 18.28.170; amending section 14, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.140; amending section 17, chapter 289, Laws of 1977 ex. sess. (uncodified); adding new sections to chapter 18.28 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

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

Section 1. Section 1, chapter 201, Laws of 1967 as amended by section 1, chapter 97, Laws of 1970 ex. sess. and RCW 18.28.010 are each amended to read as follows:

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) "Debt adjusting" means the managing, counseling, settling, adjusting, prorating, or liquidating of the indebtedness of a debtor, or receiving funds for the purpose of distributing said funds among creditors in payment or partial payment of obligations of a debtor.

(2) "Debt adjuster", which includes any person known as a debt pooler, debt manager, debt consolidator, debt prorater, or credit counselor, is any ~~((individual))~~ person engaging in or holding himself out as engaging in the business of debt adjusting for compensation. The term shall not include:

(a) Attorneys at law, escrow agents, accountants, broker-dealers in securities, or investment advisors in securities, while performing services solely incidental to the practice of their professions;

(b) Any person, partnership, association, or corporation doing business under and as permitted by any law of this state or of the United States relating to banks, small loan companies, industrial loan companies, trust companies, mutual savings banks, savings and loan associations, building and loan associations, credit unions, crop credit associations, development credit corporations, industrial development corporations, title insurance companies, or insurance companies;

(c) Persons who, as employees on a regular salary or wage of an employer not engaged in the business of debt adjusting, perform credit services for their employer;

(d) Public officers while acting in their official capacities and persons acting under court order;

(e) Any person while performing services incidental to the dissolution, winding up or liquidation of a partnership, corporation, or other business enterprise;

(f) Nonprofit organizations dealing exclusively with debts owing from commercial enterprises to business creditors;

(g) Nonprofit organizations engaged in debt adjusting and which do not assess against the debtor a service charge in excess of ~~((five))~~ fifteen dollars per month.

(3) "Debt adjusting agency" is any partnership, corporation, or association engaging in or holding itself out as engaging in the business of debt adjusting.

(4) "License" means a debt adjuster license or debt adjusting agency license issued under the provisions of this chapter.

(5) "Licensee" means a debt adjuster or debt adjusting agency to whom a license has been issued under the provisions of this chapter.

(6) "Director" means the director of the department of ~~((motor vehicles))~~ licensing.

NEW SECTION. Sec. 2. There is added to chapter 18.28 RCW a new section to read as follows:

If the director finds at any time that the bond is insecure, depleted, exhausted, or otherwise doubtful, an additional bond of the character specified in RCW 18.28.040 and approved by the director in the sum of not more than ten thousand dollars, shall be filed by the licensee within ten days after written demand upon the licensee by the director.

Sec. 3. Section 6, chapter 201, Laws of 1967 as last amended by section 20, chapter 292, Laws of 1971 ex. sess. and RCW 18.28.060 are each amended to read as follows:

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 RCW 18.28.030.

(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 chapter or of any valid rules, orders or decisions of the director promulgated under this chapter; (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 eighteen 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 chapter (~~(may)~~) shall be included in the examination. No applicant may use any books or other similar aids while taking the examination, and no applicant may take the examination more than three times in any twelve month period.

Sec. 4. Section 8, chapter 201, Laws of 1967 as amended by section 2, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.080 are each amended to read as follows:

(1) By contract a licensee may charge a reasonable fee for debt adjusting services(~~(, which fee may not 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)~~). The total fee for debt adjusting services may not exceed fifteen

percent of the total debt listed by the debtor on the contract. The fee retained by the licensee from any one payment made by or on behalf of the debtor may not exceed fifteen percent of the payment: PROVIDED, That the licensee may make an initial charge of up to twenty-five dollars which shall be considered part of the total fee. If an initial charge is made, no additional fee may be retained which will bring the total fee retained to date to more than fifteen percent of the total payments made to date. No fee whatsoever shall be applied against rent and utility payments for housing.

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))~~ twenty-five dollars.

(2) 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.

Sec. 5. Section 10, chapter 201, Laws of 1967 and RCW 18.28.100 are each amended to read as follows:

Every contract between a licensee and a debtor shall:

- (1) List every debt to be handled with the creditor's name and disclose the approximate total of all known debts;
- (2) Provide in precise terms payments reasonably within the ability of the debtor to pay;
- (3) Disclose in precise terms the rate and amount of all of the licensee's charges and fees;
- (4) Disclose the approximate number and amount of installments required to pay the debts in full;
- (5) Disclose the name and address of the licensee and of the debtor; ~~((and))~~
- (6) Provide that the licensee shall notify the debtor, in writing, within five days of notification to the licensee by a creditor that the creditor refuses to accept payment pursuant to the contract between the licensee and the debtor;
- (7) Contain the following notice in ten point boldface type or larger directly above the space reserved in the contract for the signature of the buyer: NOTICE TO DEBTOR:
 - (a) Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank.
 - (b) You are entitled to a copy of this contract at the time you sign it.
 - (c) You may cancel this contract within three days of signing by sending notice of cancellation by certified mail return receipt requested to the debt adjuster at his address shown on the contract, which notice shall be posted not later than midnight of the third day (excluding Sundays and holidays) following your signing of the contract; and

(8) Contain such other and further provisions or disclosures as the director shall determine are necessary for the protection of the debtor and the proper conduct of business by the licensee.

Sec. 6. Section 11, chapter 201, Laws of 1967 and RCW 18.28.110 are each amended to read as follows:

Every licensee shall perform the following functions:

(1) Make a permanent record of all payments by debtors, or on the debtors' behalf, and of all disbursements to creditors of such debtors, and shall keep and maintain in this state all such records, and all payments not distributed to creditors. No person shall intentionally make any false entry in any such record, or intentionally mutilate, destroy or otherwise dispose of any such record. Such records shall at all times be open for inspection by the director or his authorized agent, and shall be preserved as original records or by microfilm or other methods of duplication acceptable to the director, for at least six years after making the final entry therein.

(2) Deliver a completed copy of the contract between the licensee and a debtor to the debtor immediately after the debtor executes the contract, and sign the debtor's copy of such contract.

(3) Unless paid by check or money order, deliver a receipt to a debtor for each payment within five days after receipt of such payment.

(4) Distribute to the creditors of the debtor at least once each forty days after receipt of payment during the term of the contract at least ~~((sixty))~~ eighty-five percent of each payment received from the debtor. ~~((No more than twenty-five percent of any payment shall be allocated to the debtor's undistributed reserve account. In the event of cancellation or default on performance of the contract by the debtor, the licensee must distribute to the creditors of the debtor the funds of the debtor held by the licensee, less the amount retained by the licensee in accordance with RCW 18.28.080.))~~

(5) At least once every ~~((six))~~ month((s)) render an accounting to the debtor which shall indicate the total amount received from or on behalf of the debtor, the total amount paid to each creditor, the total amount which any creditor has agreed to accept as payment in full on any debt owed him by the debtor, the amount of charges deducted, and any amount held in ~~((reserve))~~ trust. The licensee shall in addition render such an account to a debtor within ten days after written demand.

(6) Notify the debtor, in writing, within five days of notification to the licensee by a creditor that the creditor refuses to accept payment pursuant to the contract between the licensee and the debtor.

(7) Furnish the director with all contracts, assignments, and forms as described in RCW 18.28.030 which are currently in use.

NEW SECTION. Sec. 7. There is added to chapter 18.28 RCW a new section to read as follows:

For the purpose of discovering violations of this chapter or securing information lawfully required by him hereunder, the director may at any

time, either personally or by a person or persons duly designated by him, investigate the debt adjusting business and examine the books, accounts, records, and files used therein, of every licensee. For that purpose the director and his duly designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of all licensees. The director and all persons duly designated by him may require the attendance of and examine under oath all persons whomsoever whose testimony he may require relative to such debt adjusting business or to the subject matter of any examination, investigation, or hearing.

Sec. 8. Section 15, chapter 201, Laws of 1967 and RCW 18.28.150 are each amended to read as follows:

(1) Any payment received by a licensee from or on behalf of a debtor shall be held in trust by the licensee from the moment it is received. The licensee shall not commingle such payment with his own property or funds, but shall maintain a separate trust account and deposit in such account all such payments received. All disbursements whether to the debtor or to the creditors of the debtor, or to the licensee, shall be made from such account.

(2) In the event that the debtor cancels or defaults on the contract between the debtor and the licensee, the licensee shall close out the debtor's trust account in the following manner:

(a) The licensee may take from the account that amount necessary to satisfy any fees, other than any cancellation or default fee, authorized by this chapter.

(b) After deducting the fees provided in subsection 2(a) of this section, the licensee shall distribute the remaining amount in the account to the creditors of the debtor. The distribution shall be made within five days of the demand therefor by the debtor, but if the debtor fails to make the demand, then the licensee shall make the distribution within thirty days of the date of cancellation or default.

Sec. 9. Section 17, chapter 201, Laws of 1967 and RCW 18.28.170 are each amended to read as follows:

The director may promulgate rules, make specific decisions, orders and rulings, including therein demands and findings, and take other necessary action for the implementation and enforcement of this chapter. The director (~~(may)~~) shall include among rules promulgated, those which describe and forbid deceptive advertising.

NEW SECTION. Sec. 10. There is added to chapter 18.28 RCW a new section to read as follows:

A violation of this chapter constitutes an unfair or deceptive act or practice in the conduct of trade or commerce under chapter 19.86 RCW.

Sec. 11. Section 14, chapter 289, Laws of 1977 ex. sess. and RCW 43-.131.140 are each amended to read as follows:

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

- (a) ~~((Debt adjusting (chapter 18.28 RCW);~~
- ~~(b))~~ Proprietary schools (chapter 18.82 RCW);
- ~~((c))~~ (b) Grist mills (chapter 19.44 RCW); and
- ~~((d))~~ (c) Regulation of vessels (chapter 88.04 RCW).

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

- (a) Driving instructors examining committee;
- (b) Water well construction operators examining board;
- (c) Forest fire advisory board;
- (d) Escrow commission;
- (e) Employment agency advisory board.

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

Sec. 12. Section 17, chapter 289, Laws of 1977 ex. sess. (uncodified) is amended to read as follows:

The following acts or parts of acts are each repealed, effective June 30, 1979:

- (1) ~~((Section 1, chapter 201, Laws of 1967, section 1, chapter 97, Laws of 1970 ex. sess. and RCW 18.28.010;~~
- ~~(2) Section 2, chapter 201, Laws of 1967 and RCW 18.28.020;~~
- ~~(3) Section 3, chapter 201, Laws of 1967, section 4, chapter 266, Laws of 1971 ex. sess., section 23, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.28.030;~~
- ~~(4) Section 4, chapter 201, Laws of 1967 and RCW 18.28.040;~~
- ~~(5) Section 5, chapter 201, Laws of 1967 and RCW 18.28.050;~~
- ~~(6) Section 6, chapter 201, Laws of 1967, section 1, chapter 141, Laws of 1967 ex. sess., section 20, chapter 292, Laws of 1971 ex. sess. and RCW 18.28.060;~~
- ~~(7) Section 7, chapter 201, Laws of 1967 and RCW 18.28.070;~~
- ~~(8) Section 8, chapter 201, Laws of 1967, section 2, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.080;~~
- ~~(9) Section 9, chapter 201, Laws of 1967 and RCW 18.28.090;~~
- ~~(10) Section 10, chapter 201, Laws of 1967 and RCW 18.28.100;~~
- ~~(11) Section 11, chapter 201, Laws of 1967 and RCW 18.28.110;~~
- ~~(12) Section 12, chapter 201, Laws of 1967 and RCW 18.28.120;~~

- ~~(13)~~ Section 13, chapter 201, Laws of 1967 and RCW 18.28.130;
~~(14)~~ Section 14, chapter 201, Laws of 1967 and RCW 18.28.140;
~~(15)~~ Section 15, chapter 201, Laws of 1967 and RCW 18.28.150;
~~(16)~~ Section 16, chapter 201, Laws of 1967 and RCW 18.28.160;
~~(17)~~ Section 17, chapter 201, Laws of 1967 and RCW 18.28.170;
~~(18)~~ Section 18, chapter 201, Laws of 1967 and RCW 18.28.180;
~~(19)~~ Section 19, chapter 201, Laws of 1967 and RCW 18.28.190;
~~(20)~~ Section 20, chapter 201, Laws of 1967 and RCW 18.28.200;
~~(21)~~ Section 21, chapter 201, Laws of 1967 and RCW 18.28.210;
~~(22)~~ Section 22, chapter 201, Laws of 1967 and RCW 18.28.220;
~~(23)~~ Section 23, chapter 201, Laws of 1967 and RCW 18.28.900;
~~(24)~~ Section 24, chapter 201, Laws of 1967 and RCW 18.28.910;
~~(25))~~ Section 1, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.010;
~~((26))~~ (2) Section 2, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.020;
~~((27))~~ (3) Section 3, chapter 72, Laws of 1967 ex. sess., section 70, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.82.030;
~~((28))~~ (4) Section 4, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.040;
~~((29))~~ (5) Section 5, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.050;
~~((30))~~ (6) Section 6, chapter 72, Laws of 1967 ex. sess., section 71, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.82.060;
~~((31))~~ (7) Section 7, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.070;
~~((32))~~ (8) Section 8, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.080;
~~((33))~~ (9) Section 9, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.090;
~~((34))~~ (10) Section 11, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.900;
~~((35))~~ (11) Section 13, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.910;
~~((36))~~ (12) Section 12, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.920;
~~((37))~~ (13) Section 2533, Code of 1881 and RCW 19.44.010;
~~((38))~~ (14) Section 2536, Code of 1881 and RCW 19.44.020;
~~((39))~~ (15) Section 2534, Code of 1881 and RCW 19.44.030;
~~((40))~~ (16) Section 2532, Code of 1881 and RCW 19.44.040;
~~((41))~~ (17) Section 2535, Code of 1881 and RCW 19.44.050;
~~((42))~~ (18) Section 1, chapter 200, Laws of 1907 and RCW 88.04.010;

~~((43))~~ (19) Section 27, chapter 200, Laws of 1907, section 1, chapter 137, Laws of 1947, section 177, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.04.020;

~~((44))~~ (20) Section 28, chapter 200, Laws of 1907 and RCW 88.04.030;

~~((45))~~ (21) Section 2, chapter 200, Laws of 1907 and RCW 88.04.040;

~~((46))~~ (22) Section 3, chapter 200, Laws of 1907 and RCW 88.04.050;

~~((47))~~ (23) Section 4, chapter 200, Laws of 1907 and RCW 88.04.060;

~~((48))~~ (24) Section 26, chapter 200, Laws of 1907 and RCW 88.04.070;

~~((49))~~ (25) Section 14, chapter 200, Laws of 1907 and RCW 88.04.080;

~~((50))~~ (26) Section 8, chapter 200, Laws of 1907 and RCW 88.04.090;

~~((51))~~ (27) Section 9, chapter 200, Laws of 1907 and RCW 88.04.100;

~~((52))~~ (28) Section 5, chapter 200, Laws of 1907 and RCW 88.04.110;

~~((53))~~ (29) Section 6, chapter 200, Laws of 1907 and RCW 88.04.120;

~~((54))~~ (30) Section 7, chapter 200, Laws of 1907 and RCW 88.04.130;

~~((55))~~ (31) Section 10, chapter 200, Laws of 1907 and RCW 88.04.140;

~~((56))~~ (32) Section 13, chapter 200, Laws of 1907 and RCW 88.04.150;

~~((57))~~ (33) Section 19, chapter 200, Laws of 1907 and RCW 88.04.160;

~~((58))~~ (34) Section 20, chapter 200, Laws of 1907 and RCW 88.04.170;

~~((59))~~ (35) Section 15, chapter 200, Laws of 1907 and RCW 88.04.180;

~~((60))~~ (36) Section 11, chapter 200, Laws of 1907 and RCW 88.04.190;

~~((61))~~ (37) Section 17, chapter 200, Laws of 1907 and RCW 88.04.200;

~~((62))~~ (38) Section 18, chapter 200, Laws of 1907 and RCW 88.04.210;

~~((63))~~ (39) Section 12, chapter 200, Laws of 1907 and RCW 88.04.220;

~~((64))~~ (40) Section 16, chapter 200, Laws of 1907 and RCW 88.04.230;

~~((65))~~ (41) Section 21, chapter 200, Laws of 1907 and RCW 88.04.240;

~~((66))~~ (42) Section 22, chapter 200, Laws of 1907 and RCW 88.04.250;

~~((67))~~ (43) Section 23, chapter 200, Laws of 1907 and RCW 88.04.260;

~~((68))~~ (44) Section 24, chapter 200, Laws of 1907 and RCW 88.04.270; and

~~((69))~~ (45) Section 25, chapter 200, Laws of 1907 and RCW 88.04.280.

NEW SECTION. Sec. 13. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1979.

Passed the House February 22, 1979.

Passed the Senate March 7, 1979.

Approved by the Governor March 30, 1979.

Filed in Office of Secretary of State March 30, 1979.

CHAPTER 157

[House Bill No. 735]

INSURANCE—VALUATION—NONFORFEITURE

AN ACT Relating to insurance; amending section .12.15, chapter 79, Laws of 1947 as last amended by section 4, chapter 162, Laws of 1973 1st ex. sess. and RCW 48.12.150; amending section 5, chapter 104, Laws of 1969 as amended by section 6, chapter 163, Laws of 1973 1st ex. sess. and RCW 48.18A.050; amending section .23.20, chapter 79, Laws of 1947 and RCW 48.23.200; amending section .23.35, chapter 79, Laws of 1947 as last amended by section 5, chapter 162, Laws of 1973 1st ex. sess. and RCW 48.23.350; and adding a new section to chapter 48.23 RCW.

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

Section 1. Section .12.15, chapter 79, Laws of 1947 as last amended by section 4, chapter 162, Laws of 1973 1st ex. sess. and RCW 48.12.150 are each amended to read as follows:

(1) This section shall be known as the standard valuation law.

(2) Annual valuation: The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts

of every life insurer doing business in this state, except that in the case of an alien insurer such valuation shall be limited to its insurance transactions in the United States, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or others) used in the calculation of such reserves. In calculating such reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. He may accept, in his discretion, the insurer's calculation of such reserves. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.

(3) Minimum valuation standard:

(a) The minimum standard for the valuation of all such policies and contracts issued prior to the operative date of RCW 48.23.350 shall be as follows:

For policies issued prior to the operative date no standard of valuation for ordinary policies, whether on the net level premium, preliminary term, or select and ultimate reserve basis, shall be less than that determined upon such basis according to the American Experience Table of Mortality with three and one-half percent interest; except, that when the preliminary term basis is used it shall not exceed one year. The commissioner may vary the standard of valuation in particular cases of invalid lives and other extra hazards, provided, that the interest rate used is not greater than three and one-half percent.

Except as otherwise provided in subsection (3)(b)(ii) of this section the legal minimum standard for the valuation of annuities issued on or after January 1, 1912, and prior to the operative date of RCW 48.23.350, shall be McClintock's Table of Mortality Among Annuitants, with interest at five percent per annum for group annuity contracts and three and one-half percent per annum for all other annuity contracts, but annuities deferred ten or more years and written in connection with life or term insurance may be valued on the same mortality table from which the consideration or premiums were computed, with interest not higher than three and one-half percent per annum.

The legal minimum standard for the valuation of industrial policies issued on or after the first day of January, 1912, and prior to the operative date of RCW 48.23.350, shall be the American Experience Table of Mortality with interest at three and one-half percent per annum; except, that

any life insurer may voluntarily value such industrial policies according to the Standard Industrial Mortality Table or the Substandard Industrial Mortality Table.

The legal minimum standard for the valuation of group life insurance policies under which premium rates are not guaranteed for a period in excess of five years shall be, at the option of the life insurer issuing such policies, either the American Men Ultimate Table of Mortality, the Commissioners 1941 Standard Ordinary Mortality Table, or any other table approved by the commissioner, with interest at three and one-half percent per annum.

(b) (i) Except as otherwise provided in subsection (3)(b)(ii) of this section the minimum standard for the valuation of all such policies and contracts issued on or after the operative date of RCW 48.23.350 shall be the Commissioners Reserve Valuation Methods defined in subsections (4), (4a), and (7) of this section, five percent interest for group annuity and pure endowment contracts and three and one-half percent interest for all other policies and contracts or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after July 16, 1973, four percent interest for the policies issued before the effective date of this 1979 act, five and one-half percent interest for single premium life insurance policies, and four and one-half percent interest for all other such policies issued on and after the effective date of this 1979 act, and the following tables:

(A) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies,—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of RCW 48.23.350(5a), and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date: PROVIDED, That for any category of such policies issued on female risks on or after July 1, 1957, modified net premiums and present values, referred to in subsection (4) of this section, may be calculated according to an age not more than ~~((three))~~ six years younger than the actual age of the insured.

(B) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies,—the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of RCW 48.23.350(5b), and the Commissioners 1961 Standard Industrial Mortality Table for such policies issued on or after such operative date.

(C) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,—the 1937 Standard Annuity Mortality Table or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner.

(D) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,—the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(E) For total and permanent disability benefits in or supplementary to ordinary policies or contracts,—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the insurer, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(F) For accidental death benefits in or supplementary to policies,—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(G) For group life insurance, life insurance issued on the substandard basis and other special benefits,—such tables as may be approved by the commissioner.

(ii) The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subsection and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, shall be the commissioner's reserve valuation methods defined in subsections (4) and (4a) of this section and the following tables and interest rates:

(A) For individual annuity and pure endowment contracts issued before the effective date of this 1979 act, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and six percent interest for single premium immediate annuity contracts, and four percent interest for all other individual annuity and pure endowment contracts.

(B) For individual single premium immediate annuity contracts issued on or after the effective date of this 1979 act, excluding any disability and accidental death benefits in such contracts,—the 1971 Individual Annuity

Mortality Table, or any modification of this table approved by the commissioner, and seven and one-half percent interest.

(C) For individual annuity and pure endowment contracts issued on or after the effective date of this 1979 act, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in the contracts,——the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts.

(D) For all annuities and pure endowments purchased before the effective date of this 1979 act under group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Group Mortality Table, or any modification of this table approved by the commissioner, and six percent interest.

(E) For all annuities and pure endowments purchased on or after the effective date of this 1979 act under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts,——the 1971 Group Annuity Mortality Table, or any modification of this table approved by the commissioner, and seven and one-half percent interest.

After July 16, 1973 any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1979, which shall be the operative date of this subsection for such insurer, provided that an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1979.

(4) Commissioners Reserve Valuation Method: Except as otherwise provided in subsections (4a) and (7) of this section, reserves according to the Commissioners Reserve Valuation Method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits (excluding extra premiums on a substandard policy) that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (a) over (b) as follows:

(a) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(b) A net one-year term premium for such benefits provided for in the first policy year.

Reserves according to the Commissioners Reserve Valuation Method for ~~((+))~~ (i) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, ~~((2))~~ (ii) group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended, ~~((3))~~ (iii) disability and accidental death benefits in all policies and contracts, and ~~((4))~~ (iv) all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of this subsection.

(4a) This subsection shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended.

Reserves according to the commissioners annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in the contracts, shall be the greater of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by the contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of the contract, that become payable prior to the end of the respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in the contracts for determining guaranteed benefits. The valuation considerations are the

portions of the respective gross considerations applied under the terms of the contracts to determine nonforfeiture values.

(5) Minimum aggregate reserves: In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of RCW 48.23.350, be less than the aggregate reserves calculated in accordance with the method set forth in subsections (4), (4a), and (7) and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(6) Optional reserve bases: Reserves for all policies and contracts issued prior to the operative date of RCW 48.23.350 may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

For any category of policies, contracts or benefits specified in subsection (3) of this section, issued on or after the operative date of RCW 48.23.350, reserves may be calculated, at the option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein ~~((: PROVIDED, That reserves for participating life insurance policies issued on or after the operative date of RCW 48.23.350 may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one-half percent the insurer issuing such policies shall file with the commissioner a plan providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the commissioner shall approve))~~.

Any such insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(7) ~~((Deficiency))~~ Minimum reserve: If in any contract year the gross premium charged by any life insurer on any policy or contract is less than the net premium for the policy or contract ~~((according to the mortality table, rate of interest and))~~ calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, ~~((there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each~~

~~such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium-paying period))~~ the minimum reserve required for the policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for the policy or contract, or the reserve calculated by the method actually used for the policy or contract but using the minimum standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium.

Sec. 2. Section 5, chapter 104, Laws of 1969 as amended by section 6, chapter 163, Laws of 1973 1st ex. sess. and RCW 48.18A.050 are each amended to read as follows:

The provisions of RCW 48.23.020, 48.23.030, 48.23.080 through 48.23.120, 48.23.140, 48.23.150, 48.23.200 through 48.23.240, 48.23.310, 48.23.350, ~~((and))~~ 48.23.360, and section 5 of this 1979 act, and the provisions of chapter 48.24 RCW shall be inapplicable to variable contracts; nor shall any provision in the code requiring contracts to be participating be deemed applicable to variable contracts. Except as otherwise provided in this chapter, all pertinent provisions of the insurance code shall apply to separate accounts and contracts relating thereto. Any individual variable life insurance or individual variable annuity contract delivered or issued for delivery in this state shall contain grace, reinstatement, and nonforfeiture provisions appropriate to such contracts, and any such variable life insurance contract shall provide that the investment experience of the separate account shall in no event operate to reduce the death benefit below an amount equal to the face amount of the contract at the time the contract was issued. Any individual variable life insurance contract may contain a provision for deduction from the death proceeds of amounts of due and unpaid premiums or of indebtedness which are appropriate to such contracts. The reserve liability for variable annuities shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

Sec. 3. Section .23.20, chapter 79, Laws of 1947 and RCW 48.23.200 are each amended to read as follows:

Such contracts issued after the operative date of RCW 48.23.360 and before the operative date of section 5 of this 1979 act shall contain:

(1) A provision that in the event of default in any stipulated payment, the insurer will grant a paid-up nonforfeiture benefit on a plan stipulated in the contract, effective as of such date, of such value as is hereinafter specified.

(2) A statement of the mortality table and interest rate used in calculating the paid-up nonforfeiture benefit available under the contract.

(3) An explanation of the manner in which the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the contract or any indebtedness to the insurer on the contract.

Sec. 4. Section .23.35, chapter 79, Laws of 1947 as last amended by section 5, chapter 162, Laws of 1973 1st ex. sess. and RCW 48.23.350 are each amended to read as follows:

(1) This section shall be known as the standard nonforfeiture law for life insurance.

(2) Nonforfeiture provisions—Life: In the case of policies issued on or after the operative date of this section as defined in subsection (8), no policy of life insurance, except as stated in subsection (7), shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder:

(a) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(b) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(c) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default.

(d) That, if the policy shall have become paid-up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefits which become effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(e) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or

paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(f) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

(3) Cash surrender value—Life: Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection (2) of this section, shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the adjusted premiums as defined in subsections (5), (5a) and (5b) of this section corresponding to premiums which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the insurer on account of or secured by the policy. Any cash surrender value available within thirty days after any policy anniversary under any policy paid-up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefits whether or not required by such subsection (2), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

(4) Paid-up nonforfeiture benefit—Life: Any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then

provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

(5) The adjusted premium—Life: Except as provided in the third paragraph of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (a) the then present value of the future guaranteed benefits provided for by the policy; (b) two percent of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (c) forty percent of the adjusted premium for the first policy year; (d) twenty-five percent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less: PROVIDED, That in applying the percentages specified in (c) and (d) above, no adjusted premium shall be deemed to exceed four percent of the amount of insurance or uniform amount equivalent thereto. Whenever the plan or term of a policy has been changed, either by request of the insured or automatically in accordance with the provisions of the policy, the date of inception of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purpose of the changed policy.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy, providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (i) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (ii) the adjusted premiums for such term insurance, the foregoing items (i) and (ii) being

calculated separately and as specified in the first two paragraphs of this subsection except that, for the purposes of (b), (c) and (d) of the first such paragraph, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (ii) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (i).

Except as otherwise provided in subsections (5a) and (5b) of this section, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table: PROVIDED, That for any category of ordinary insurance issued on female risks on or after July 1, 1957, adjusted premiums and present values may be calculated according to an age not more than ~~((three))~~ six years younger than the actual age of the insured, and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits: PROVIDED, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty percent of the rates of mortality according to such applicable table: PROVIDED FURTHER, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

(5a) In the case of ordinary policies issued on or after the operative date of this subsection (5a) as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided, that such rate of interest shall not exceed three and one-half percent per annum except that a rate of interest not exceeding four percent per annum may be used for policies issued on or after July 16, 1973, and before the effective date of this 1979 act, and a rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after the effective date of this 1979 act, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding six and one-half percent per annum may be used and provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age

not more than (~~three~~) six years younger than the actual age of the insured. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table. Provided, further, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

On or after June 11, 1959, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subsection, either as to designated ordinary policies or as to all ordinary policies issued by it, after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection as to such policies for such insurer), this subsection shall become operative with respect to such policies thereafter issued by such insurer. If an insurer makes no such election, or so elects to have this subsection apply as to certain of its ordinary policies only, the operative date of this subsection as to all of the ordinary policies issued by such insurer (other than those policies as to which the insurer has elected an earlier operative date as hereinabove provided) shall be January 1, 1966.

(5b) In the case of industrial policies issued on or after the operative date of this subsection (5b) as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits: PROVIDED, That such rate of interest shall not exceed three and one-half percent per annum except that a rate of interest not exceeding four percent per annum may be used for policies on or after July 16, 1973, and before the effective date of this 1979 act, and a rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after the effective date of this 1979 act, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding six and one-half percent per annum may be used: PROVIDED, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table: PROVIDED FURTHER, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

After the effective date of this amendatory act of 1963, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection for such insurer), this subsection shall become operative with respect to the industrial policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1968.

(6) Calculation of values—Life: Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (3), (4), (5), (5a) and (5b) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (3) of this section, additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, (e) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and (f) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

(7) Exceptions: This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen years or less expiring before age sixty-six, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsections (5), (5a) and (5b) of this section, is less than the adjusted premium so calculated, on such fifteen year term policy issued at the same age and for the same initial amount of insurance, nor to any policy which shall be delivered outside this state through an agent or other representative of the insurer issuing the policy.

(8) Operative date: After the effective date of this section, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before July 1, 1948. After the filing of such notice, then upon such specified date (which shall be the operative date for such insurer), this section shall become operative with respect to the policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be July 1, 1948.

*** NEW SECTION. Sec. 5. There is added to chapter 48.23 RCW a new section to read as follows:**

(1) This section shall be known as the standard nonforfeiture law for individual deferred annuities.

(2) This section shall not apply to any reinsurance; group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended; premium deposit fund; variable annuity; investment annuity; immediate annuity; any deferred annuity contract after annuity payments have commenced; or reversionary annuity; nor to any contract which shall be delivered outside this state through an agent or other representative of the company issuing the contract.

(3) In the case of contracts issued on or after the operative date of this section as defined in subsection (12) of this section, no contract of annuity, except as stated in subsection (2) of this section, shall be delivered or issued for delivery in this state unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the contract holder, upon cessation of payment of considerations under the contract:

(a) That upon cessation of payment of considerations under a contract, the company will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsections (5), (6), (7), (8), and (10) of this section;

(b) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections (5), (6), (8), and (10) of this section. The company shall reserve the right to defer the payment of the cash surrender benefit for a period of six months after demand therefor with surrender of the contract;

(c) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity or cash surrender or death benefits

that are guaranteed under the contract, together with sufficient information to determine the amounts of such benefits; and

(d) A statement that any paid-up annuity or cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract, or any prior withdrawals from or partial surrenders of the contract.

Notwithstanding the requirements of this section, any deferred annuity contract may provide that if no considerations have been received under a contract for a period of two full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid prior to such period would be less than twenty dollars monthly, the company may at its option terminate the contract by payment in cash of the then present value of such portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by the payment shall be relieved of any further obligation under the contract.

(4) The minimum values as specified in subsections (5), (6), (7), (8), and (10) of this section of any paid-up annuity or cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this section.

(a) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of three percent per annum of percentages of the net considerations, as defined in this subsection, paid prior to such time, decreased by the sum of:

(i) Any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three percent per annum, and

(ii) The amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of thirty dollars and less a collection charge of one dollar and twenty-five cents per consideration credited to the contract during that contract year. The percentages of net considerations shall be sixty-five percent of the net consideration for the first contract year and eighty-seven and one-half percent of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be sixty-five percent of the

portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five percent.

(b) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with two exceptions:

(i) The portion of the net consideration for the first contract year to be accumulated shall be the sum of sixty-five percent of the net consideration for the first contract year plus twenty-two and one-half percent of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years; and

(ii) The annual contract charge shall be the lesser of (A) thirty dollars or (B) ten percent of the gross annual considerations.

(c) With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration use to determine the minimum nonforfeiture amount shall be equal to ninety percent and the net consideration shall be the gross consideration less a contract charge of seventy-five dollars.

(5) Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

(6) For contracts which provide cash surrender benefits, the cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than one percent higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

(7) For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, and increased by any existing additional amounts credited by the company to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, such present values shall be calculated on the basis of the interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(8) For the purpose of determining the benefits calculated under subsections (6) and (7) of this section, in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(9) Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

(10) Any paid-up annuity or cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

(11) For any contract which provides within the same contract by rider or supplemental contract provision both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (5), (6), (7), (8), and (10) of this section, additional benefits payable (a) in the event of total and permanent

disability, (b) as reversionary annuity or deferred reversionary annuity benefits, or (c) as other policy benefits additional to life insurance, endowment and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, or cash surrender and death benefits that may be required by this section. The inclusion of the additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, or cash surrender and death benefits.

(12) After the effective date of this 1979 act, any company may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date which is before the second anniversary of the effective date of this 1979 act. After the filing of the notice, then upon the specified date, which shall be the operative date of this section for the company, this section shall become operative with respect to annuity contracts thereafter issued by the company. If a company makes no such election, the operative date of this section for the company shall be the second anniversary of the effective date of this 1979 act.

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

Passed the House February 20, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 30, 1979, with the exception of Section 5, which is vetoed.

Filed in Office of Secretary of State March 30, 1979.

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

"I am returning herewith without my approval as to one section House Bill No. 735 entitled:

"AN ACT Relating to insurance; amending section .12.15, chapter 79, Laws of 1947 as last amended by section 4, chapter 162, Laws of 1973 1st ex. sess. and RCW 48.12.150; amending section 5, chapter 104, Laws of 1969 as amended by section 6, chapter 163, Laws of 1973 1st ex. sess. and RCW 48.18A.050; amending section .23.20, chapter 79, Laws of 1947 and RCW 48.23.200; amending section .23.35, chapter 79, Laws of 1947 as last amended by section 5, chapter 162, Laws of 1973 1st ex. sess. and RCW 48.23.350; and adding a new section to chapter 48-.23 RCW."

Section 5 of this bill would establish the "Standard Nonforfeiture Law for Individual Deferred Annuities" by enacting a model law adopted by the National Association of Insurance Commissioners. I agree that our current nonforfeiture statutes are in need of some revision. I also realize that there is real value in the adoption of identical laws in many states because the economies achieved thereby can benefit both insurance companies and consumers. However, Section 5 would allow nonforfeiture amounts to be far too low relative to the premiums paid and appears to treat the consumer less favorably than our present statute.

For these reasons, I have vetoed Section 5 of House Bill No. 735.

With the exception of Section 5 which I have vetoed, the remainder of House Bill No. 735 is approved."

CHAPTER 158

[House Bill No. 849]

DEPARTMENT OF LICENSING—STATUTORY DEVOLUTION

AN ACT Relating to state government; amending section 7, chapter 172, Laws of 1935 as last amended by section 2, chapter 302, Laws of 1971 ex. sess. and RCW 9.41.070; amending section 11, chapter 172, Laws of 1935 as last amended by section 4, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.110; amending section 1, chapter 109, Laws of 1953 as amended by section 1, chapter 90, Laws of 1969 ex. sess. and RCW 9.41.170; amending section 6, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.060; amending section 3, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.030; amending section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278; amending section 11, chapter 226, Laws of 1949 as last amended by section 17, chapter 292, Laws of 1971 ex. sess. and RCW 18.04.120; amending section 19, chapter 226, Laws of 1949 as last amended by section 2, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.200; amending section 21, chapter 226, Laws of 1949 as last amended by section 3, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.220; amending section 28, chapter 226, Laws of 1949 as last amended by section 5, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.290; amending section 6, chapter 75, Laws of 1923 as last amended by section 5, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.050; amending section 3, chapter 84, Laws of 1959 as last amended by section 7, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.065; amending section 14, chapter 75, Laws of 1923 as last amended by section 6, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.090; amending section 1, chapter 25, Laws of 1974 ex. sess. and RCW 18.18.010; amending section 8, chapter 215, Laws of 1937 as amended by section 17, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.020; amending section 7, chapter 215, Laws of 1937 as last amended by section 24, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.100; amending section 20, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.300; amending section 6, chapter 38, Laws of 1917 as last amended by section 4, chapter 77, Laws of 1973 and RCW 18.22.040; amending section 15, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.035; amending section 4, chapter 171, Laws of 1967 as amended by section 13, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.040; amending section 5, chapter 171, Laws of 1967 and RCW 18.26.050; amending section 7, chapter 171, Laws of 1967 as last amended by section 33, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.26.070; amending section 19, chapter 171, Laws of 1967 and RCW 18.26.190; amending section 21, chapter 171, Laws of 1967 and RCW 18.26.210; amending section 22, chapter 171, Laws of 1967 and RCW 18.26.220; amending section 23, chapter 171, Laws of 1967 and RCW 18.26.230; amending section 24, chapter 171, Laws of 1967 and RCW 18.26.240; amending section 29, chapter 171, Laws of 1967 and RCW 18.26.290; amending section 30, chapter 171, Laws of 1967 and RCW 18.26.300; amending section 28, chapter 16, Laws of 1923 as last amended by section 24, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.29.020; amending section 29, chapter 16, Laws of 1923 as amended by section 2, chapter 47, Laws of 1969 and RCW 18.29.030; amending section 31, chapter 16, Laws of 1923 and RCW 18.29.060; amending section 32, chapter 16, Laws of 1923 as last amended by section 26, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.29.070; amending section 36, chapter 16, Laws of 1923 and RCW 18.29.100; amending section 1, chapter 130, Laws of 1951 as last amended by section 1, chapter 236, Laws of 1971 ex. sess. and RCW 18.32.030; amending section 2, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.520; amending section 2, chapter 43, Laws of 1957 and RCW 18.34.020; amending section 1, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.010; amending section 1, chapter 108, Laws of 1937 as last amended by section 1, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.010; amending section 4, chapter 108, Laws of 1937 as last amended by section 1, chapter 120, Laws of 1972 ex. sess. and RCW 18.39.040; amending section 11, chapter 108, Laws of 1937 as amended by section 2, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.180; amending section 1, chapter 153, Laws of 1965 as last amended by section 1, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.010; amending section 4, chapter 160, Laws of 1917 and RCW 18.50.060; amending section 2, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.020; amending section 6,

chapter 57, Laws of 1970 ex. sess. as amended by section 38, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.52.060; amending section 2, chapter 144, Laws of 1919 as amended by section 3, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.020; amending section 7, chapter 144, Laws of 1919 as last amended by section 7, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.140; amending section 5, chapter 25, Laws of 1963 as amended by section 9, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54-.050; amending section 7, chapter 25, Laws of 1963 as amended by section 10, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.070; amending section 14, chapter 25, Laws of 1963 as amended by section 12, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54-.140; amending section 2, chapter 60, Laws of 1957 as last amended by section 1, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.010; amending section 2, chapter 284, Laws of 1961 as last amended by section 41, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.71.015; amending section 36, chapter 202, Laws of 1955 as last amended by section 62, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.71.080; amending section 36, chapter 202, Laws of 1955 as last amended by section 11, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.080; amending section 36, chapter 202, Laws of 1955 as last amended by section 11, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.080; amending section 36, chapter 202, Laws of 1955 as last amended by section 11, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.180; amending section 2, chapter 110, Laws of 1973 1st ex. sess. and RCW 18.71.230; amending section 3, chapter 190, Laws of 1975 1st ex. sess. and RCW 18.71A.070; amending section 10, chapter 202, Laws of 1955 as amended by section 42, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.72.100; amending section 25, chapter 202, Laws of 1955 as amended by section 1, chapter 58, Laws of 1969 and RCW 18.72.250; amending section 13, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.130; amending section 2, chapter 239, Laws of 1949 as amended by section 44, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.74.020; amending section 12, chapter 239, Laws of 1949 as amended by section 11, chapter 75, Laws of 1977 and RCW 18.74.120; amending section 5, chapter 222, Laws of 1949 as amended by section 3, chapter 79, Laws of 1967 and RCW 18.78.050; amending section 9, chapter 222, Laws of 1949 as last amended by section 68, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.78.080; amending section 10, chapter 222, Laws of 1949 as last amended by section 69, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.78.090; amending section 1, chapter 305, Laws of 1955 as amended by section 1, chapter 70, Laws of 1965 and RCW 18.83.010; amending section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.010; amending section 4, chapter 202, Laws of 1949 as last amended by section 3, chapter 133, Laws of 1973 and RCW 18.88.030; amending section 1, chapter 200, Laws of 1959 and RCW 18.90.010; amending section 21, chapter 71, Laws of 1941 as last amended by section 1, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.015; amending section 6, chapter 71, Laws of 1941 as last amended by section 5, chapter 44, Laws of 1974 ex. sess. and RCW 18.92-.070; amending section 3, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.030; amending section 1, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.010; amending section 2, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.020; amending section 3, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.030; amending section 4, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.040; amending section 5, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.050; amending section 7, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.070; amending section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 222, Laws of 1977 ex. sess. and RCW 19-.09.020; amending section 1, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.100; amending section 2, chapter 228, Laws of 1969 ex. sess. as amended by section 1, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.020; amending section 1, chapter 252, Laws of 1971 ex. sess. as last amended by section 3, chapter 33, Laws of 1973 1st ex. sess. and RCW 19.100.010; amending section 1, chapter 106, Laws of 1972 ex. sess. and RCW 19-.105.010; amending section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.005; amending section 45, chapter 282, Laws of 1959 as amended by section 25, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.450; amending section 9, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.720; amending section 4, chapter 220, Laws of 1959 as amended by section 21, chapter 26, Laws of 1967 ex. sess. and RCW 23.90.040; amending section 4, chapter 153, Laws of 1969 ex. sess. and RCW 28A.04.131; amending section 15, chapter 234, Laws of

1959 as last amended by section 17, chapter 57, Laws of 1971 ex. sess. and RCW 34.04-.150; amending section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.277; amending section 1, chapter 117, Laws of 1977 ex. sess. and RCW 43.07.150; amending section 6, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.580; amending section 43.24.010, chapter 8, Laws of 1965 as amended by section 1, chapter 100, Laws of 1965 and RCW 43.24.010; amending section 43.24.020, chapter 8, Laws of 1965 as amended by section 2, chapter 100, Laws of 1965 and RCW 43.24.020; amending section 42, chapter 170, Laws of 1965 ex. sess. and RCW 43.24.024; amending section 43.24.040, chapter 8, Laws of 1965 and RCW 43.24.040; amending section 43.24.060, chapter 8, Laws of 1965 as last amended by section 105, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.24.060; amending section 43.24.080, chapter 8, Laws of 1965 as amended by section 4, chapter 100, Laws of 1965 and RCW 43.24.080; amending section 21, chapter 266, Laws of 1971 ex. sess. as amended by section 93, chapter 30, Laws of 1975 1st ex. sess. and RCW 43.24.085; amending section 43.24.110, chapter 8, Laws of 1965 as last amended by section 106, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.24.110; amending section 43.24.120, chapter 8, Laws of 1965 as amended by section 112, chapter 81, Laws of 1971 and RCW 43.24.120; amending section 43.24.130, chapter 8, Laws of 1965 and RCW 43.24.130; amending section 1, chapter 52, Laws of 1971 and RCW 43.24.140; amending section 3, chapter 147, Laws of 1967 ex. sess. as last amended by section 7, chapter 85, Laws of 1971 ex. sess. and RCW 43.59.030; amending section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74.005; amending section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74.060; amending section 2, chapter 5, Laws of 1965 as amended by section 1, chapter 56, Laws of 1972 ex. sess. and RCW 43.99.020; amending section 3, chapter 5, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.030; amending section 4, chapter 5, Laws of 1965 and RCW 43.99.040; amending section 7, chapter 5, Laws of 1965 and RCW 43.99.070; amending section 1, chapter 201, Laws of 1973 1st ex. sess. as amended by section 9, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.070; amending section 1, chapter 334, Laws of 1977 ex. sess. and RCW 46.01.011; amending section 2, chapter 156, Laws of 1965 as amended by section 2, chapter 334, Laws of 1977 ex. sess. and RCW 46.01.020; amending section 4, chapter 156, Laws of 1965 and RCW 46.01.040; amending section 5, chapter 156, Laws of 1965 as amended by section 34, chapter 281, Laws of 1969 ex. sess. and RCW 46.01.050; amending section 117, chapter 32, Laws of 1967 as amended by section 35, chapter 281, Laws of 1969 ex. sess. and RCW 46.01.055; amending section 7, chapter 156, Laws of 1965 and RCW 46.01.070; amending section 9, chapter 156, Laws of 1965 and RCW 46.01.090; amending section 46.08.140, chapter 12, Laws of 1961 as amended by section 11, chapter 156, Laws of 1965 and RCW 46.01.110; amending section 46.08.090, chapter 12, Laws of 1961 as last amended by section 2, chapter 103, Laws of 1973 and RCW 46.01.130; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 146, Laws of 1975 1st ex. sess. and RCW 46.01.140; amending section 19, chapter 156, Laws of 1965 and RCW 46.01.190; amending section 44, chapter 170, Laws of 1965 ex. sess. as amended by section 1, chapter 52, Laws of 1975 and RCW 46.01.230; amending section 46.08.110, chapter 12, Laws of 1961 as amended by section 3, chapter 32, Laws of 1967 and RCW 46.01.250; amending section 4, chapter 25, Laws of 1975 and RCW 46.04.690; amending section 5, chapter 25, Laws of 1975 and RCW 46.04.695; amending section 2, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.08.066; amending section 7, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.020; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 14, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.170; amending section 1, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.010; amending section 46.12.010, chapter 12, Laws of 1961 as last amended by section 6, chapter 25, Laws of 1975 and RCW 46.12.010; amending section 13, chapter 231, Laws of 1971 ex. sess. and RCW 46.12.105; amending section 46.12.200, chapter 12, Laws of 1961 as amended by section 11, chapter 32, Laws of 1967 and RCW 46.12.200; amending section 2, chapter 125, Laws of 1969 ex. sess. and RCW 46.12.260; amending section 6, chapter 231, Laws of 1971 ex. sess. and RCW 46.12.280; amending section 14, chapter 231, Laws of 1971 ex. sess. and RCW 46.12.290; amending section 6, chapter 91, Laws of 1975-'76 2nd ex. sess. and RCW 46.12.350; amending section 3, chapter 202, Laws of 1967 and RCW 46.16.025; amending section 2, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.225; amending section 4, chapter 202, Laws of

1967 and RCW 46.16.460; amending section 7, chapter 202, Laws of 1967 and RCW 46.16.490; amending section 10, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.600; amending section 11, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.605; amending section 4, chapter 1, Laws of 1969 and RCW 46.20.092; amending section 46.20.100, chapter 12, Laws of 1961 as last amended by section 87, chapter 154, Laws of 1973 1st ex. sess. and RCW 46.20.100; amending section 1, chapter 54, Laws of 1975 and RCW 46.20.113; amending section 51, chapter 145, Laws of 1967 ex. sess. as last amended by section 1, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.115; amending section 5, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.118; amending section 46.20.300, chapter 12, Laws of 1961 as amended by section 29, chapter 32, Laws of 1967 and RCW 46.20.300; amending section 1, chapter 1, Laws of 1969 as amended by section 4, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.20.308; amending section 47, chapter 170, Laws of 1965 ex. sess. and RCW 46.20.430; amending section 50, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.505; amending section 2, chapter 120, Laws of 1963 as amended by section 36, chapter 32, Laws of 1967 and RCW 46.21.020; amending section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090; amending section 46.32.010, chapter 12, Laws of 1961 as amended by section 48, chapter 32, Laws of 1967 and RCW 46.32.010; amending section 46.37.430, chapter 12, Laws of 1961 as amended by section 47, chapter 281, Laws of 1969 ex. sess. and RCW 46.37.430; amending section 51, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.529; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 33, chapter 151, Laws of 1977 ex. sess. and RCW 46.44.095; amending section 2, chapter __ (HB 345), Laws of 1979 and RCW 46.52.030; amending section 46.52.060, chapter 12, Laws of 1961 as last amended by section 67, chapter 75, Laws of 1977 and RCW 46.52.060; amending section 46.52.080, chapter 12, Laws of 1961 as last amended by section 15, chapter 62, Laws of 1975 and RCW 46.52.080; amending section 46.52.100, chapter 12, Laws of 1961 as amended by section 60, chapter 32, Laws of 1967 and RCW 46.52.100; amending section 39, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.104; amending section 5, chapter 42, Laws of 1969 ex. sess. as amended by section 44, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.108; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 6, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.110; amending section 7, chapter 42, Laws of 1969 ex. sess. as amended by section 41, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.111; amending section 8, chapter 42, Laws of 1969 ex. sess. as amended by section 42, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.112; amending section 9, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.113; amending section 2, chapter 42, Laws of 1969 ex. sess. as amended by section 45, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.115; amending section 11, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.116; amending section 12, chapter 42, Laws of 1969 ex. sess. as amended by section 43, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.117; amending section 3, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1192; amending section 2, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.150; amending section 23, chapter 121, Laws of 1965 ex. sess. as amended by section 71, chapter 32, Laws of 1967 and RCW 46.64.025; amending section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020; amending section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.030; amending section 7, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.050; amending section 8, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 83, Laws of 1973 1st ex. sess. and RCW 46.65.060; amending section 9, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.070; amending section 10, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.080; amending section 12, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.100; amending section 46.68.010, chapter 12, Laws of 1961 as amended by section 73, chapter 32, Laws of 1967 and RCW 46.68.010; amending section 46.68.090, chapter 12, Laws of 1961 as last amended by section 8, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.090; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 42, chapter 151, Laws of 1977 ex. sess. and RCW 46.68.120; amending section 3, chapter __ (HB 345), Laws of 1979 and RCW 46.70.011; amending section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 125, Laws of 1977 ex. sess. and RCW 46.70.041; amending section 46.72.020, chapter 12, Laws of 1961 as amended by section 80, chapter 32, Laws of 1967 and RCW 46.72.020; amending section 46.76.020, chapter 12, Laws of 1961 as amended by section 91, chapter 32, Laws of 1967 and RCW 46.76.020; amending section 1, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.010; amending section 2, chapter

110, Laws of 1971 ex. sess. and RCW 46.79.020; amending section 46.80.020, chapter 12, Laws of 1961 as last amended by section 3, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.020; amending section 46.80.030, chapter 12, Laws of 1961 as last amended by section 4, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.030; amending section 46.80.090, chapter 12, Laws of 1961 as last amended by section 7, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.090; amending section 2, chapter 39, Laws of 1963 as last amended by section 2, chapter 76, Laws of 1977 and RCW 46.81.010; amending section 3, chapter 39, Laws of 1963 as last amended by section 3, chapter 76, Laws of 1977 and RCW 46.81.020; amending section 46.82.010, chapter 12, Laws of 1961 as amended by section 106, chapter 32, Laws of 1967 and RCW 46.82.010; amending section 46.82.060, chapter 12, Laws of 1961 as last amended by section 107, chapter 32, Laws of 1967 and RCW 46.82.060; amending section 46.82.140, chapter 12, Laws of 1961 as last amended by section 136, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.82.140; amending section 3, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.020; amending section 4, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.030; amending section 32, chapter 281, Laws of 1969 ex. sess. and RCW 46.88.010; amending section 10, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.121; amending section 26, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.250; amending section 23, chapter 165, Laws of 1947 as last amended by section 2, chapter 68, Laws of 1967 ex. sess. and RCW 47.68.230; amending section 25, chapter 165, Laws of 1947 as last amended by section 8, chapter 9, Laws of 1967 ex. sess. and RCW 47.68.250; amending section 8, chapter 163, Laws of 1977 ex. sess. and RCW 48.40.035; amending section 2, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.020; amending section 3, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.030; amending section 9-302, chapter 157, Laws of 1965 ex. sess. as last amended by section 6, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-302; amending section 9-401, chapter 157, Laws of 1965 ex. sess. as amended by section 7, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-401; amending section 9-403, chapter 157, Laws of 1965 ex. sess. as last amended by section 8, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-403; amending section 9-404, chapter 157, Laws of 1965 ex. sess. as last amended by section 9, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-404; amending section 9-405, chapter 157, Laws of 1965 ex. sess. as last amended by section 10, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-405; amending section 9-406, chapter 157, Laws of 1965 ex. sess. as last amended by section 11, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-406; amending section 12, chapter 114, Laws of 1967 as amended by section 12, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-409; amending section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.16.040; amending section 14, chapter 108, Laws of 1937 and RCW 68.08.230; amending section 10, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.100; amending section 6, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.060; amending section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 60, Laws of 1972 ex. sess. and RCW 73.04.110; amending section 82.12.045, chapter 15, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1969 ex. sess. and RCW 82.12.045; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 317, Laws of 1977 ex. sess. and RCW 82.36.010; amending section 6, chapter 317, Laws of 1977 ex. sess. and RCW 82.36.025; amending section 2, chapter 22, Laws of 1963 ex. sess. as amended by section 1, chapter 67, Laws of 1965 and RCW 82.37.020; amending section 3, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.020; amending section 1, chapter 335, Laws of 1977 ex. sess. and RCW 82.38.075; amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 3, chapter 26, Laws of 1977 and RCW 82.38.170; amending section 1, chapter 10, Laws of 1967 ex. sess. as amended by section 1, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.010; amending section 82.44.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 332, Laws of 1977 ex. sess. and RCW 82.44.020; amending section 82.44.040, chapter 15, Laws of 1961 as last amended by section 12, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.040; amending section 52, chapter 299, Laws of 1971 ex. sess. as amended by section 13, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.045; amending section 82.44.060, chapter 15, Laws of 1961 as last amended by section 2, chapter 54, Laws of 1975-'76 2nd ex. sess. and RCW 82.44.060; amending section 82.44.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.070; amending section 82.44.110, chapter 15, Laws of 1961 as last amended by section 2, chapter 332, Laws of 1977 ex. sess. and RCW

82.44.110; amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 95, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.120; amending section 82.44.140, chapter 15, Laws of 1961 as amended by section 3, chapter 121, Laws of 1967 and RCW 82.44.140; amending section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; amending section 82.48.010, chapter 15, Laws of 1961 as amended by section 1, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.010; amending section 82.48.020, chapter 15, Laws of 1961 as last amended by section 27, chapter 149, Laws of 1967 ex. sess. and RCW 82.48.020; amending section 55, chapter 299, Laws of 1971 ex. sess. as amended by section 15, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.400; amending section 59, chapter 299, Laws of 1971 ex. sess. as amended by section 2, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.440; amending section 3, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.471; decodifying RCW 43.24.022, 46.01.061, and 46.09.230; repealing section 46.04.680, chapter 12, Laws of 1961, section 2, chapter 32, Laws of 1967 and RCW 46.04.680; and declaring an emergency.

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

Section 1. Section 7, chapter 172, Laws of 1935 as last amended by section 2, chapter 302, Laws of 1971 ex. sess. and RCW 9.41.070 are each amended to read as follows:

The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for two years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. Such citizen's constitutional right to bear arms shall not be denied to him, unless he is ineligible to own a pistol under the provisions of RCW 9.41.040 as now or hereafter amended or there exists a record of his prior court conviction of a crime of violence or of drug addiction or of habitual drunkenness or of confinement to a mental institution: PROVIDED, That such permit shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol. The license shall be in triplicate, in form to be prescribed by the state director of (~~(motor vehicles)~~) licensing, and shall bear the name, address, and description, fingerprints and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of (~~(motor vehicles)~~) licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

(1) The fee for the original issuance of a two-year license shall be five dollars: PROVIDED, That the fee shall be distributed as follows:

- (a) Two dollars shall be paid to the state general fund;
- (b) One dollar fifty cents shall be paid to the agency taking the fingerprints of the person licensed; and
- (c) One dollar fifty cents shall be paid to the issuing authority for the purpose of enforcing this chapter.

(2) The fee for the renewal of such license shall be three dollars: PROVIDED, That the fee shall be distributed as follows:

- (a) One dollar shall be paid to the state general fund; and

(b) Two dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

Sec. 2. Section 11, chapter 172, Laws of 1935 as last amended by section 4, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.110 are each amended to read as follows:

The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of (~~(motor vehicles)~~) licensing effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of (~~(motor vehicles)~~) licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of (~~(motor vehicles)~~) licensing; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

Sec. 3. Section 1, chapter 109, Laws of 1953 as amended by section 1, chapter 90, Laws of 1969 ex. sess. and RCW 9.41.170 are each amended to read as follows:

It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of ~~((motor vehicles))~~ licensing, and such license is not to be issued by the director of ~~((motor vehicles))~~ licensing except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 4. Section 6, chapter 244, Laws of 1975 1st ex. sess. and RCW 10-.05.060 are each amended to read as follows:

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

Sec. 5. Section 3, chapter 314, Laws of 1977 ex. sess. and RCW 10.97-.030 are each amended to read as follows:

For purposes of this chapter, the definitions of terms in this section shall apply.

(1) "Criminal history record information" means information contained in records collected by criminal justice agencies, other than courts, on individuals, other than juveniles, consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including sentences, correctional supervision, and release. The term includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

(a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis;

(c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings;

(d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days;

(e) Records of any traffic offenses as maintained by the department of ~~((motor vehicles))~~ licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130 as now existing or hereafter amended;

(f) Records of any aviation violations or offenses as maintained by the ~~((aeronautics commission))~~ department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW ~~((14-04.330))~~ 47.68.330 as now existing or hereafter amended;

(g) Announcements of executive clemency.

(2) "Nonconviction data" consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, or service of warrant and no disposition has been entered.

(3) "Conviction record" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.

(4) "Conviction or other disposition adverse to the subject" means any disposition of charges, except a decision not to prosecute, a dismissal, or acquittal: PROVIDED, HOWEVER, That a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

(5) "Criminal justice agency" means: (a) A court; or (b) a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(6) "The administration of criminal justice" means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime.

(7) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(8) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination;

(b) The furnishing of information by one criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge resulting from an investigation by that department, is not a dissemination;

(c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not a dissemination.

(9) "State planning agency" shall mean that agency designated by law or executive order to fulfill the functions established by 42 U.S.C. Section 3701, the "Omnibus Crime Control and Safe Streets Act of 1968", as amended.

***Sec. 6. Section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278 are each amended to read as follows:**

Notwithstanding any other provision of this chapter, whenever a child is arrested for a violation of any law, including municipal ordinances, regulating the operation of vehicles on the public highways, a copy of the traffic citation and a record of the action taken by the juvenile court shall be forwarded by the court to the director of ((licenses)) licensing in the same manner as provided in RCW 46.20.280.

***Sec. 6. was vetoed, see message at end of chapter.**

Sec. 7. Section 11, chapter 226, Laws of 1949 as last amended by section 17, chapter 292, Laws of 1971 ex. sess. and RCW 18.04.120 are each amended to read as follows:

The certificate of "certified public accountant" shall be issued by the director of ~~((motor vehicles))~~ licensing upon the authority of the board, to any person (1) who is a resident of this state or who has a place of business or is employed in this state, and (2) who has attained the age of eighteen years, and (3) who is of good moral character, and (4) who shall have successfully passed a written examination the contents of which shall be determined by the board, said examination, however, to contain at least the following subjects, theory of accounts, accounting practice, auditing, commercial law as affecting public accounting and insofar as practical, the examination and grading service of the American Institute of Certified Public Accountants shall be used, but the board shall have the authority to examine beyond that which is contained in the examination of the American Institute of Certified Public Accountants, and (5) who meets such requirements of education as determined by the board, within the intent of subsection (4).

(6) The board may require in addition to education and successful examination that an applicant to be certified shall submit an affidavit of a licensed public accountant or certified public accountant that such applicant has been employed in the position of public accountant for a period of not more than two years in the office of such licensed public accountant or certified public accountant.

Any person holding a registration as a licensed public accountant on June 12, 1969 shall have the right to take succeeding examinations for certified public accountant when he has met the requirements which were in effect immediately prior to the passage of chapter 114, Laws of 1969.

The board shall have the authority to accept experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subsection (6) of this section: PROVIDED, That the length of time which may be established by the board shall not exceed four years.

Sec. 8. Section 19, chapter 226, Laws of 1949 as last amended by section 2, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.200 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall register a partnership as a partnership of certified public accountants if the partnership meets the following requirements:

(1) At least one partner must hold a valid certificate to practice in this state as a certified public accountant;

(2) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a certified public accountant; and

(3) Each partner must hold a valid certificate, license, permit or degree authorizing him to practice as a certified public accountant in a state, territory, or possession of the United States;

(4) Each resident manager in charge of an office of the partnership in this state must hold a valid certificate to practice in this state as a certified public accountant; and

(5) The application for registration as a partnership of certified public accountants must be approved by the board.

Application for such registration shall be in writing, sworn to by a partner of such partnership who holds a valid certificate to practice in this state as a certified public accountant. A notice of amendment shall be filed with the board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee in an amount determined by the board in accordance with this chapter not to exceed thirty dollars must accompany each original application and each notice of amendment.

Sec. 9. Section 21, chapter 226, Laws of 1949 as last amended by section 3, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.220 are each amended to read as follows:

The director of (~~(motor vehicles)~~) licensing shall register a partnership as a partnership of licensed public accountants if the partnership meets the following requirements:

(1) At least one general partner must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant;

(2) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant;

(3) Each partner must hold a valid certificate, license, permit or degree authorizing him to practice as either a certified public accountant or a licensed public accountant in a state, territory, or possession of the United States;

(4) Each resident manager in charge of an office of the partnership in this state must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant; and

(5) The application for registration as a partnership of licensed public accountants must be approved by the board.

Application for such registration shall be in writing, sworn to by a partner of such partnership who holds a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant. A notice of amendment shall be filed with the board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee in an amount determined by the

board in accordance with this chapter not to exceed thirty dollars must accompany each original application and each notice of amendment.

Sec. 10. Section 28, chapter 226, Laws of 1949 as last amended by section 5, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.290 are each amended to read as follows:

(1) The director of (~~(motor vehicles)~~) licensing shall upon application issue an annual permit to practice public accounting in this state to any person or partnership authorized to engage in such practice in this state under a valid certificate, license, or registration, to any corporation presently authorized to do business under RCW 18.04.350, as now or hereafter amended, and to any candidate for a certificate as a certified public accountant who has passed the entire examination given by the examining committee as provided in RCW 18.04.120 as now or hereafter amended. Such permits shall expire on the thirtieth day of June of each year. The annual fee for a permit to practice public accounting in this state shall be in an amount determined by the board in accordance with this chapter not to exceed fifty dollars. In the event the holder of a permit fails to renew the same prior to the expiration thereof such failure shall not deprive a person or partnership otherwise entitled to such permit of the right to renew the same upon the payment of the fees which the applicant would have been required to pay if the permit had been renewed prior to its expiration.

(2) Every person practicing public accounting shall as a prerequisite to annual renewal of such permit, submit to the Washington state board of accountancy satisfactory proof of having, during the preceding three years, completed fifteen days or an accumulation of one hundred twenty hours of continuing education recognized and approved by the board: PROVIDED, That this subsection shall not apply to applications for renewal until three years after July 16, 1973: PROVIDED, That this requirement may be waived by the board for good cause.

Sec. 11. Section 6, chapter 75, Laws of 1923 as last amended by section 5, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.050 are each amended to read as follows:

Barber examinations shall be held six times in each year in the months of February, April, June, August, October, and December; and on such particular dates, within the said times, and in such particular cities and places as the director of (~~(motor vehicles)~~) licensing shall determine. Every applicant for a license or permit to practice barbering in this state shall be required to take an examination in each branch as follows: (1) Sanitation as applied to the practice of barbering, (2) sterilization as applied to the practice of barbering, (3) and as to whether he has sufficient knowledge of the common contagious and infectious diseases of the face, skin, and scalp, to avoid spreading thereof in the practice of barbering; (4) and as to whether he has sufficient knowledge of the use of chemicals, creams, lotions, and solutions as applied in the practice of barbering; (5) and in any other portion

of the curriculum as required by this law; and such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing the following barber services: (1) Haircutting, (2) shaving, (3) massaging, (4) shampooing, and (5) conditioning his barber tools.

Any applicant, other than one applying under the provisions of RCW 18.15.040, who secures a passing grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than sixty-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director shall issue to him, a permit to practice barbering in this state. Every person receiving such permit shall be required to serve one and one-half years (eighteen months) under the direct supervision of a licensed barber. A year shall be construed to mean a period of not less than fifty-two weeks consisting of forty hours per week of service by the permittee. He must then pass an examination not less than seventy-five percent of perfect, and demonstrate to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possesses the qualifications required in this chapter, after which the director shall issue to him a license to practice barbering.

Any applicant under the provisions of RCW 18.15.040 who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director shall issue to him a license to practice barbering in this state, until the first day of July next following the issuance of such license. Every applicant for such license shall pay a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his application. The director upon receipt of such application and fee shall notify the applicant of the particular date, city, and place where he is to appear for his examination for a license or permit to practice barbering in this state.

Any unsuccessful applicant for a license or permit to practice barbering in this state shall be entitled to appear at any subsequent barber examination and be reexamined for a license or permit, as the case may be, to practice barbering in this state upon the payment of a reexamination fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and which reexamination fee shall be paid at the time of application for such reexamination, said application and fee to be submitted

to the director at least fifteen days prior to an examination date: PROVIDED, That an unsuccessful applicant for a permit shall return to an approved school or college for an additional two hundred fifty hours of instruction before he may be reexamined.

Any person who applies for a license or permit to practice barbering under this chapter, and who does not appear for examination at the time, date, and place as notified by the director, shall forfeit application fees, and must reapply with a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his new application.

Any person holding a current manager-operator license of this state issued under the provisions of chapter 18.18 RCW shall be deemed qualified to apply to the director to be examined for a license to practice barbering, pursuant to the provisions of this chapter: PROVIDED, That any such applicant who fails said examination must then enroll in a licensed barber school of this state and complete a course of instruction of not less than two hundred fifty hours before applying to be reexamined for a barber license. The curriculum for such course of instruction shall be determined by the barber examining committee and approved by the director.

Sec. 12. Section 3, chapter 84, Laws of 1959 as last amended by section 7, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.065 are each amended to read as follows:

It shall be unlawful for any firm, corporation, or person to operate a barber shop without a shop location license for each barber shop. Application therefor shall be made to the director of ~~((motor vehicles))~~ licensing. Each application for a license shall be accompanied by a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Upon receipt of the application and fee, the director shall issue a shop location license, if the barber shop meets the requirements of this chapter. Each license shall be issued for the shop and persons named in the application. Application for the transfer or assignment of a shop location license shall be upon such form as the director shall prescribe, and application shall be made within ten days of the sale or transfer. Upon the receipt of the application and a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, the director shall assign or transfer the shop location license, if the assignee or transferee and the barber shop meets the requirements of this chapter. If the application for transfer or assignment is not made within ten days, a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended will be made, prior to issuance of a license.

All licenses issued under this section shall expire on the first day of July next succeeding the date of issue. Each such license shall be renewable annually on or before the expiration date, and the application for renewal shall be accompanied by a fee determined by the director as provided in RCW

43.24.085 as now or hereafter amended. Failure to obtain a renewal before delinquency shall work a forfeiture of the shop location license, but the license may be reinstated at any time after forfeiture upon the payment of the annual renewal fee, together with a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, upon satisfactory inspection.

Sec. 13. Section 14, chapter 75, Laws of 1923 as last amended by section 6, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.090 are each amended to read as follows:

Any firm, corporation or person desiring to conduct or operate a barber school or barber college in this state shall first secure from the director of ~~((motor vehicles))~~ licensing a permit to do so, and shall keep the same prominently displayed. No barber school or college shall be issued a permit by the director of ~~((motor vehicles))~~ licensing unless such school or college is financially responsible, and will be able in the judgment of the director to carry out and perform any contract made for the instruction of students therein.

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

Every school or college shall at all times maintain one barber duly licensed as a manager-instructor or instructor, and there shall be at least one such licensed instructor or manager-instructor for each twenty students or fraction thereof, in attendance; and there shall be at least one such instructor or manager-instructor on the floor at all times when the barber school or college is open to serve the public, which said instructor or manager-instructor shall devote his entire time to the instruction of students therein and who shall at no time operate any particular barber's chair in such school or college, or practice any barbering therein except while giving instructions to a student therein. Every such school or college shall at all times maintain on each window therein, facing upon any street, a sign in plain letters at least six inches high composed of the words "barber school" or "barber college," placed as nearly as practicable in the center between

top and bottom of any such window, and, if desired by the manager-instructor of such school or college, underneath these words, a sign with letters no greater in size, composed of the words "shaving" and/or "hair cutting," giving the price charged; and such school or college shall not at any time keep or maintain upon any of the windows or doors of such school or college, or use in any advertisement, any sign or words "barber shop," "expert barbering," or other similar words, or display any barber pole or barber pole stripes such as has long been used to designate a barber shop, or barber shop services as distinguished from services performed by student barbers in such school or college. Every such school or college, at all times when open for business, shall place and maintain upon the floor within its premises in front of each entrance a standing floor sign composed of the words "student barbers perform all services herein" painted in three-inch red letters upon a white standing floor sign thirty inches high and twenty inches wide, and designed as prescribed by the director. The director shall revoke the license of any school or college which shall violate any of the provisions of this chapter, or which shall fail to impart to each student in such school or college the instructions herein required.

No barber school or college shall be operated unless it is under the control of a barber licensed as a manager-instructor.- Each applicant for a manager-instructor's license shall submit an application to the director on such forms as it may prescribe. The qualifications for such a license, license fees and license renewal fees shall be the same as those prescribed for an instructor's license. The examination for a manager-instructor's license, shall in addition to the requirements for an instructor's license, include business management as related to barber shops and barber schools, state laws and regulations relating to the operation of barber schools and barbering, and such other subjects relating to the operation of barber schools or colleges as the examining committee may prescribe. The name and designation of the licensee as manager-instructor shall appear on each school or college location license issued by the director. A manager-instructor's license shall stand revoked if not used for a period of two years, after which time licentiate must be reexamined as for a new license.

Sec. 14. Section 1, chapter 25, Laws of 1974 ex. sess. and RCW 18.18-.010 are each amended to read as follows:

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

(1) "Practice of hairdressing" or "hairdressing" means the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair, fitting and dressing of wigs and hair pieces on or off the head other than incidental to retail sales, or doing similar work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting;

(2) "Hairdresser" means any person, firm or corporation who engages in the practice of hairdressing;

(3) "Practice of cosmetology" or "cosmetology" means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting;

(4) "Cosmetologist" means any person, firm or corporation who engages in the practice of cosmetology;

(5) "Practice of manicuring" means the manicuring of nails of the hands and feet, also the administration of facials, by the use of hands and appliances;

(6) "Manicurist" means any person who engages in the practice of manicuring;

(7) A "student" is any person of the age of seventeen or over who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed cosmetology school, and who does not receive any wage or commission: PROVIDED, That (~~the amendments to~~) this subdivision shall not apply to any person attending as a student prior to (~~the effective date of this amendatory section~~) June 11, 1959;

(8) An "operator" is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and cosmetology under the direct supervision and direction of a manager operator;

(9) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year;

(10) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and cosmetology is conducted;

(11) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and cosmetology;

(12) An "instructor operator" is a person who gives instruction in the practice of hairdressing and cosmetology in a school and who has the qualifications of a manager operator and who has passed an instructor examination: PROVIDED, That the provisions of this subdivision shall not apply to any person acting as an instructor operator on March 16, 1951. An instructor operator shall not perform in a cosmetology school, cosmetology services for members of the public except for instructional purposes;

(13) "Director" means the director of (~~the department of motor vehicles~~) licensing;

(14) "Committee" means the cosmetology examining committee;

(15) "Board" means the hearing board.

Sec. 15. Section 8, chapter 215, Laws of 1937 as amended by section 17, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.020 are each amended to read as follows:

The director (~~(of motor vehicles)~~) shall, in addition to other duties imposed by law, adopt rules for carrying out the provisions of this chapter and conducting examinations of applicants for licenses; for governing the recognition of, and the credits to be given to, the study of hairdressing and cosmetology under a hairdresser and cosmetologist or any school of hairdressing and cosmetology licensed under the laws of another state, territory or the District of Columbia, and shall, subject to the approval of the state board of health, promulgate rules for the prevention of infectious or contagious diseases in hairdressing and cosmetology shops and schools, and shall furnish to each person, firm or corporation licensed under this chapter a copy of such rules; shall hold examinations of all applicants for a license under this chapter, and grant licenses to those qualified. The director (~~(of motor vehicles)~~) shall keep all examination papers on file for at least one year, which file shall be open to the inspection of the applicant or his agent.

Sec. 16. Section 7, chapter 215, Laws of 1937 as last amended by section 24, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.100 are each amended to read as follows:

All examinations for license shall be conducted and given by the examining committee under the supervision and direction of the director (~~(of motor vehicles)~~), in the manner provided by law. No person shall, however, be appointed as a member of an examining committee for the purpose of conducting examinations and performing other duties imposed by this chapter unless he is an operator and of the age of at least twenty-five years, has the qualifications of an instructor, has been a citizen of the state for at least three years immediately prior to his appointment, has been engaged in actual practice as a hairdresser, cosmetologist, or instructor for at least five years, is not connected directly or indirectly with any school of hairdressing and cosmetology, and is not connected directly or indirectly in the business of the manufacturing, renting or selling of hairdressing or cosmetology appliances and supplies at wholesale.

Sec. 17. Section 20, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.300 are each amended to read as follows:

Within ninety days after July 16, 1973 the examining committee, under the supervision and direction of the director (~~(of motor vehicles)~~), shall devise the qualifications necessary for and an examination for the practice of manicuring, for which a separate license shall hereafter be required under this chapter, except for persons holding a valid license in the practice of beauty culture: PROVIDED, That any person engaged in the practice of manicuring for at least one year prior to July 16, 1973 shall be deemed

qualified for such a license without an examination therefor. Applications for licenses shall be made on such form and require such information and certificates, as required by the examining committee and be accompanied by the proper application fee. Examinations shall be held at regular intervals throughout the year as the examining committee deems necessary. The provisions of RCW 18.18.110 shall not be applicable hereto.

Sec. 18. Section 6, chapter 38, Laws of 1917 as last amended by section 4, chapter 77, Laws of 1973 and RCW 18.22.040 are each amended to read as follows:

Before any person shall be permitted to take an examination for the issuance of a podiatry license, he shall furnish the director of (~~(motor vehicles)~~) licensing with satisfactory proof that:

- (1) He is eighteen years of age or over;
- (2) He is of good moral character; and

(3) He has received a diploma or certificate of graduation from a legally incorporated, regularly established and recognized school of podiatry having as a minimum requirement not less than four thousand two hundred sixteen scholastic hours given over a period of four years with personal attendance.

"Recognized" means official recognition by the Council of Education of the American Podiatry Association: PROVIDED, That each applicant, prior to the beginning of his course in podiatry or registration or matriculation in a recognized school of podiatry, must have as a minimum requirement, a four years' course in a high school or its equivalent and the successful completion of a two years' residence course of work of college grade leading toward the degree of bachelor of science.

Sec. 19. Section 15, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.035 are each amended to read as follows:

The filing by the board in the office of the director of (~~(motor vehicles)~~) licensing of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this chapter, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice chiropractic in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension. Such certificate or order of revocation or suspension, if appealed, may be stayed by the board or by the reviewing court upon such terms as is deemed proper.

Sec. 20. Section 4, chapter 171, Laws of 1967 as amended by section 13, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.040 are each amended to read as follows:

There is hereby created the Washington state chiropractic disciplinary board to be composed of three members to be named by the Washington Chiropractors Association, Incorporated and three members to be named by

the Chiropractic Society of Washington and one additional member who shall be the director of ~~((the department of motor vehicles))~~ licensing or his designee from the department of ~~((motor vehicles))~~ licensing. Initial members shall be named within thirty days after the effective date of this chapter, whose names and addresses shall be promptly sent to the director of ~~((motor vehicles))~~ licensing, and such board shall meet and organize at a time and place to be determined by the director of ~~((the department of motor vehicles))~~ licensing within sixty days after the effective date of this chapter and after written notice to the named members of such date and place.

The director of ~~((the department of motor vehicles))~~ licensing or his designee shall designate the terms of the initial members of the disciplinary board. For terms beginning January 1, 1975, one initial member from each of the two groups, the Washington Chiropractors Association, Incorporated, and the Chiropractic Society of Washington, shall be designated for a one-year term, one member from each group shall be designated for a two-year term, and one member from each group shall be designated for a three-year term.

Thereafter, each of said groups shall, annually, designate the members of the board who shall succeed to said position upon the expiration of said initial term. Such subsequent designations shall be for a term of three years, except the director or his designee from the department of ~~((motor vehicles))~~ licensing.

Sec. 21. Section 5, chapter 171, Laws of 1967 and RCW 18.26.050 are each amended to read as follows:

Vacancies on the board shall be filled as provided for initially for the position for which a vacancy exists. The vacancy shall be filled within thirty days of the existence thereof and the director of ~~((the department of motor vehicles))~~ licensing shall be informed of the name and address of the person named to fill the vacancy.

Sec. 22. Section 7, chapter 171, Laws of 1967 as last amended by section 33, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.26.070 are each amended to read as follows:

Members of the board may be paid thirty-five dollars for each day spent in performing their duties as members of the board and may be paid their travel expenses while engaged in the business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, with such reimbursement to be paid out of the general fund on vouchers approved by the ~~((budget))~~ director of financial management and signed by the director of ~~((motor vehicles))~~ licensing.

Sec. 23. Section 19, chapter 171, Laws of 1967 and RCW 18.26.190 are each amended to read as follows:

If a majority of the members of the board then sitting vote in favor of finding the accused guilty of unprofessional conduct as specified in the charges, or any of the charges the board shall prepare written findings of fact and may thereafter prepare and file in the office of the director of ~~((motor vehicles))~~ licensing a certificate or order of revocation or suspension, in which case a copy thereof shall be served upon the accused, or the board may reprimand the accused, as it deems most appropriate.

Sec. 24. Section 21, chapter 171, Laws of 1967 and RCW 18.26.210 are each amended to read as follows:

The filing by the board in the office of the director of ~~((motor vehicles))~~ licensing of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this chapter, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice chiropractic in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension: PROVIDED, That if the licensee seeks judicial review of the board's decision pursuant to the provisions of this chapter, such revocation or the period of such suspension shall be stayed and shall not be effective or commence to run until final judgment has been entered in any proceeding instituted under the provisions of this chapter and the licensee's judicial remedies are exhausted hereunder.

Sec. 25. Section 22, chapter 171, Laws of 1967 and RCW 18.26.220 are each amended to read as follows:

The certificate or order of revocation or suspension shall contain a brief and concise statement of the ground or grounds upon which the certificate or order is based and the specific terms and conditions of such revocation or suspension, and shall be retained as a permanent record by the director of ~~((motor vehicles))~~ licensing.

Sec. 26. Section 23, chapter 171, Laws of 1967 and RCW 18.26.230 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall not issue any license or any renewal thereof to any person whose license has been revoked or suspended by the board except in conformity with the terms and conditions of the certificate or order of revocation or suspension, or in conformity with any order of reinstatement issued by the board, or in accordance with the final judgment in any proceeding for review instituted under the provisions of this chapter.

Sec. 27. Section 24, chapter 171, Laws of 1967 and RCW 18.26.240 are each amended to read as follows:

Any person whose license has been revoked or suspended by the board shall have the right to a judicial review of the board's decision. Such review shall be initiated by serving on the secretary a notice of appeal and filing

such notice of appeal either in the superior court of Thurston county, or in the superior court of the county in which the appellant resides, within thirty days after the filing of the certificate or order of revocation or suspension in the office of the director of ~~((motor vehicles))~~ licensing.

Sec. 28. Section 29, chapter 171, Laws of 1967 and RCW 18.26.290 are each amended to read as follows:

If the board finds the holder of any license guilty of unprofessional conduct and fails to file a certificate or order of revocation or suspension in the office of the director of ~~((motor vehicles))~~ licensing within thirty days, the license holder shall have the right to a judicial review of such finding of the board in the same manner and to the same extent as if the certificate or order had been filed.

Sec. 29. Section 30, chapter 171, Laws of 1967 and RCW 18.26.300 are each amended to read as follows:

No person licensed as a chiropractor shall engage in the practice of healing arts other than as a chiropractor, unless he first surrenders his chiropractic license to the director of ~~((motor vehicles))~~ licensing and discontinues the use of the name chiropractor whether by way of advertising or in any other manner which might signify he is practicing as a chiropractor within the meaning of this chapter.

Sec. 30. Section 28, chapter 16, Laws of 1923 as last amended by section 24, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.29.020 are each amended to read as follows:

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

Sec. 31. Section 29, chapter 16, Laws of 1923 as amended by section 2, chapter 47, Laws of 1969 and RCW 18.29.030 are each amended to read as follows:

Examination of applicant shall consist of written and practical tests and shall include the subjects of inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, practical demonstration in hygiene, other kindred subjects contained in the curriculum of training schools for dental hygienists. Said written examination shall consist of ten questions only, graded from zero to ten on each subject and the applicant must obtain an average grade of sixty-five percent to pass. Said practical examination shall

consist of a clinical demonstration upon one or more patients of the removal of deposits from and the polishing of the surfaces of the teeth, and the applicant must obtain an average grade of seventy-five percent to pass. The director of ~~((motor vehicles))~~ licensing shall keep on file the examination papers and records of examinations for at least one year, which file shall be open to the inspection of the applicant or his agent. A certificate granted by the National Board of Dental Hygiene Examinations may be accepted in lieu of the written examination.

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

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

Sec. 33. Section 32, chapter 16, Laws of 1923 as last amended by section 26, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.29.070 are each amended to read as follows:

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

Sec. 34. Section 36, chapter 16, Laws of 1923 and RCW 18.29.100 are each amended to read as follows:

Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecutions and shall appear at all hearings when requested to do so by the director of ~~((motor vehicles))~~ licensing.

Sec. 35. Section 1, chapter 130, Laws of 1951 as last amended by section 1, chapter 236, Laws of 1971 ex. sess. and RCW 18.32.030 are each amended to read as follows:

The following practices, acts and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless he undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States army, navy, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved by the board, and the practice of dentistry by students in dental schools or colleges approved by the board, when acting under the direction and supervision of registered and licensed dentists acting as instructors;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them;

(5) The use of roentgen and other rays for making radiograms or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models or impressions furnished by said dentist, and said prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the director of ~~((motor vehicles))~~ licensing or his authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon extracting teeth or performing oral surgery;

(9) A legal practitioner of another state making a clinical demonstration before a medical or dental society, or at a convention approved by the Washington state medical or dental association or Washington progressive dental society;

(10) Students practicing or performing dental operations, under the supervision of competent instructors, in any reputable dental college;

(11) The performing of dental operations or services by persons not licensed under this chapter when performed under the supervision of a licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall in no event perform the following dental operations or services unless permitted to be performed by him under other provisions of this chapter or chapter 18.29 RCW:

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;

(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation;

(d) Any oral prophylaxis;

(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

Sec. 36. Section 2, chapter 5, Laws of 1977 ex. sess. and RCW 18.32-.520 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout RCW 18.32.510, and 18.32.530 through 18.32.780.

(1) "Board" means the dental disciplinary board created in RCW 18.32.560.

(2) "License" means a certificate or license to practice dentistry in this state as provided for in this chapter.

(3) "Member" means member of the dental disciplinary board.

(4) "Secretary" means the secretary of the dental disciplinary board.

(5) "Director" means the director of ~~((motor vehicles))~~ licensing of the state of Washington.

(6) "To practice dentistry" means to engage in the practice of dentistry as defined in RCW 18.32.020.

Sec. 37. Section 2, chapter 43, Laws of 1957 and RCW 18.34.020 are each amended to read as follows:

The term "director" wherever used in this chapter shall mean the director of ~~((licenses))~~ licensing of the state of Washington. The term "apprentice" wherever used in this chapter shall mean a person who shall be designated an apprentice in the records of the director at the request of a physician, registered optometrist or licensee hereunder, and who shall thereafter receive from such physician, registered optometrist or licensee hereunder training and direct supervision in the work of a dispensing optician.

Sec. 38. Section 1, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.010 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Department" means the department of ~~((motor vehicles))~~ licensing.

(2) "Council" means the council on hearing aids.

(3) "Hearing aid" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories

of such an instrument or device, excluding batteries and cords and ear molds.

(4) "Fitting and dispensing of hearing aids" means the sale, lease, or rental or attempted sale, lease, or rental of hearing aids together with the selection and adaptation of hearing aids and the use of those tests and procedures essential to the performance of these functions. It includes the taking of impressions for ear molds for these purposes.

Sec. 39. Section 1, chapter 108, Laws of 1937 as last amended by section 1, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.010 are each amended to read as follows:

The term "funeral director" as used herein is a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

The term "embalmer" as used herein is a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation dead human bodies.

A "two-year college course" as used herein means the completion of sixty semester hours or ninety quarter hours of collegiate credit from a college or university approved by the director and the state board of funeral directors and embalmers.

"Funeral establishment" means a place of business licensed in accordance with RCW 18.39.145, conducted at a specific street address or location, and devoted to the care and preparation for burial or disposal of dead human bodies and includes all areas of such business premises and all tools, instruments, and supplies used in preparation and embalming of dead human bodies for burial or disposal.

"Director" means the director of ~~((motor vehicles))~~ licensing.

"Board" means the state board of funeral directors and embalmers created pursuant to RCW 18.39.173.

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

Sec. 40. Section 4, chapter 108, Laws of 1937 as last amended by section 1, chapter 120, Laws of 1972 ex. sess. and RCW 18.39.040 are each amended to read as follows:

In order to obtain a license as an embalmer, the applicant must be at least eighteen years of age, of good moral character, and have completed, (1) two years at an accredited college, (2) a two-year course of training under a licensed embalmer in this state, and (3) a full course of instruction in an embalming school, approved by the director of ~~((motor vehicles))~~ licensing and the state examining committee. No portion of the course of instruction under (3) above can be applied towards satisfaction of the two-year college course. In addition, the applicant must pass an examination in

each of the following subjects: Embalming, anatomy including histology, embryology and dissection, pathology, bacteriology, public health including sanitation and hygiene, chemistry including toxicology, and restorative art, including plastic surgery and demi-surgery: PROVIDED, HOWEVER, That any person lawfully licensed as an embalmer in this state may register as such with said director of (~~motor-vehicles~~) licensing and, upon the payment of the license fee hereinafter specified, on or prior to said date, he shall thereupon be entitled to and receive a license as such for the year commencing January 1, 1938. In case of failure so to register, he can thereafter obtain a license only after examination as herein provided: PROVIDED, FURTHER, That this section shall not apply to anyone who is attending an embalming school, or who is registered as an apprentice, prior to midnight, August 6, 1965.

Sec. 41. Section 11, chapter 108, Laws of 1937 as amended by section 2, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.180 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter the director of (~~motor-vehicles~~) licensing in consultation with the state board of funeral directors and embalmers shall have power and it shall be their duty to adopt, promulgate and enforce reasonable rules and regulations. Said director shall have the power to suspend or revoke any license, after proper hearing and notice to the licensee, upon such licensee being found guilty of any of the following acts or omissions:

- (1) Conviction of a crime involving moral turpitude;
- (2) Unprofessional conduct which is hereby defined to include:
 - (a) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;
 - (b) False or misleading advertising as a funeral director or embalmer;
 - (c) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending: PROVIDED, This chapter shall not be deemed to prohibit general advertising or the sale of pre-need funeral plans;
 - (d) Employment by the licensee of persons known as "cappers" or "steerers" or "solicitors" or other such persons to obtain funeral directing or embalming business;
 - (e) Employment directly or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;
 - (f) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants or employees, for the purpose of securing business;

- (g) Gross immorality;
- (h) Aiding or abetting an unlicensed person to practice funeral directing or embalming;
- (i) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery;
- (j) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of, a dead human body, without the written consent of next of kin;
- (k) Violation of any of the provisions of this chapter or the rules and regulations in support thereof;
- (l) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies;
- (m) Fraud or misrepresentation in obtaining a license;
- (n) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody thereof;
- (o) For the selling or offering for sale of shares, certificates or an interest in the business of any funeral director or embalmer or in any corporation owning or conducting an undertaking or embalming establishment, under promise of or purporting to give to the purchasers thereof a right to the services of such funeral director, embalmer or corporation at a charge or cost less than that offered or given to the public at large.

Sec. 42. Section 1, chapter 153, Laws of 1965 as last amended by section 1, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.010 are each amended to read as follows:

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

- (1) "Department" means the department of ~~((motor vehicles))~~ licensing.
- (2) "Director" means the director of ~~((the department of motor vehicles))~~ licensing, or his duly authorized representative.
- (3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

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

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

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

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

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

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

Sec. 43. Section 4, chapter 160, Laws of 1917 and RCW 18.50.060 are each amended to read as follows:

The director of ((licenses)) licensing is hereby authorized and empowered to execute the provisions of this chapter and shall hold examinations in midwifery on the first Monday in January and July, at such places as the director may select, from ten o'clock a.m. to five o'clock p.m., and at such other times as the said director may deem expedient. The examinations may be oral, written, or both, and shall be in the English language; if desired in any other language, an interpreter may be provided by said director upon notification of the director at least ten days before examination. The cost of said interpreter shall be defrayed by the applicant for the license.

Examinations shall be held on the following subjects:

- (1) Anatomy of pelvis and female genital organs.
- (2) Physiology of menstruation.
- (3) Diagnosis and management of pregnancy.
- (4) Diagnosis of foetal presentation and position.
- (5) Mechanism and management of normal labor.
- (6) Management of puerperium.
- (7) Injuries to the genital organs following labor.
- (8) Sepsis and antisepsis in relation to labor.
- (9) Special care of the bed and lying-in room.
- (10) Hygiene of mother and infant.
- (11) Asphyxiation, convulsions, malformation and infectious diseases of the new-born.
- (12) Causes and effects of ophthalmia neonatorum.
- (13) Abnormal conditions requiring attention of a physician.

(14) Requirements of the vital statistics laws pertaining to the reporting of births and the rules of the state board of health relative to ophthalmia neonatorum or other infectious diseases of the newborn.

Said examination shall be sufficient to test the scientific and practical fitness of candidates to practice midwifery and the director may require examination on other subjects relating to midwifery from time to time. All application papers shall be deposited with the director and there retained for at least one year, when they may be destroyed.

If said examination is satisfactory, said director shall issue to such candidate a license entitling the candidate to practice midwifery in the state of Washington: PROVIDED, That said license shall not authorize the holder to prescribe any drugs or medicine except some household remedy after the birth of the infant.

Sec. 44. Section 2, chapter 57, Laws of 1970 ex. sess. and RCW 18.52-.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise clearly requires:

(1) "Board" means the state board of examiners for the licensing of nursing home administrators representative of the professions and institutions concerned with the care of the chronically ill and infirm aged patients.

(2) "Director" means the director of ~~((the department of motor vehicles))~~ licensing.

(3) "Nursing home" means any facility or portion thereof licensed under state law as a nursing home.

(4) "Nursing home administrator" means an individual in active administrative charge of nursing homes as defined herein, whether or not having an ownership interest in such homes, and although functions and duties may be shared with or delegated to other persons: PROVIDED HOWEVER, That nothing in this definition or this chapter shall be construed to prevent any person, so long as he is otherwise qualified, from obtaining and maintaining a license even though he has not administered or does not continue to administer a nursing home.

Sec. 45. Section 6, chapter 57, Laws of 1970 ex. sess. as amended by section 38, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.52.060 are each amended to read as follows:

The board shall elect from its membership a chairman, vice chairman, and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. The chairman or four board members by signed written request may call board meetings upon reasonable written notice to each member. Each member shall receive twenty-five dollars for each day or major portion thereof actually spent on official business, plus travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. A full time or part time executive secretary for the board may be

employed by the director through the department of ~~((motor vehicles))~~ licensing, and the director through the department of ~~((motor vehicles))~~ licensing shall provide the executive secretary and the board with such secretarial, administrative, and other assistance as may be required to carry out the purposes of this chapter. Employment of an executive secretary shall be subject to confirmation by the board. The position of executive secretary shall be exempt from the requirements of chapter 41.06 RCW.

Sec. 46. Section 2, chapter 144, Laws of 1919 as amended by section 3, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.020 are each amended to read as follows:

It shall be unlawful for any person to practice optometry as above defined in the state of Washington without first obtaining a license from the director of ~~((motor vehicles))~~ licensing.

Sec. 47. Section 7, chapter 144, Laws of 1919 as last amended by section 7, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.140 are each amended to read as follows:

It shall be unlawful for any person:

- (1) To sell or barter, or offer to sell or barter any license issued by the director; or
- (2) To purchase or procure by barter any license with the intent to use the same as evidence of the holder's qualification to practice optometry; or
- (3) To alter with fraudulent intent in any material regard such license; or
- (4) To use or attempt to use any such license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid license; or
- (5) To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the licensee has no connection: PROVIDED, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or
- (6) To wilfully make any false statements in material regard in an application for an examination before the director, or for a license; or
- (7) To practice optometry in this state either for himself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid license issued by the director of ~~((motor vehicles))~~ licensing; or
- (8) To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eyeglasses, spectacles, lenses or frames; or
- (9) To use drugs in the examination of eyes; or
- (10) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor

shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or

(11) To advertise the "free examination of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising;" or

(12) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with lenses included, at a price either alone or in conjunction with professional services; or

(13) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or

(14) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or

(15) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time; or

(16) To violate any provision of this chapter or any rules and regulations promulgated thereunder.

Sec. 48. Section 5, chapter 25, Laws of 1963 as amended by section 9, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.050 are each amended to read as follows:

The board must meet at least once yearly or more frequently upon call of the chairman or the director of (~~motor vehicles~~) licensing at such times and places as the chairman or the director of (~~motor vehicles~~) licensing may designate by giving three days' notice or as otherwise required by the administrative procedure act, chapter 34.04 RCW as now or hereafter amended.

Sec. 49. Section 7, chapter 25, Laws of 1963 as amended by section 10, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.070 are each amended to read as follows:

The board has the following powers and duties:

(1) The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly oral, and shall certify to the director of (~~(motor vehicles)~~) licensing all lists, signed by all members conducting the examination, of all applicants for licenses who have successfully passed the examination and a separate list of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the applicants.

(2) The director shall investigate all complaints and charges of unprofessional conduct against any licensed optometrist, and the board shall hold hearings to determine whether or not such charges are founded.

(3) The board shall take disciplinary action against any optometrist whom the board finds guilty of unprofessional conduct; and may, under appropriate circumstances, order the revocation or suspension of a license to practice optometry by filing a copy of its findings and conclusions with the director of (~~(motor vehicles)~~) licensing.

(4) The board may employ stenographic and clerical help, and such other assistance as may be necessary to enforce the provisions of this chapter.

(5) The board shall adopt rules and regulations to promote safety, protection and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry.

Sec. 50. Section 14, chapter 25, Laws of 1963 as amended by section 12, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.140 are each amended to read as follows:

Notwithstanding any other provisions of law, rule or regulation, the board may draw from the optometry account created and held pursuant to RCW 18.53.050, on vouchers approved by the director of (~~(motor vehicles)~~) licensing, so much money as is necessary to carry into effect, to administer, and to enforce the provisions of this chapter.

Sec. 51. Section 2, chapter 60, Laws of 1957 as last amended by section 1, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.010 are each amended to read as follows:

The following terms used in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Board" means the board of medical examiners.

(2) "Director" means the director of (~~(the department of motor vehicles)~~) licensing.

(3) "Resident physician" means an individual who has graduated from a school of medicine which meets the requirements set forth in RCW 18.71-.055 and is serving a period of postgraduate clinical medical training sponsored by a college or university in this state or by a hospital accredited by

this state. For purposes of this chapter, the term shall include individuals designated as intern or medical fellow.

Sec. 52. Section 2, chapter 284, Laws of 1961 as last amended by section 41, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.71.015 are each amended to read as follows:

There is hereby created a board of medical examiners consisting of six individuals licensed to practice medicine in the state of Washington and one individual who is not a physician, to be known as the Washington state board of medical examiners.

The board shall be appointed by the governor. The members of the first board shall be appointed within thirty days after March 21, 1961, to serve the following terms: One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. On expiration of the term of any member, the governor shall appoint for a period of five years an individual of similar qualifications to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

Each member of the board shall be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The board shall meet as soon as practicable after appointment and elect a chairman and a secretary from its members. Meetings shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

It shall require the affirmative vote of a majority of the members of the board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize or deny the issuance of any certificate.

Each member of the board shall receive the sum of forty dollars for each day actually attending to the work of the board or any of its committees and for the time spent in necessary travel; and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Any such expenses shall be paid from funds appropriated to the department of (~~motor vehicles~~) licensing.

Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office.

Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Sec. 53. Section 36, chapter 202, Laws of 1955 as last amended by section 62, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.71.080 are each amended to read as follows:

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

Sec. 54. Section 36, chapter 202, Laws of 1955 as last amended by section 11, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.080 are each amended to read as follows:

Every person licensed to practice medicine in this state shall register with the director of (~~(department of motor vehicles)~~) licensing annually, and pay an annual renewal registration fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, on or before the first day of July of each year. The board may establish rules and regulations governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees: PROVIDED, HOWEVER, That any person who fails to renew his license for a period of three years, shall in no event be entitled to renew his license under this section. Such a person in order to obtain a license to practice medicine in this state, shall file an original application as provided for in this chapter, along with the requisite fee therefor. The board, in its sole discretion, may permit such applicant to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 55. Section 36, chapter 202, Laws of 1955 as last amended by section 11, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.080 are each amended to read as follows:

Every person licensed to practice medicine in this state shall register with the director of (~~(department of motor vehicles)~~) licensing annually, and pay an annual renewal registration fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, on or before the first day of July of each year. The board may establish rules and regulations governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but

such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees: PROVIDED, HOWEVER, That any person who fails to renew his license for a period of three years, shall in no event be entitled to renew his license under this section. Such a person in order to obtain a license to practice medicine in this state, shall file an original application as provided for in this chapter, along with the requisite fee therefor. The board, in its sole discretion, may permit such applicant to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 56. Section 44, chapter 202, Laws of 1955 as amended by section 14, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.180 are each amended to read as follows:

In case of the denial of a license, the board shall file a brief and concise statement of the grounds and reasons therefor in the office of the director of (~~the department of motor vehicles~~) licensing, which shall remain of record therein.

Sec. 57. Section 2, chapter 110, Laws of 1973 1st ex. sess. and RCW 18.71.230 are each amended to read as follows:

A right to practice medicine and surgery by a Canadian physician in this state pursuant to RCW 18.71.030 shall be revocable by order of the director of (~~the department of motor vehicles~~) licensing upon a finding by the director of an act of unprofessional conduct as defined in RCW 18.72-.030. Such physician shall have the same rights of notice, hearing and judicial review as provided licensed physicians generally pursuant to chapter 18.72 RCW.

Sec. 58. Section 3, chapter 190, Laws of 1975 1st ex. sess. and RCW 18.71A.070 are each amended to read as follows:

There shall be appointed by the director of (~~the department of motor vehicles~~) licensing an agent whose title shall be "medical practice investigator", who shall have the duty and shall be authorized to enter the clinic, office, or premises where a physician's assistant is employed for the purpose of inspecting the registration and utilization of any physician's assistant employed therein. Said investigator may serve and execute any notice or process issued under the authority of this chapter and shall perform any other duty prescribed by the director or the board, including assisting other agencies in enforcing the provisions of the law regulating the practice of medicine: PROVIDED, That funds must be included in the department's 1975-77 operational budget for this program.

Sec. 59. Section 10, chapter 202, Laws of 1955 as amended by section 42, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.72.100 are each amended to read as follows:

Members of the board shall be paid twenty-five dollars for each day spent in performing their duties as members of the board and shall be repaid their travel expenses while engaged in business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Such compensation and reimbursement for expenses shall be paid out of the general fund on vouchers approved by the director of ~~((licenses))~~ licensing.

Sec. 60. Section 25, chapter 202, Laws of 1955 as amended by section 1, chapter 58, Laws of 1969 and RCW 18.72.250 are each amended to read as follows:

The filing by the board in the office of the director of ~~((motor-vehicles))~~ licensing of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this chapter, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice medicine and surgery in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension. Such certificate or order of revocation or suspension, if appealed, may be stayed by the board or by the reviewing court upon such terms as is deemed proper.

Sec. 61. Section 13, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.130 are each amended to read as follows:

An ambulance operator, ambulance director, first aid vehicle operator or first aid director may not operate a service in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the comprehensive plan established pursuant to RCW 18.73.070, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

- (1) The United States government;
- (2) Ambulance operators and ambulance directors providing service in other states when bringing patients into this state;
- (3) Owners of businesses in which ambulance or first aid vehicles are used exclusively on company property but occasionally in emergencies may bring patients to hospitals not on company property;
- (4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of three years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of ~~((motor-vehicles))~~ licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable.

A license fee shall be required for ambulance operators and first aid operators.

Sec. 62. Section 2, chapter 239, Laws of 1949 as amended by section 44, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.74.020 are each amended to read as follows:

The state examining committee of physical therapists is hereby created. The examining committee shall consist of not less than three members who shall be appointed by the governor from a list submitted to him by the Washington state chapter of the American Physical Therapy Association for a term of three years each. Each member of said examining committee shall be a registered physical therapist, a resident of this state, and shall have not less than five years' experience in the practice of physical therapy immediately preceding his appointment and shall be actively engaged in the practice of physical therapy during his incumbency. On or before July 1, 1949, three members shall be appointed by the governor, one member to serve for one, two and three years respectively. On the first day of January of each succeeding year one member shall be appointed for three years. In the event that a member of the examining committee for any reason cannot complete his term of office, another appointment shall be made by the governor in accordance with the procedure stated above to fill the remainder of the term. No member may serve for more than two successive three-year terms.

The examining committee shall have the power to make such rules not inconsistent with the law which may be necessary for the performance of its duties. The director of (~~((licenses))~~) licensing shall furnish such secretarial, clerical and other assistance as the board may require. Each member of the examining committee shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, receive compensation in an amount for each day actually engaged in the discharge of his duties: PROVIDED, HOWEVER, That such compensation shall not exceed twenty-five dollars per day.

It shall be the duty of the examining committee to pass upon the qualifications of applicants for registration, prepare the necessary lists of examination questions, conduct all examinations, determine the applicants who successfully pass examination and notify the director of (~~((licenses))~~) licensing to that effect.

Sec. 63. Section 12, chapter 239, Laws of 1949 as amended by section 11, chapter 75, Laws of 1977 and RCW 18.74.120 are each amended to read as follows:

The director of (~~((motor vehicles))~~) licensing is authorized to adopt reasonable rules and regulations to carry this chapter into effect and may amend and revoke such rules at his discretion. The director of (~~((motor vehicles))~~) licensing shall keep a record of proceedings under this chapter and a register of all persons registered under it. The register shall show the name of every living registrant, his last known place of business and last known place of residence and the date and number of his registration and

certificate as a registered physical therapist. The director of (~~(motor vehicles)~~) licensing shall, during the month of April of every year in which the renewal of registration is required, publish a list of registered physical therapists authorized to practice physical therapy in the state and shall, upon request, furnish a copy of that list to the prosecuting attorney of any county, to the superintendent of any hospital in the state, and to any physician licensed in this state to practice medicine and surgery: PROVIDED, That such lists shall be furnished by the director upon payment of such amount as may be fixed by him, which amount shall not exceed the cost of the list so furnished.

Sec. 64. Section 5, chapter 222, Laws of 1949 as amended by section 3, chapter 79, Laws of 1967 and RCW 18.78.050 are each amended to read as follows:

The board shall conduct examinations for all applicants for licensure under this chapter and shall certify to the (~~(division of professional licensing)~~) business and professions administration in the department of (~~(motor vehicles)~~) licensing for licensing, those applicants duly qualified. The board shall also determine and formulate what constitutes an approved practical nursing course, the same to be written and filed with the secretary of the board. The board may amend said requirements from time to time and any such amendment shall also be in writing and filed with the secretary of the board. Upon request of any hospital or other agency within the state of Washington, the secretary of the board shall furnish and forward by mail a copy of said written requirements constituting an approved course, and any written amendments thereto.

Sec. 65. Section 9, chapter 222, Laws of 1949 as last amended by section 68, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.78.080 are each amended to read as follows:

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

Sec. 66. Section 10, chapter 222, Laws of 1949 as last amended by section 69, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall register annually with the (~~(division of professional licensing)~~) business and professions administration in the department of (~~(motor vehicles)~~) licensing, on or before the first day of March, and shall pay an annual fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and thereupon

the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the (~~division of professional licensing~~) business and professions administration, and upon payment to the state of a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all delinquent annual license renewal fees.

Sec. 67. Section 1, chapter 305, Laws of 1955 as amended by section 1, chapter 70, Laws of 1965 and RCW 18.83.010 are each amended to read as follows:

When used in this chapter:

(1) The "practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of evaluation, group relations and behavior adjustment, including but not limited to: (a) counseling and guidance; (b) use of psychotherapeutic techniques with clients who have adjustment problems in the family, at school, at work or in interpersonal relationships; (c) measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes and skills.

This definition does not include the teaching of principles of psychology for accredited educational institutions, or the conduct of research in problems of human or animal behavior.

Nothing in this definition shall be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW.

(2) "Director" means director of (~~licenses~~) licensing.

(3) "Board" means the board of psychologist examiners created by this chapter.

Sec. 68. Section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a person, while acting for another for commissions or other compensation or the promise thereof, or a licensee under this chapter while acting in his own behalf, who:

(a) Sells or offers for sale, lists or offers to list, buys or offers to buy real estate or business opportunities, or any interest therein, for others;

(b) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, exchange, lease, or rental of real estate or business opportunities, or any interest therein, for others;

(c) Advertises or holds himself out to the public by any oral or printed solicitation or representation that he is so engaged; or

(d) Engages, directs, or assists in procuring prospects or in negotiating or closing any transaction which results or is calculated to result in any of these acts;

(2) "Real estate salesman" or "salesman" means any natural person employed, either directly or indirectly, by a real estate broker, or any person who represents a real estate broker in the performance of any of the acts specified in subsection ~~((1)-(1))~~ (1) of this section;

(3) An "associate real estate broker" is a person who has qualified as a "real estate broker" who works with a broker and whose license states that he is associated with a broker;

(4) The word "person" as used in this chapter shall be construed to mean and include a corporation or copartnership, except where otherwise restricted;

(5) "Business opportunity" shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

(6) "Commission" means the real estate commission of the state of Washington;

(7) "Director" means the director of ~~((motor-vehicles))~~ licensing;

(8) "Real estate multiple listing association" means any association of real estate brokers:

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may be sold by any member for an agreed portion of the commission to be paid; and

(b) Which require in a real estate listing agreement between the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller;

(9) "Clock hours of instruction" means actual hours spent in classroom instruction in any tax supported, public vocational-technical institution, community college, or any other institution of higher learning or a correspondence course from any of the aforementioned institutions certified by such institution as the equivalent of the required number of clock hours, and the real estate commission may certify courses of instruction other than in the aforementioned institutions; and

(10) "Incapacitated" means the physical or mental inability to perform the duties of broker prescribed by this chapter.

Sec. 69. Section 4, chapter 202, Laws of 1949 as last amended by section 3, chapter 133, Laws of 1973 and RCW 18.88.030 are each amended to read as follows:

Whenever used in this chapter, terms defined in this section shall have the meanings herein specified unless the context clearly indicates otherwise.

The practice of nursing means the performance of acts requiring substantial specialized knowledge, judgment and skill based upon the principles

of the biological, physiological, behavioral and sociological sciences in either:

(1) The observation, assessment, diagnosis, care or counsel, and health teaching of the ill, injured or infirm, or in the maintenance of health or prevention of illness of others.

(2) The performance of such additional acts requiring education and training and which are recognized jointly by the medical and nursing professions as proper to be performed by nurses licensed under this chapter and which shall be authorized by the board of nursing through its rules and regulations.

(3) The administration, supervision, delegation and evaluation of nursing practice: **PROVIDED, HOWEVER,** That nothing herein shall affect the authority of any hospital, hospital district, medical clinic or office, concerning its administration and supervision.

(4) The teaching of nursing.

(5) The executing of medical regimen as prescribed by a licensed physician, osteopathic physician, dentist, or chiroprapist.

Nothing in this chapter shall be construed as prohibiting any person from practicing any profession for which a license shall have been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This chapter shall not be construed as prohibiting the nursing care of the sick, without compensation, by any unlicensed person who does not hold herself or himself out to be a registered nurse, and further, this chapter shall not be construed as prohibiting the practice of practical nursing by any practical nurse, with or without compensation in either homes or hospitals.

The word "board" means the Washington state board of nursing.

The term "department" means the department of ~~((licenses))~~ licensing.

The word "diagnosis", in the context of nursing practice, means the identification of, and discrimination between, the person's physical and psycho-social signs and symptoms which are essential to effective execution and management of the nursing care regimen.

The term "diploma" means written official verification of completion of an approved nursing education program.

The term "director" means the director of ~~((licenses))~~ licensing.

The terms "nurse" or "nursing" wherever they occur in this chapter, unless otherwise specified, for the purposes of this chapter shall mean a registered nurse or registered nursing.

Sec. 70. Section 1, chapter 200, Laws of 1959 and RCW 18.90.010 are each amended to read as follows:

As used in this chapter:

(1) "Sanitarian" is a person who has fitted himself by suitable specialized study in the basic sciences, sanitary sciences, administration, education and the humanities and with suitable experience in the application of the

principles of sanitary science to protect the public from the many health hazards resulting from an increasingly complex environment. He applies the principles of sanitary science to the investigation, evaluation and interpretation of environmental health needs in order to secure necessary sanitary improvements in environmental factors such as but not limited to milk and food, private water and sewage, vector control, refuse disposal and housing.

(2) "Board" or "examining board" means the Washington state board of registered sanitarians.

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

Sec. 71. Section 21, chapter 71, Laws of 1941 as last amended by section 1, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.015 are each amended to read as follows:

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)~~) licensing of the state of Washington. "Animal technician" shall mean a person who has successfully completed a post high school course approved by the board, in consultation with the coordinating council for occupational education, in the care and treatment of animals, or a person who has had five years practical experience with a licensed veterinarian and who has successfully completed an examination administered by the board.

Sec. 72. Section 6, chapter 71, Laws of 1941 as last amended by section 5, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.070 are each amended to read as follows:

No person, unless registered or licensed to practice veterinary medicine, surgery and dentistry in this state at the time this chapter shall become operative, shall begin the practice of veterinary medicine, surgery and dentistry without first applying for and obtaining a license for such purpose from the director. In order to procure a license to practice veterinary medicine, surgery and dentistry in the state of Washington, the applicant for such license shall file his application at least thirty days prior to date of examination upon a form furnished by the director of (~~(motor vehicles)~~) licensing, which, in addition to the fee provided by this chapter, shall be accompanied by satisfactory evidence that he is at least eighteen years of age and of good moral character, and by a diploma from some legally chartered veterinary college or veterinary department of any university or agricultural college, recognized by the American Veterinary Medical Association, evidencing the fact that the applicant has been in actual attendance at the lectures, instruction and examinations for a period of at least four academic years of thirty-two to thirty-six weeks each. Said application shall be signed by the applicant and sworn to by him before some person authorized to administer oaths. When such application and the accompanying evidence are found satisfactory, the director shall notify the applicant to appear before the

board for the next examination: PROVIDED, HOWEVER, That the director of (~~(motor vehicles)~~) licensing must deny the application of every applicant who has been guilty of unprofessional conduct within the two years immediately preceding date of application for license.

Sec. 73. Section 3, chapter 158, Laws of 1969 ex. sess. and RCW 18-.96.030 are each amended to read as follows:

The following words and phrases as hereinafter used in this chapter shall have the following meanings:

"Director" means the director of (~~(motor vehicles)~~) licensing of the state of Washington.

"Board" means the state board of registration for landscape architects.

"Landscape architect" means a person who engages in the practice of landscape architecture as hereinafter defined. A person practices landscape architecture within the meaning and intent of this chapter who performs for hire professional services such as consultations, investigations, reconnaissance, research, planning, design or teaching supervision in connection with the development of land areas where, and to the extent that, the dominant purpose of such services is the preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, or natural drainage and erosion control. This practice shall include the location, design, and arrangement of such tangible objects as pools, walls, steps, trellises, canopies, and other nonhabitable structures, and such features as are incidental and necessary to the purposes outlined herein. It involves the design and arrangement of land forms and the development of outdoor space including, but not limited to, the design of public parks, playgrounds, cemeteries, home and school grounds, and the development of industrial and recreational sites.

Sec. 74. Section 1, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

(1) "Board" means the state massage examining board;

(2) "Massage" means the treatment of the superficial parts of the body, with or without the aid of soaps, oils, or lotions, by rubbing, touching, stroking, tapping, and kneading, provided no attempt be made to adjust or manipulate the articulations of the spine;

(3) "Massage operator" means a person engaged in the practice of massage;

(4) "Director" means the director of (~~(the department of motor vehicles)~~) licensing.

(5) Massage business means the operation of a business where massages are given.

Sec. 75. Section 2, chapter 319, Laws of 1977 ex. sess. and RCW 19-.02.020 are each amended to read as follows:

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

(1) "System" means the business registration and licensing center established by this chapter and located in and under the administrative control of the department of (~~(motor vehicles)~~) licensing;

(2) "Board of review" means the body established to review policies and rules adopted by the department of (~~(motor vehicles)~~) licensing for carrying out the provisions of this chapter;

(3) "Master license" means the document designed for public display issued by the system which certifies individual state agency approval for licenses the state requires for any person subject to the provisions of this chapter;

(4) "License" means the whole or part of any agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, including agency rule, to engage in any activity; and

(5) "Person" means any individual, sole proprietorship, partnership, association, cooperative, corporation, nonprofit organization, state or local government agency, and any other organization required to register with the state to do business in the state and to obtain one or more licenses from the state or any of its agencies.

Sec. 76. Section 3, chapter 319, Laws of 1977 ex. sess. and RCW 19-.02.030 are each amended to read as follows:

(1) There is created within the department of (~~(motor vehicles)~~) licensing a business registration and licensing system.

(2) The duties of the system shall be:

(a) To establish a service before January 1, 1978, that will provide information to persons detailing all state licenses required to engage in business in this state and the locations for applying for those licenses;

(b) To develop before April 1, 1978, a common system of identifying businesses by all state agencies;

(c) To recommend to the legislature on January 1, 1978, criteria for evaluation of existing and proposed forms of licensing authorization; and

(d) To develop a computerized system before April 1, 1980, capable of storing, retrieving, and exchanging license information as well as issuing and renewing master licenses in an efficient manner.

(3) Every state agency shall review its licenses and recommend to the legislature on January 1, 1979, those licenses that should be eliminated or consolidated and justify those that should be retained.

(4) The plan for developing the system shall include a phased approach that:

(a) Will have completed before January 1, 1978, a requirements analysis and specification document including overview systems design;

(b) Will have completed before April 1, 1978, a detailed requirements analysis including general systems design;

(c) Will have established before April 1, 1978, interagency procedures for effectuating the system;

(d) Will have selected before April 1, 1978, those licenses which will be included in the initial implementation of the system and the date and manner the licenses will be integrated into the system;

(e) Will have completed before July 1, 1978, a cost benefit analysis of the final implementation of this chapter; and

(f) Will have concluded before October 1, 1979, trial applications and a test of the system.

(5) The department of ~~((motor vehicles))~~ licensing shall establish the position of assistant director of the business registrations and licenses system who will also act as executive secretary to the board of review.

(6) The director of ~~((motor vehicles))~~ licensing may adopt under chapter 34.04 RCW such rules as may be necessary to effectuate the purposes of this chapter.

Sec. 77. Section 4, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.040 are each amended to read as follows:

(1) There is hereby created a board of review to provide policy direction to the department of ~~((motor vehicles))~~ licensing as it establishes and operates the business registration and licensing system. The board of review shall include the following officials:

(a) Director, department of revenue;

(b) Director, department of labor and industries;

(c) Commissioner, department of employment security;

(d) Director, department of agriculture;

(e) Director, department of commerce and economic development;

(f) Director, department of ~~((motor vehicles))~~ licensing;

(g) Director, office of ~~((program planning and fiscal))~~ financial management;

(h) Chairman, liquor board;

(i) Secretary, department of social and health services; and

(j) As ex officio members:

(i) The president of the senate or the president's designee; and

(ii) The speaker of the house or the speaker's designee.

(2) The governor shall appoint a chairperson from among the members of the board.

(3) The board shall meet at the call of the chairperson at least once each quarter to:

(a) Establish interagency policy guidelines for the system;

(b) Review the findings, status, and problems of system operations and recommend courses of action;

(c) Receive reports from industry and agency task forces; and

(d) Recommend to the system in questionable cases whether a specific license comes within the scope of this chapter.

Sec. 78. Section 5, chapter 319, Laws of 1977 ex. sess. and RCW 19-.02.050 are each amended to read as follows:

(1) The legislature hereby directs the full participation by the following agencies in the implementation of this chapter:

- (a) Department of agriculture;
- (b) Secretary of state;
- (c) Department of social and health services;
- (d) Department of revenue;
- (e) Department of fisheries;
- (f) Department of employment security;
- (g) Department of labor and industries;
- (h) Department of commerce and economic development;
- (i) Liquor control board;
- (j) Board of pharmacy;
- (k) Department of ~~((motor vehicles))~~ licensing;
- (l) Utilities and transportation commission; and
- (m) Other agencies as determined by the governor.

Sec. 79. Section 7, chapter 319, Laws of 1977 ex. sess. and RCW 19-.02.070 are each amended to read as follows:

Irrespective of any authority delegated to the department of ~~((motor vehicles))~~ licensing to implement the provisions of this chapter, the authority for determining if any requested license shall be issued shall remain with the agency otherwise legally authorized to issue the license.

Sec. 80. Section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 222, Laws of 1977 ex. sess. and RCW 19-.09.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) A "bona fide officer or employee" of a charitable organization is one whose conduct is subject to direct control by such organization and who does not act in the manner of an independent contractor in his relation with the organization.

(2) "Charitable organization" means: (a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature; and (b) which solicits or solicits and collects contributions for any charitable purpose. "Charitable" shall have its common law meaning unless the context in which it is used clearly requires a narrower or a broader meaning.

(3) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in

the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights less the reasonable purchase price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose.

(4) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(5) "Cost of solicitation" means and includes all costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation for a direct gift or conducting a sale or benefit affair; cost of solicitation shall not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

(6) "Director" means the director of (~~the department of motor vehicles~~) licensing.

(7) "Direct gift" shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

(8) "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term "membership" shall not include those persons who are granted a membership upon making a contribution as the result of solicitation.

(9) "Parent organization" means that part of a charitable organization which coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

(10) "Person" means an individual, organization, group, association, partnership, corporation, or any combination thereof.

(11) "Professional fund raiser" means any person who, for compensation or other consideration, plans, conducts, manages, or advises concerning any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable purpose, or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations: PROVIDED, That the following persons shall not be deemed professional fund raisers: (a) Any bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state of Washington; whose salary or other

compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of RCW 19.09.030.

(12) A "professional solicitor" means any person other than a professional fund raiser who is employed or retained for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state, but shall not include any bona fide officer or employee of a registered charitable organization.

(13) "Sale and benefit affair" shall mean and include, but not be limited to, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith: PROVIDED, That bingo activities, raffles, and amusement games conducted pursuant to the provisions of chapter 9.46 RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation within the provisions of this chapter.

(14) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made which implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

Sec. 81. Section 1, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.100 are each amended to read as follows:

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) "Person" includes individual, firm, partnership, trust, joint venture, association, or corporation.

(2) "Collection agency" means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though

the forms may be or are actually used by the creditor himself in his own name;

(c) Any person who in attempting to collect or in collecting his own claim uses a fictitious name or any name other than his own which would indicate to the debtor that a third person is collecting or attempting to collect such claim.

(3) "Collection agency" does not mean and does not include:

(a) Any individual engaged in soliciting claims for collection, or collecting or attempting to collect claims on behalf of a licensee under this chapter, if said individual is an employee of the licensee;

(b) Any individual collecting or attempting to collect claims for not more than one employer, if all the collection efforts are carried on in the name of the employer and if the individual is an employee of the employer; or

(c) Any person whose collection activities are carried on in his or its true name and are confined and are directly related to the operation of a business other than that of a collection agency, such as but not limited to trust companies, savings and loan associations, building and loan associations, abstract companies doing an escrow business, real estate brokers, public officers acting in their official capacities, persons acting under court order, lawyers, insurance companies, credit unions, loan or finance companies, mortgage banks, and banks.

(4) "Claim" means any obligation for the payment of money or thing of value arising out of any agreement or contract, express or implied.

(5) "Director" means the director of (~~the department of motor vehicles~~) licensing.

(6) "Client" or "customer" means any person authorizing or employing a collection agency to collect a claim.

(7) "Licensee" means any person licensed under this chapter.

(8) "Board" means the Washington state collection agency board.

(9) "Debtor" means any person owing or alleged to owe a claim.

Sec. 82. Section 2, chapter 228, Laws of 1969 ex. sess. as amended by section 1, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.020 are each amended to read as follows:

Unless a different meaning is clearly required by the context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Employment agency" is synonymous with "agency" and shall mean any business in which any part of the business gross or net income is derived from a fee received from applicants, and in which any of the following activities are engaged in:

(a) The offering, promising, procuring, or attempting to procure employment for applicants; or

(b) The giving of information regarding where and from whom employment may be obtained.

In addition the term "employment agency" shall mean and include any person, bureau, organization, or school which for profit, by advertisement or otherwise, offers, as one of its main objects or purposes, to procure employment for any person who pays for its services, or which collects tuition, or charges for service of any nature, where the main object of the person paying the same is to secure employment. The term "employment agency" shall not include labor union organizations, temporary service contractors, proprietary schools, theatrical agencies, farm labor contractors, or the Washington state employment agency.

(2) "Temporary service contractors" shall mean any person, firm, association, or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part time or temporary help basis to others.

(3) "Theatrical agency" means any person who, for a fee or commission, procures or attempts to procure on behalf of an individual or individuals, employment or engagements for circus, vaudeville, the variety field, the legitimate theater, motion pictures, radio, television, phonograph recordings, transcriptions, opera, concert, ballet, modeling, or other entertainments, exhibitions, or performances.

(4) "Farm labor contractor" means any person, or his agent, who, for a fee, employs workers to render personal services in connection with the production of any farm products, to, for, or under the direction of an employer engaged in the growing, producing, or harvesting of farm products, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing, producing, or harvesting of farm products or who provides in connection with recruiting, soliciting, supplying, or hiring workers engaged in the growing, producing, or harvesting of farm products, one or more of the following services: Furnishes board, lodging, or transportation for such workers, supervises, times, checks, counts, sizes, or otherwise directs or measures their work; or disburses wage payments to such persons.

(5) "Employer" means any person, firm, corporation, partnership, or association employing or seeking to enter into an arrangement to employ a person through the medium or service of an employment agency.

(6) "Applicant", except when used to describe an applicant for an employment agency license, means any person, whether employed or unemployed, seeking or entering into any arrangement for his employment or change of his employment through the medium or service of an employment agency.

(7) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

(8) "Director" shall mean the director of (~~the department of motor vehicles~~) licensing.

Sec. 83. Section 1, chapter 252, Laws of 1971 ex. sess. as last amended by section 3, chapter 33, Laws of 1973 1st ex. sess. and RCW 19.100.010 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communication media published in connection with an offer or sale of a franchise.

(2) "Community interest" means a continuing financial interest between the franchisor and franchisee in the operation of the franchise business.

(3) "Director" means the director of (~~department of motor vehicles~~) licensing.

(4) "Franchise" means an oral or written contract or agreement, either expressed or implied, in which a person grants to another person, a license to use a trade name, service mark, trade mark, logotype or related characteristic in which there is a community interest in the business of offering, selling, distributing goods or services at wholesale or retail, leasing, or otherwise and in which the franchisee is required to pay, directly or indirectly, a franchise fee: PROVIDED, That none of the following shall be construed as a franchise within the meaning of this chapter:

(a) The payment of a reasonable service charge to the issuer of a credit card by an establishment accepting or honoring such credit card or any transaction relating to a bank credit card plan;

(b) Actions or transactions otherwise permitted, prohibited or regulated under laws administered by the insurance commissioner of this state;

(c) Any motor vehicle dealer franchise subject to the provisions of chapter 46.70 RCW.

(5) "Bank credit card plan" means a credit card plan in which the issuer of credit cards as defined by RCW 9.26A.010(1) is a national bank, state bank, trust company or any other banking institution subject to the supervision of the supervisor of banking of this state or any parent or subsidiary of such bank.

(6) "Franchisee" means a person to whom a franchise is offered or granted.

(7) "Franchisor" means a person who grants a franchise to another person.

(8) "Area franchise" means any contract or agreement between a franchisor or subfranchisor whereby the subfranchisor is granted the right to sell or negotiate the sale of franchises in the name or on behalf of the franchisor.

(9) "Subfranchisor" means a person to whom an area franchise is granted.

(10) "Franchise broker or selling agent" means a person who directly or indirectly engages in the sale of franchises.

(11) "Franchise fee" means any fee or charge that a franchisee or sub-franchisor is required to pay or agrees to pay for the right to enter into a business or to continue a business under a franchise agreement, including, but not limited to, the payment either in lump sum or by installments of an initial capital investment fee, any fee or charges based upon a percentage of gross or net sales whether or not referred to as royalty fees, any payment for the mandatory purchase of goods or services or any payment for goods or services available only from the franchisor, or any training fees or training school fees or charges; however, the following shall not be considered payment of a franchise fee: (a) the purchase or agreement to purchase goods at a bona fide wholesale price; (b) the purchase or agreement to purchase goods by consignment; if, and only if the proceeds remitted by the franchisee from any such sale shall reflect only the bona fide wholesale price of such goods; (c) a bona fide loan to the franchisee from the franchisor; (d) the purchase or agreement to purchase goods at a bona fide retail price subject to a bona fide commission or compensation plan that in substance reflects only a bona fide wholesale transaction; (e) the purchase or lease or agreement to purchase or lease supplies or fixtures necessary to enter into the business or to continue the business under the franchise agreement at their fair market or rental value; (f) the purchase or lease or agreement to purchase or lease real property necessary to enter into the business or to continue the business under the franchise agreement at the fair market or rental value; (g) amounts paid for trading stamps redeemable in cash only; (h) amounts paid for trading stamps to be used as incentives only and not to be used in, with, or for the sale of any goods.

(12) "Person" means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(13) "Publish" means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

(14) "Sale or sell" includes every contract of sale, contract to sell, or disposition of a franchise.

(15) "Offer or offer to sell" includes every attempt or offer to dispose of or solicitation of an offer to buy a franchise or an interest in a franchise.

Sec. 84. Section 1, chapter 106, Laws of 1972 ex. sess. and RCW 19.105.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the meanings herein ascribed to them, unless the context clearly requires otherwise:

(1) "Camping club" shall mean any corporation, firm, partnership, association, trust, or organization which:

(a) Is promoted, in whole or in part, for the financial benefit of another person, corporation, firm, partnership, association, trust, or organization; and

(b) Has camping and outdoor recreation as its primary purposes, and which is, or is intended to be, composed of members who have or will have obligated themselves to pay membership fees or other charges entitling them to use club facilities and grounds for camping and outdoor recreation purposes; and

(c) Contains or will contain camping vehicle sites; and

(d) Has legal or equitable title to the land on which the club is located or which leases, or is purchasing under a real estate contract, the land on which the club is located.

(2) "Camping vehicle site" means a space assigned to a camping club member for an indefinite period of time, or for life, or for a period of longer than one month, and on which site the member is entitled to park or locate a camping vehicle.

(3) "Camping vehicle" means a travel trailer, tent or tent trailer, pick-up camper, or other similar device used for portable housing.

(4) "Person" shall mean any person, firm, corporation, partnership, association, or organization.

(5) "Director" shall mean the director of (~~the department of motor vehicles~~) licensing acting in his capacity as administrator of the Securities Act, chapter 21.20 RCW, as now law or hereafter amended.

(6) "Promoter" shall mean the person or organization having a permit issued by the director to engage in the business of promoting or developing a camping club and having the overall responsibility for the sale of memberships in a camping club.

***Sec. 85. Section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.005 are each amended to read as follows:**

The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of (~~motor-vehicles~~) licensing of this state.

(2) "Salesman" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesman" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310(1), (2), (3), (4), (9), (10), or (11), as now or hereafter amended, (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.

(3) "**Broker-dealer**" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "**Broker-dealer**" does not include (a) a salesman, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "**Guaranteed**" means guaranteed as to payment of principal, interest, or dividends.

(5) "**Full business day**" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "**Investment adviser**" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "**Investment adviser**" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310(1), (f) a person who has no place of business in this state if (i) his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (g) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "**Issuer**" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted

management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after June 10, 1959.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; 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; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(14) "Investment adviser salesman" means a person retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients.

(15) "Relatives", as used in RCW 21.20.310(11) as now or hereafter amended, shall include:

- (a) A member's spouse;**
- (b) Grandparents of the member or the member's spouse;**
- (c) Natural or adopted children of the member or the member's spouse;**
- (d) Aunts and uncles of the member or the member's spouse; and**
- (e) First cousins of the member or the member's spouse.**

***Sec. 85. was vetoed, see message at end of chapter.**

Sec. 86. Section 45, chapter 282, Laws of 1959 as amended by section 25, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.450 are each amended to read as follows:

The administration of the provisions of this chapter shall be under the department of ~~((licenses))~~ licensing. The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the provisions of this chapter, including rules defining any term, whether or not such term is used in the Washington securities law. The director may classify securities, persons, and matters within his jurisdiction, and prescribe different requirements for different classes. No rule or form, may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter. In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the securities and exchange commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published.

Sec. 87. Section 9, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.720 are each amended to read as follows:

(1) A director or officer of a debenture company shall not:

(a) Have any interest, direct or indirect, in the gains or profits of the debenture company, except to receive dividends upon the amounts contributed by him, the same as any other depositor or shareholder and under the same regulations and conditions: PROVIDED, That nothing in this subsection shall be construed to prohibit salaries as may be approved by the debenture company's board of directors;

(b) Become a member of the board of directors or a controlling shareholder of another debenture company or a bank, trust company, or national banking association, of which board enough other directors or officers of the

debenture company are members so as to constitute with him a majority of the board of directors.

(2) Neither a director nor an officer shall:

(a) For himself or as agent or partner of another, directly or indirectly use any of the funds held by the debenture company, except to make such current and necessary payments as are authorized by the board of directors;

(b) Receive directly or indirectly and retain for his own use any commission on or benefit from any loan made by the debenture company, or any pay or emolument for services rendered to any borrower from the debenture company in connection with such loan;

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made from the debenture company and except when approval has been given by the director of ~~((the department of motor vehicles))~~ licensing or his administrator of securities upon recommendation by the company's board of directors.

(d) For himself or as agent or partner of another, directly or indirectly borrow any of the funds held by the debenture company, or become the owner of real property upon which the debenture company holds a mortgage. A loan to or a purchase by a corporation in which he is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he and other directors or officers of the debenture company hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such director or officer within the meaning of this section, except when the loan to or purchase by such corporation occurred without his knowledge or against his protest.

Sec. 88. Section 4, chapter 220, Laws of 1959 as amended by section 21, chapter 26, Laws of 1967 ex. sess. and RCW 23.90.040 are each amended to read as follows:

(1) Any Massachusetts trust desiring to do business in this state shall file with the secretary of state a verified copy of the trust instrument creating such a trust and any amendment thereto, the assumed business name, if any, and the names and addresses of its trustees; and it shall also file true copies of the foregoing with the county auditor in the county in which it has its principal place of business in this state, and also in any county in which it owns any real property.

(2) Any person dealing with such Massachusetts trust shall be bound by the terms and conditions of the trust instrument and any amendments thereto so filed.

(3) Any Massachusetts trust created under this chapter or entering this state pursuant thereto shall pay such taxes and fees as are imposed by the laws, ordinances, and resolutions of the state of Washington and any counties and municipalities thereof on domestic and foreign corporations, respectively, on an identical basis therewith. In computing such taxes and

fees, the shares of beneficial interest of such a trust shall have the character for tax purposes of shares of stock in private corporations.

(4) Any Massachusetts trust shall be subject to such applicable provisions of law, now or hereafter enacted, with respect to domestic and foreign corporations, respectively, as relate to the issuance of securities, filing of required statements or reports, service of process, general grants of power to act, right to sue and be sued, limitation of individual liability of shareholders, rights to acquire, mortgage, sell, lease, operate and otherwise to deal in real and personal property, and other applicable rights and duties existing under the common law and statutes of this state in a manner similar to those applicable to domestic and foreign corporations.

(5) The secretary of state, director of (~~motor vehicles~~) licensing, and the department of revenue of the state of Washington, and the several county auditors in which any such Massachusetts trust shall have its principal place of business or own any real property are each authorized and directed to prescribe binding rules and regulations applicable to said Massachusetts trusts consistent with this chapter.

Sec. 89. Section 4, chapter 153, Laws of 1969 ex. sess. and RCW 28A-04.131 are each amended to read as follows:

In addition to other powers and duties, the state board of education shall adopt rules and regulations governing the training and qualifications of school bus drivers. Such rules and regulations shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: **PROVIDED**, That such rules and regulations shall not conflict with the authority of the department of (~~motor vehicles~~) licensing to license school bus drivers in accordance with RCW 46.20.440 through 46.20.470.

Sec. 90. Section 15, chapter 234, Laws of 1959 as last amended by section 17, chapter 57, Laws of 1971 ex. sess. and RCW 34.04.150 are each amended to read as follows:

This chapter shall not apply to the state militia, or the board of prison terms and paroles, or any institution of higher education as defined in RCW 28B.19.020. 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 pursuant to RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension or revocation of a driver's license by the department of (~~motor vehicles~~) licensing. 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.

Sec. 91. Section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35-.58.277 are each amended to read as follows:

When remitting license fee receipts to the state pursuant to RCW 82-.44.110, the county auditor shall at the same time remit the special excise taxes collected for the municipality and, subject to the provisions of subsection (2) of RCW 82.44.150, the sum so collected and paid over on behalf of the municipality shall be credited against the amount of the tax the auditor would otherwise be required to collect and pay over to the director of (~~motor vehicles~~) licensing for ultimate distribution to the general fund under chapter 82.44 RCW.

Sec. 92. Section 1, chapter 117, Laws of 1977 ex. sess. and RCW 43-.07.150 are each amended to read as follows:

All powers, duties, and functions vested by law in the secretary of state relating to the Uniform Commercial Code are transferred to the department of (~~motor vehicles~~) licensing.

Sec. 93. Section 6, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.580 are each amended to read as follows:

There is hereby established an automotive policy board consisting of the governor, the commissioner of public lands, the state attorney general, the secretary of the department of social and health services, the director of (~~the department of motor vehicles~~) licensing, and a representative of four-year institutions of higher education to be designated by a majority vote of the presidents of such institutions. The governor, the commissioner of public lands and the attorney general are each authorized to designate a member of their agency's staffs to serve on the board as their alternates when they are unable to attend. The board shall be empowered to select its own chairman, vice chairman, and any other necessary officers by majority vote and to make rules and regulations for the orderly conduct of business. The board shall approve all state-wide policies relating to passenger motor vehicle acquisition, utilization, and disposition and shall perform such additional functions as may be directed by law. The board shall also arbitrate and decide by majority vote the issue in any case of a dispute over the economic justification and benefits to be gained by the transfer to a state motor pool of passenger motor vehicles owned or operated by a state agency pursuant to RCW 43.19.600(3). Any necessary staff support and administrative services required by the board shall be furnished by the department of general administration.

Sec. 94. Section 43.24.010, chapter 8, Laws of 1965 as amended by section 1, chapter 100, Laws of 1965 and RCW 43.24.010 are each amended to read as follows:

The director of (~~motor vehicles~~) licensing shall have charge and general supervision of the department of (~~motor vehicles~~) licensing.

He may appoint such clerical and other assistants as may be necessary to carry on the work of the department and deputize one or more of such assistants to perform duties in the name of the director.

Sec. 95. Section 43.24.020, chapter 8, Laws of 1965 as amended by section 2, chapter 100, Laws of 1965 and RCW 43.24.020 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall administer all laws with respect to the examination of applicants for, and the issuance of, licenses to persons to engage in any business, profession, trade, occupation, or activity.

This shall include the administration of all laws pertaining to the regulation of securities and speculative investments.

Sec. 96. Section 42, chapter 170, Laws of 1965 ex. sess. and RCW 43.24.024 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing may delegate to the ~~((administrative head of the division of professional licensing of))~~ assistant director of the business and professions administration in the department of ((motor vehicles)) licensing authority to promulgate rules and regulations relating to the licensing of persons engaged in businesses and professions and to the administration of laws pertaining to the regulation of securities. The director may delegate the authority to issue and sign licenses, certificates, permits and renewals thereof pertaining to those activities transferred to the ~~((professional licensing division of))~~ business and professions administration in the department of ((motor vehicles)) licensing pursuant to RCW 46.01.050.

Sec. 97. Section 43.24.040, chapter 8, Laws of 1965 and RCW 43.24.040 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall prescribe the various forms of applications, certificates, and licenses required by law.

Sec. 98. Section 43.24.060, chapter 8, Laws of 1965 as last amended by section 105, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.24.060 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall, from time to time, fix such times and places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of ~~((motor vehicles))~~ licensing, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or

partly oral and partly written, and shall make and file with the director of ~~((motor vehicles))~~ licensing lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive twenty-five dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 99. Section 43.24.080, chapter 8, Laws of 1965 as amended by section 4, chapter 100, Laws of 1965 and RCW 43.24.080 are each amended to read as follows:

At the close of each examination the department of ~~((motor vehicles))~~ licensing shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the department of ~~((motor vehicles))~~ licensing and notify all applicants who have failed to pass the examination of that fact.

Sec. 100. Section 21, chapter 266, Laws of 1971 ex. sess. as amended by section 93, chapter 30, Laws of 1975 1st ex. sess. and RCW 43.24.085 are each amended to read as follows:

It shall be the policy of the state of Washington that the director of ~~((the department of motor vehicles))~~ licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or registration of professions, occupations, or businesses, administered by the ~~((professional licensing division of))~~ business and professions administration in the department of ~~((motor vehicles))~~ licensing. In fixing said fees the director shall, insofar as is practicable, fix the fees relating to each profession, occupation, or business in such a manner that the income from each will match the anticipated expenses to be incurred in the administration of the laws relating to each such profession, occupation, or business. All such fees shall be fixed by rule and regulation adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW: PROVIDED, That

(1) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than five dollars or in excess of fifteen dollars:

- Barber
- Student barber
- Cosmetologist (manager-operator)

Cosmetologist (operator)
Cosmetologist (instructor-operator)
Apprentice embalmers
Manicurist
Apprentice funeral directors
Registered nurse
Licensed practical nurse
Charitable organization
Professional solicitor;

(2) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than ten dollars or in excess of twenty dollars:

Dental hygienist
Barber instructor
Barber manager instructor
Psychologist
Embalmer
Funeral director
Sanitarian
Veterinarian
Cosmetology shop
Barber shop
Proprietary school agent
Specialized and advance registered nurse
Physician's assistant
Osteopathic physician's assistant;

(3) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifteen dollars or in excess of thirty-five dollars:

Architect
Dentist
Engineer
Land Surveyor
Podiatrist
Chiropractor
Drugless therapeutic
Osteopathic physician
Osteopathic physician and surgeon
Physical therapist
Physician and surgeon
Optometrist
Dispensing optician
Landscape architect
Nursing home administrator

Hearing aid fitter;

(4) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifty dollars or in excess of two hundred dollars:

- Engineer corporation
- Engineer partnership
- Cosmetology school
- Barber school
- Debt adjuster agency
- Debt adjuster branch office
- Debt adjuster
- Proprietary school
- Employment agency
- Employment agency branch office
- Collection agency
- Collection agency branch office
- Professional fund raiser.

Sec. 101. Section 43.24.110, chapter 8, Laws of 1965 as last amended by section 106, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.24.110 are each amended to read as follows:

Whenever there is filed with the director of ~~((motor vehicles))~~ licensing any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of ~~((motor vehicles))~~ licensing shall request the governor to appoint, and the governor shall appoint, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. The decision of any two members of such committee shall be the decision of the committee.

The appointed members of the committee shall receive twenty-five dollars per day for each day spent in the performance of their duties and in going to and returning from the place of hearing, and their travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 102. Section 43.24.120, chapter 8, Laws of 1965 as amended by section 112, chapter 81, Laws of 1971 and RCW 43.24.120 are each amended to read as follows:

Any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal from the decision of the director of ~~((motor vehicles))~~ licensing to the superior court of Thurston county, which shall be taken,

prosecuted, heard, and determined in the manner provided by law for appeals from justices' courts to superior courts.

No appeal shall lie from the decision of the superior court of Thurston county on appeals from the director of ~~((motor vehicles))~~ licensing, but the decision may be reviewed as to matters of law by the supreme court or the court of appeals upon writs of review sued out in the manner provided by law.

Sec. 103. Section 43.24.130, chapter 8, Laws of 1965 and RCW 43.24-.130 are each amended to read as follows:

Notwithstanding any provision of law to the contrary, the license of any person licensed by the director of ~~((motor vehicles))~~ licensing to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered service in the armed forces or the merchant marine of the United States, shall continue in full force and effect so long as such service continues, unless sooner suspended, canceled, or revoked for cause as provided by law. The director shall renew the license of every such person who applies for renewal thereof within six months after being honorably discharged from service upon payment of the renewal fee applicable to the then current year or other license period.

Sec. 104. Section 1, chapter 52, Laws of 1971 and RCW 43.24.140 are each amended to read as follows:

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

Sec. 105. Section 3, chapter 147, Laws of 1967 ex. sess. as last amended by section 7, chapter 85, Laws of 1971 ex. sess. and RCW 43.59.030 are each amended to read as follows:

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 governor as chairman, the superintendent of public instruction, the director of ~~((motor vehicles))~~ licensing, the director of highways, the chief of the state patrol, the ~~((director of the state department of health))~~ secretary of social and health services, a representative of the association of Washington cities to be appointed by the governor, a member of the association of counties to be appointed by the governor, 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.

Sec. 106. Section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74-.005 are each amended to read as follows:

Terms used in this chapter shall have the following meaning:

(1) "Basic sciences" are anatomy, physiology, chemistry, pathology, bacteriology, and hygiene.

(2) "Healing art" is any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, prevention, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.

(3) "Committee" means the examining committee created herein.

(4) "Director" means the director of (~~the department of motor vehicles~~) licensing.

Sec. 107. Section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74-.060 are each amended to read as follows:

In any case where existing law requires an examination in any one or more of the branches of anatomy, physiology, chemistry, pathology, bacteriology, or hygiene, as a prerequisite to the issuance of the license applied for, the director (~~of motor vehicles~~) may dispense with a second examination in any or all of such five branches in which an applicant has passed in a preliminary examination with a grade of not less than seventy-five percent.

Sec. 108. Section 2, chapter 5, Laws of 1965 as amended by section 1, chapter 56, Laws of 1972 ex. sess. and RCW 43.99.020 are each amended to read as follows:

Definitions: As used in this chapter:

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of (~~motor vehicles~~) licensing with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Committee" means the interagency committee for outdoor recreation.

Sec. 109. Section 3, chapter 5, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.030 are each amended to read as follows:

From time to time, but at least once each four years, the director of ~~((motor vehicles))~~ licensing shall determine the amount or proportion of moneys paid to him as motor vehicle fuel tax which is tax on marine fuel. The director shall make or authorize the making of studies, surveys, or investigations to assist him in making such determination, and shall hold one or more public hearings on the findings of such studies, surveys, or investigations prior to making his determination. The studies, surveys, or investigations conducted pursuant to this section shall encompass a period of twelve consecutive months each time. The final determination by the director shall be implemented as of the first day of the calendar month, which date falls closest to the mid-point of the time period for which the study data were collected. The director may delegate his duties and authority under this section to one or more persons of the department of ~~((motor vehicles))~~ licensing if he finds such delegation necessary and proper to the efficient performance of these duties. Costs of carrying out the provisions of this section shall be paid from the marine fuel tax refund account created in RCW 43.99.040, upon legislative appropriation.

Sec. 110. Section 4, chapter 5, Laws of 1965 and RCW 43.99.040 are each amended to read as follows:

There is created the marine fuel tax refund account in the general fund. From time to time, but at least once each biennium, the director of ~~((motor vehicles))~~ licensing shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be tax on marine fuel. The state treasurer shall refund such amounts and place them in the marine fuel tax refund account to be held for those entitled thereto pursuant to chapter 82.36 RCW and RCW 43.99.050, except that he shall not refund and place in the marine fuel tax refund account for any period for which a determination has been made pursuant to RCW 43.99.030 more than the greater of the following amounts: (1) an amount equal to two percent of all moneys paid to him as motor vehicle fuel tax for such period, (2) an amount necessary to meet all approved claims for refund of tax on marine fuel for such period.

Sec. 111. Section 7, chapter 5, Laws of 1965 and RCW 43.99.070 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. From time to time, but at least once each biennium, the director of ~~((motor vehicles))~~ licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 43.99-.030, shall request the state treasurer to transfer to the outdoor recreation

account such of the moneys in the marine fuel tax refund account as shall not be required for payment of such refund claims or costs, and the state treasurer shall make such transfer.

Sec. 112. Section 1, chapter 201, Laws of 1973 1st ex. sess. as amended by section 9, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.070 are each amended to read as follows:

Prior to October 1 of each even-numbered year all state agencies whose major programs consist of transportation activities, including ~~((the state highway commission, the toll bridge authority,))~~ the urban arterial board, the Washington state patrol, the department of ~~((motor vehicles))~~ licensing, the traffic safety commission, the county road administration board, and the ~~((aeronautics commission))~~ department of transportation, shall adopt or revise after consultation with the legislative transportation committee, and/or senate and house transportation committees, a long range plan of not less than six years and a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The long range plan shall state the general objectives and needs of each agency's major transportation programs.

The comprehensive six-year program and financial plan shall be prepared in consonance with the long range plan and shall identify that portion of the long range plan to be accomplished within the succeeding six-year period.

Sec. 113. Section 1, chapter 334, Laws of 1977 ex. sess. and RCW 46.01.011 are each amended to read as follows:

The legislature finds that the department of ~~((motor vehicles))~~ licensing administers laws relating to the licensing and regulation of professions, businesses, securities, gambling, and other activities in addition to administering laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. ~~((The present title of the department does not properly indicate its responsibility and creates confusion in the mind of the public.))~~ The laws administered by the department have the common denominator of licensing and regulation and are directed toward protecting and enhancing the well-being of the residents of the state. ~~((It is the purpose of this 1977 amendatory act to change the name of the department of motor vehicles to the department of licensing in order to accurately reflect the responsibilities and functions of the department.))~~

Sec. 114. Section 2, chapter 156, Laws of 1965 as amended by section 2, chapter 334, Laws of 1977 ex. sess. and RCW 46.01.020 are each amended to read as follows:

~~((†))~~ A department of the government of this state to be known as the "department of licensing" is hereby created.

~~((2) The department shall succeed to and is hereby vested with all powers, duties and jurisdiction relating to motor vehicles now vested in the director of licenses.~~

~~(3) All powers, functions, and duties vested by law in the director of motor vehicles or in the department of motor vehicles on or before June 30, 1977, shall be considered powers, functions, and duties of the director of licensing or the department of licensing, respectively, and all rules of the director of motor vehicles on or before June 30, 1977, shall be considered rules of the director of licensing.~~

~~(4) Any references in the Revised Code of Washington to the director of motor vehicles or the department of motor vehicles shall be considered to be references to the director of licensing or to the department of licensing, respectively.))~~

Sec. 115. Section 4, chapter 156, Laws of 1965 and RCW 46.01.040 are each amended to read as follows:

The department of ~~((motor vehicles))~~ licensing is vested with all powers, functions, and duties ~~((of the director of licenses))~~ with respect to and including the following:

- (1) the motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) the use fuel tax as provided in chapter 82.40 RCW;
- (3) the motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) the house trailer excise tax as provided in chapter 82.50 RCW;
- (5) all general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;
- (6) certificates of ownership and registration as provided in chapters 46.12 and 46.16 RCW;
- (7) the registration and licensing of motor vehicles as provided in chapters 46.12 and 46.16 RCW;
- (8) dealers' licenses as provided in chapter 46.70 RCW;
- (9) the licensing of motor vehicle transporters as provided in chapter 46.76 RCW;
- (10) the licensing of motor vehicle wreckers as provided in chapter 46.80 RCW;
- (11) the administration of the laws relating to the highway user tax structure as provided in chapter 46.84 RCW;
- (12) the licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;
- (13) operators' licenses as provided in chapter 46.20 RCW;
- (14) commercial driver training schools as provided in chapter 46.82 RCW;
- (15) financial responsibility as provided in chapter 46.29 RCW;
- (16) accident reporting as provided in chapter 46.52 RCW;
- (17) disposition of revenues as provided in chapter 46.68 RCW; and

(18) the administration of all other laws relating to motor vehicles ~~((now))~~ vested in the director of licenses on June 30, 1965.

Sec. 116. Section 5, chapter 156, Laws of 1965 as amended by section 34, chapter 281, Laws of 1969 ex. sess. and RCW 46.01.050 are each amended to read as follows:

All powers, functions and duties ~~((now))~~ vested by law in ~~((the director of licenses or the department of licenses or in))~~ the division of professional licensing in the department of ~~((motor vehicles))~~ licensing on August 9, 1969, other than those enumerated in RCW 46.01.040, shall be transferred to the business and ~~((professional))~~ professions administration hereby created consisting of the divisions of securities, real estate, and professional licensing, within the department of ~~((motor vehicles))~~ licensing.

Sec. 117. Section 117, chapter 32, Laws of 1967 as amended by section 35, chapter 281, Laws of 1969 ex. sess. and RCW 46.01.055 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall appoint and deputize an assistant director of business and professions administration, who shall have charge and supervision of the business and professions administration.

Sec. 118. Section 7, chapter 156, Laws of 1965 and RCW 46.01.070 are each amended to read as follows:

Functions named in RCW 46.01.030 which have ~~((heretofore))~~ been performed by the state patrol as agent of the director of licenses before June 30, 1965 shall be performed by the department of ~~((motor vehicles))~~ licensing after June 30, 1965.

Sec. 119. Section 9, chapter 156, Laws of 1965 and RCW 46.01.090 are each amended to read as follows:

The department shall be under the control of an executive officer to be known as the director of ~~((motor vehicles))~~ licensing. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director shall be selected with special reference to his experience, capacity and interest in the field of motor vehicle administration or highway safety.

Sec. 120. Section 46.08.140, chapter 12, Laws of 1961 as amended by section 11, chapter 156, Laws of 1965 and RCW 46.01.110 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing is hereby authorized to adopt and enforce such reasonable rules and regulations as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW.

Sec. 121. Section 46.08.090, chapter 12, Laws of 1961 as last amended by section 2, chapter 103, Laws of 1973 and RCW 46.01.130 are each amended to read as follows:

The department of ((~~motor vehicles~~)) licensing shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles; the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles.

Sec. 122. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 146, Laws of 1975 1st ex. sess. and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of ((~~motor vehicles~~)) licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration, the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor or other agent a fee of one dollar for each application in addition to any other fees required by law, which fee of one dollar, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 123. Section 19, chapter 156, Laws of 1965 and RCW 46.01.190 are each amended to read as follows:

The director of ((~~motor vehicles~~)) licensing may designate the Washington state patrol as an agent to secure the surrender of drivers' licenses which have been suspended, revoked, or canceled pursuant to law.

Sec. 124. Section 44, chapter 170, Laws of 1965 ex. sess. as amended by section 1, chapter 52, Laws of 1975 and RCW 46.01.230 are each amended to read as follows:

(1) The department of ((~~motor vehicles~~)) licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle shall be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270.

(2) Any person shall be guilty of a misdemeanor who shall fail to surrender within ten days to the department or any authorized agent of the department any certificate, license or permit after being notified by certified mail that such certificate, license or permit has been canceled pursuant to this section.

Sec. 125. Section 46.08.110, chapter 12, Laws of 1961 as amended by section 3, chapter 32, Laws of 1967 and RCW 46.01.250 are each amended to read as follows:

The director shall have the power and it shall be his duty upon request and payment of the fee as provided herein to furnish under seal of the director certified copies of any records of the department, except those for confidential use only. The director shall charge and collect therefor the actual cost to the department. Any funds accruing to the director of ((~~motor vehicles~~)) licensing under this section shall be certified and sent to the state treasurer and by him deposited to the credit of the highway safety fund.

Sec. 126. Section 4, chapter 25, Laws of 1975 and RCW 46.04.690 are each amended to read as follows:

The term "department" shall mean the department of ((~~motor vehicles~~)) licensing unless a different department is specified.

Sec. 127. Section 5, chapter 25, Laws of 1975 and RCW 46.04.695 are each amended to read as follows:

The term "director" shall mean the director of (~~(motor vehicles)~~) licensing unless the director of a different department of government is specified.

Sec. 128. Section 2, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.08.066 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the department of (~~(motor vehicles)~~) licensing is authorized to issue confidential motor vehicle license plates to units of local government and to agencies of the federal government for law enforcement purposes only.

(2) Except as provided in subsections (3) and (4) of this section the use of confidential plates on vehicles owned or operated by the state of Washington by any officer or employee thereof, shall be limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.

(3) Any state official elected on a state-wide basis shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(4) The director of (~~(the department of motor vehicles)~~) licensing, with the approval of the automotive policy board established pursuant to RCW 43.19.580, may issue rules and regulations governing applications for, and the use of, such plates by law enforcement and other public agencies. The legislative auditor shall periodically examine or require filing of a current listing of the total number of such plates issued to any law enforcement or other public agency. Reports on the utilization of such plates shall be submitted to the legislative budget committee and to the legislature.

Sec. 129. Section 7, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.020 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" shall mean any individual, firm, partnership, association or corporation.

"Nonhighway vehicle" shall mean any self-propelled vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, two or four-wheel drive vehicles, motorcycles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

- (1) Any vehicle designed primarily for travel on, over, or in the water;
- (2) Snowmobiles or any military vehicles; or
- (3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Off-road vehicle" or "ORV" means any nonhighway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.

"ORV use permit" shall mean the permit system established for off-road vehicles in this state under this chapter.

"ORV trail" shall mean a corridor designated and maintained for recreational travel by off-road vehicles which is not normally suitable for travel by conventional two-wheel drive vehicles and where it is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas where it is posted or designated for ORV use in accordance with rules adopted by the managing authority.

"Owner" shall mean the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

"ORV moneys" shall mean those moneys derived from motor vehicle excise taxes on fuel used and purchased for providing the motive power for nonhighway vehicles as described in RCW 46.09.150, ORV use permit fees, and ORV dealer permit fees, provided these moneys are:

- (1) Credited to the outdoor recreation account; or
- (2) Credited to the ORV account for user education or for acquisition, planning, development, maintenance, and management of designated off-road vehicle trails and areas.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

"Department" shall mean the department of ~~((motor vehicles))~~ licensing.

"Director" shall mean the director of ~~((the department of motor vehicles))~~ licensing.

"Committee" shall mean the interagency committee for outdoor recreation.

"Hunt" shall mean any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" shall mean any road other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and which are private roads or controlled and maintained by the department of natural resources, the state parks and recreation commission and the state game department: PROVIDED, That such roads are not built or maintained by appropriations from the motor vehicle fund.

"Highway" for the purpose of this chapter only shall mean the entire width between the boundary lines of every way publicly maintained by the state department of ~~((highways))~~ transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" shall mean any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

Sec. 130. Section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 14, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.170 are each amended to read as follows:

(1) From time to time, but at least once each year, the director of ~~((the department of motor vehicles))~~ licensing shall request the state treasurer to refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected pursuant to chapter 82.36 RCW, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Twenty-five percent shall be credited to the ORV account and administered by the department of natural resources solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(b) Three and one-half percent shall be credited to the ORV account and administered by the department of game solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Twenty percent shall be credited to the ORV account and administered by the department of natural resources and shall be designated as ORV moneys to be used only for the acquisition, planning, development, maintenance, and management of designated off-road vehicle trails and areas; to construct campgrounds and trailheads which are necessary for the convenient use of designated ORV trails and areas; and to maintain those campgrounds and trailheads specifically constructed with ORV moneys: PROVIDED, HOWEVER, That the department of natural resources, two months prior to the acquisition and development of such trails, areas, campgrounds and trailheads for off-road vehicles, shall conduct a public hearing at a suitable location in the nearest town of five hundred population or more, and the department shall publish a notice of such hearing on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the county or counties where the property which is the subject of the proposed facility is located. The department of natural resources shall further file such notice of hearing with the department of ecology at the main office in Olympia and shall comply with the provisions of the state environmental policy act, chapter 43.21C RCW and regulations promulgated thereunder; and

(d) Fifty-one and one-half percent shall be credited to the outdoor recreation account and designated as ORV moneys to be administered by the interagency committee for outdoor recreation and distributed in accordance with RCW 46.09.240.

(2) On a yearly basis no agency may expend more than thirteen percent of its share of the above amounts for general administration expenses incurred in carrying out the provisions of this chapter, and not more than fifty percent of its share of said amount for education and law enforcement programs related to nonhighway vehicles.

(3) ORV moneys shall be expended only for the acquisition, planning, development, maintenance, and management of off-road vehicle trails and areas; for education and law enforcement programs related to nonhighway vehicles; to construct campgrounds and trailheads which are necessary for the convenient use of designated ORV trails and areas; and to maintain those campgrounds and trailheads specifically constructed with ORV moneys.

Sec. 131. Section 1, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.010 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated:

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "All terrain vehicle" shall mean any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

(4) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(5) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(6) "Public roadway" shall mean the entire width of the right of way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state (~~highway commission~~) department of transportation, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(7) "Highways" shall mean the entire width of the right of way of all primary and secondary state highways, including all portions of the interstate highway system.

(8) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(9) "Department" shall mean the department of (~~motor vehicles~~) licensing.

(10) "Director" shall mean the director of (~~the department of motor vehicles~~) licensing.

(11) "Commission" shall mean the Washington state parks and recreation commission.

(12) "Hunt" shall mean any effort to kill, injure, capture, or disturb a wild animal or wild bird.

Sec. 132. Section 46.12.010, chapter 12, Laws of 1961 as last amended by section 6, chapter 25, Laws of 1975 and RCW 46.12.010 are each amended to read as follows:

It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor that contains the name of the registered owner exactly as it appears on the certificate of license registration and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: PROVIDED, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: PROVIDED, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with RCW 62A.9-302(1) and no endorsement on the certificate of title shall be necessary for perfection: AND PROVIDED FURTHER, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle other than a travel trailer or camper without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of ~~((motor vehicles))~~ licensing, it is proper to do so.

Sec. 133. Section 13, chapter 231, Laws of 1971 ex. sess. and RCW 46-12.105 are each amended to read as follows:

When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile home, the director of ~~((motor vehicles))~~ licensing or his agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner.

Sec. 134. Section 46.12.200, chapter 12, Laws of 1961 as amended by section 11, chapter 32, Laws of 1967 and RCW 46.12.200 are each amended to read as follows:

No suit or action shall ever be commenced or prosecuted against the director of ~~((motor vehicles))~~ licensing or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under this chapter.

Sec. 135. Section 2, chapter 125, Laws of 1969 ex. sess. and RCW 46-12.260 are each amended to read as follows:

It shall be unlawful for any person to convey, sell or transfer the ownership of any motor vehicle to any person under the age of eighteen: PROVIDED, That this section shall not apply to a vendor if the minor provides the vendor with a certified copy of an original birth registration showing the

minor to be over eighteen years of age. Such certified copy shall be transmitted to the department of ((~~motor vehicles~~)) licensing by the vendor with the application for title to said motor vehicle.

Sec. 136. Section 6, chapter 231, Laws of 1971 ex. sess. and RCW 46-.12.280 are each amended to read as follows:

The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security interests therein shall apply to campers, as defined in RCW 46.04.085. In addition, the director of ((~~motor vehicles~~)) licensing shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein.

Sec. 137. Section 14, chapter 231, Laws of 1971 ex. sess. and RCW 46-.12.290 are each amended to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of this 1971 amendatory act shall apply to mobile homes regulated by this 1971 amendatory act: PROVIDED, That RCW 46.12.080, 46.12.090, and 46.12.250 through 46.12.270 shall not apply to mobile homes. In addition, the director of ((~~motor vehicles~~)) licensing shall have the power to adopt such rules and regulations as he deems necessary to implement the provisions of chapter 46.12 RCW as they relate to mobile homes.

Sec. 138. Section 6, chapter 91, Laws of 1975-'76 2nd ex. sess. and RCW 46.12.350 are each amended to read as follows:

An identification number shall be assigned to any article impounded pursuant to RCW 46.12.310 in accordance with the rules promulgated by the department of ((~~motor vehicles~~)) licensing prior to:

- (1) The release of the article from the custody of the seizing agency; or
- (2) The use of the article by the seizing agency.

Sec. 139. Section 3, chapter 202, Laws of 1967 and RCW 46.16.025 are each amended to read as follows:

Before any "farm vehicle", as defined in RCW 46.04.181, shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of ((~~motor vehicles~~)) licensing and issued by the department of ((~~motor vehicles~~)) licensing, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a form furnished for that purpose by the director. Such application shall be made by the owner or lessee 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) The name and address of the owner of the vehicle;

(2) The trade name of the vehicle, model, year, type of body, the motor number or the identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;

(3) The purpose for which said vehicle is to be principally used;

(4) Such other information as shall be required upon such application by the director; and

(5) Place where farm vehicle is principally used or garaged.

A fee of five dollars shall be charged for and submitted with such application for an identification decal as in this section provided as to each farm vehicle which fee shall be deposited in the motor vehicle fund and distributed proportionately as otherwise provided for vehicle license fees under RCW 46.68.030. Only one application need be made as to each such vehicle, and the status as an exempt vehicle shall continue until suspended or revoked for misuse, or when such vehicle no longer is used as a farm vehicle.

Sec. 140. Section 2, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.225 are each amended to read as follows:

Notwithstanding any provision of law to the contrary, the director of ~~((the department of motor vehicles))~~ licensing may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods. Such extension or diminishment of a vehicle license registration period shall be by rule and regulation of the department of ~~((motor vehicles))~~ licensing adopted in accordance with the provisions of chapter 34.04 RCW. Such rules may provide for the omission of any classes or classifications of vehicle from the staggered renewal system and may provide for the gradual introduction of classes or classifications of vehicles into such a system. Such rules and regulations shall provide for the collection of proportionately increased or decreased vehicle license registration fees, including tonnage fees, if applicable, and of excise or property taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing a staggered vehicle registration system when compared with the revenue generated by the current registration system.

Sec. 141. Section 4, chapter 202, Laws of 1967 and RCW 46.16.460 are each amended to read as follows:

Upon the payment of a fee of ten dollars therefor, the department of ~~((motor vehicles))~~ licensing shall issue a temporary motor vehicle license for a motor vehicle in this state for a period of forty-five days when such motor vehicle has been or is being purchased by a nonresident member of the armed forces of the United States and an application, accompanied with prepayment of required fees, for out of state registration has been made by the purchaser.

Sec. 142. Section 7, chapter 202, Laws of 1967 and RCW 46.16.490 are each amended to read as follows:

The department of (~~(motor vehicles)~~) licensing shall prescribe rules and regulations governing the administration of RCW 46.16.460 through 46.16.490. The department may require that adequate proof of the facts asserted in the application for a temporary license shall be made before the temporary license shall be granted.

Sec. 143. Section 10, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.600 are each amended to read as follows:

The director of (~~(motor vehicles)~~) licensing may establish such rules and regulations as may be necessary to carry out the purposes of RCW 46.16.560 through 46.16.595.

Sec. 144. Section 11, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.605 are each amended to read as follows:

All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer accompanied by a proper identifying detailed report and by him deposited to the credit of the state game fund.

Administrative costs incurred by the department of (~~(motor vehicles)~~) licensing as a direct result of (~~(this 1973 amendatory act)~~) RCW 46.16.560 through 46.16.605, 77.12.170 and 77.12.175 shall be appropriated by the legislature from the state game fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of (~~(motor vehicles)~~) licensing are less than that which has been appropriated by the legislature the remainder shall revert to the state game fund.

Sec. 145. Section 4, chapter 1, Laws of 1969 and RCW 46.20.092 are each amended to read as follows:

The director of (~~(the department of motor vehicles)~~) licensing shall furnish every applicant for a driver's license or a driver's license renewal with a written summary of the provisions of RCW 46.20.092, 46.20.308, 46.20.311, 46.20.911, and 46.61.506.

Sec. 146. Section 46.20.100, chapter 12, Laws of 1961 as last amended by section 87, chapter 154, Laws of 1973 1st ex. sess. and RCW 46.20.100 are each amended to read as follows:

The department of (~~(motor vehicles)~~) licensing shall not consider the application of any minor under the age of eighteen years for a driver's license unless:

(1) The application is also signed by the father or mother of the applicant, otherwise by the parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his application is also signed by his employer; and

(2) The minor has satisfactorily completed a traffic safety education course as defined in RCW 46.81.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the minor has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That the director may upon a showing that an individual was unable to take or complete a driver education course waive said requirement if the minor shows to the satisfaction of the department that a need exists for him to operate a motor vehicle and he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction.

Sec. 147. Section 1, chapter 54, Laws of 1975 and RCW 46.20.113 are each amended to read as follows:

The department of (~~motor vehicles~~) licensing shall provide a statement whereby the licensee may certify in the presence of two witnesses his willingness to make an anatomical gift under RCW 68.08.530, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

- (1) On each driver's license; or
- (2) With each driver's license; or
- (3) With each in-person driver's license application.

Sec. 148. Section 51, chapter 145, Laws of 1967 ex. sess. as last amended by section 1, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.115 are each amended to read as follows:

The department of (~~motor vehicles~~) licensing shall 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.

Sec. 149. Section 5, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.118 are each amended to read as follows:

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of (~~motor vehicles~~) licensing as authorized by RCW 46.20.115 through 46.20.119. The negative file shall become a part of the driver record file maintained by the department. It shall be available as a reference file to assist official governmental enforcement agencies in the identification of persons suspected of committing crimes.

Sec. 150. Section 46.20.300, chapter 12, Laws of 1961 as amended by section 29, chapter 32, Laws of 1967 and RCW 46.20.300 are each amended to read as follows:

The director of (~~(motor vehicles)~~) licensing may suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case.

Sec. 151. Section 1, chapter 1, Laws of 1969 as amended by section 4, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: **PROVIDED**, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.520, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.506, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections 2 through 6 of this section shall not apply.

(2) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have

withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of (~~motor vehicles~~) licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction for a moving violation during pendency of the hearing and appeal.

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

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state [in which he has a license.]

Sec. 152. Section 47, chapter 170, Laws of 1965 ex. sess. and RCW 46.20.430 are each amended to read as follows:

Any police officer who has received notice of the suspension or revocation of a driver's license from the department of (~~motor vehicles~~) licensing, may, during the reported period of such suspension or revocation, stop any motor vehicle identified by its vehicle license number as being registered to the person whose driver's license has been suspended or revoked. The driver of such vehicle shall display his driver's license upon request of the police officer.

Sec. 153. Section 50, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.505 are each amended to read as follows:

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~~) licensing shall prescribe the examination fee at an amount equal to the cost of administering such examination but in no event more than four dollars for the initial examination nor more than two dollars for a subsequent renewal examination.

Sec. 154. Section 2, chapter 120, Laws of 1963 as amended by section 36, chapter 32, Laws of 1967 and RCW 46.21.020 are each amended to read as follows:

As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of (~~motor vehicles~~) licensing. Said department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

Sec. 155. Section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090 are each amended to read as follows:

(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 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 ~~((motor vehicles))~~ licensing 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.

Sec. 156. Section 46.32.010, chapter 12, Laws of 1961 as amended by section 48, chapter 32, Laws of 1967 and RCW 46.32.010 are each amended to read as follows:

The chief of the Washington state patrol is hereby empowered to constitute, erect, operate and maintain, throughout the state of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The chief of the Washington state patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the chief of the Washington state patrol, who shall be duly authorized as a police officer and who shall have authority to secure and withhold, with written notice to the director of ~~((motor vehicles))~~ licensing, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the police officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective

vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

In the event any insignia, sticker or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the chief of the Washington state patrol and it shall be a gross misdemeanor for any person to mutilate, destroy, remove or otherwise interfere with the display thereof.

Any person who refuses to have his motor vehicle examined, or, after having had it examined, refuses to place a certificate of approval, or a certificate of condemnation, if issued, upon his windshield, or who fraudulently obtains a certificate of approval, or who refuses to place his motor vehicle in proper condition after having had the same examined, or who, in any manner, fails to conform to the provisions of this chapter, shall be guilty of a gross misdemeanor.

Any person who performs false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle, shall be guilty of a gross misdemeanor.

Sec. 157. Section 46.37.430, chapter 12, Laws of 1961 as amended by section 47, chapter 281, Laws of 1969 ex. sess. and RCW 46.37.430 are each amended to read as follows:

(1) On and after January 1, 1938, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows and windshields in the drivers' compartments of such vehicles except as provided by paragraph (4).

(2) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The state commission on equipment shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section and the director of ~~((motor vehicles))~~ licensing shall not register after January 1, 1938, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person shall sell or offer for sale, nor shall any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material of any kind, which reduces light transmittance to any degree, shall be applied to the surface of the safety glazing material in a motor vehicle in any of the following locations:

(a) Windshields,

(b) Windows to the immediate right and left of the driver including windwings or,

(c) Rearmost windows if used for driving visibility by means of an interior rear-view mirror.

Nothing in this subsection shall prohibit the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet the standards of the state commission on equipment for such safety glazing materials.

(6) The standards used for approval of safety glazing materials by the state commission on equipment shall conform as closely as possible to the standards for safety glazing materials for motor vehicles promulgated by the United States of America Standards Institute in effect at the time of manufacture of the safety glazing material.

Sec. 158. Section 51, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.529 are each amended to read as follows:

(1) The state commission on equipment is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

(2) The director of (~~motor vehicles~~) licensing may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the state commission on equipment determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state commission on equipment has disapproved the braking system upon such vehicle.

Sec. 159. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 33, chapter 151, Laws of 1977 ex. sess. and RCW 46.44.095 are each amended to read as follows:

Until December 31, 1976, a combination of vehicles lawfully licensed to a total gross weight of seventy-two thousand pounds, and a three or more

axle single unit vehicle lawfully licensed to a total gross weight of forty thousand pounds, and on January 1, 1977, and thereafter, when a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44.041, a permit for additional gross weight may be issued by the department of transportation upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: PROVIDED FURTHER, That an additional two thousand pounds may be purchased for an amount not to exceed thirty dollars per thousand for the rear axle of a two-axle garbage truck. Such additional weight shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed twenty thousand pounds.

The annual additional tonnage permits provided for in this section shall be issued upon such terms and conditions as may be prescribed by the department pursuant to general rules adopted by the transportation commission. Such 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 department of transportation to be capable of withstanding such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The department of transportation shall issue such permits on a temporary basis for periods not less than five days at one dollar per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 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 or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in this section shall be computed by the department of transportation 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 46.85 RCW 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 department of transportation shall prorate the fees provided in this section only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of ~~((motor vehicles))~~ licensing. Listings furnished shall also include the percentage of mileage operated in Washington which shall be the same percentage as determined by the department of ~~((motor vehicles))~~ licensing, for purposes of prorating license fees.

Sec. 160. Section 2, chapter 11 (HB 345), Laws of 1979 and RCW 46.52.030 are each amended to read as follows:

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of three hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of ~~((motor vehicles))~~ licensing at Olympia, Washington. The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of

the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

Sec. 161. Section 46.52.060, chapter 12, Laws of 1961 as last amended by section 67, chapter 75, Laws of 1977 and RCW 46.52.060 are each amended to read as follows:

It shall be the duty of the chief of the Washington state patrol to file, tabulate, and analyze all accident reports and to publish annually, immediately following the close of each fiscal year, and monthly during the course of the year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis or reports thereof shall be available to the director of (~~motor vehicles~~) licensing, the (~~highway commission~~) department of transportation, the utilities and transportation commission, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value.

Sec. 162. Section 46.52.080, chapter 12, Laws of 1961 as last amended by section 15, chapter 62, Laws of 1975 and RCW 46.52.080 are each amended to read as follows:

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of (~~motor vehicles~~) licensing and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the

chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law: PROVIDED, That the reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of RCW 46.52.088.

Sec. 163. Section 46.52.100, chapter 12, Laws of 1961 as amended by section 60, chapter 32, Laws of 1967 and RCW 46.52.100 are each amended to read as follows:

Every justice of the peace, police judge and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the director of (~~(motor vehicles)~~) licensing at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any narcotic drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

If a driver has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the driver's license.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

Sec. 164. Section 39, chapter 281, Laws of 1969 ex. sess. and RCW 46-.52.104 are each amended to read as follows:

A registered owner transferring a motor vehicle shall be relieved from personal liability under RCW 46.52.106, 46.52.111, 46.52.112 and 46.52-.117 if within five days of the transfer he transmits to the department of ((motor vehicles)) licensing, on a form prescribed by the director of ((motor vehicles)) licensing, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made.

Sec. 165. Section 5; chapter 42, Laws of 1969 ex. sess. as amended by section 44, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.108 are each amended to read as follows:

The director of ((the department of motor vehicles)) licensing may appoint any tow truck operator engaged in removing and storing of abandoned motor vehicles for the purpose of disposing of certain abandoned vehicles and automobile hulks. Each such appointment shall be contingent upon the submission of an application to the director and the making of subsequent reports in such form and frequency as may be required by rule and regulation and upon the posting of a surety bond in the amount of three thousand dollars to ensure compliance with RCW 46.52.111 and to compensate the owner of any vehicle that has been unlawfully sold as a result of any negligence or misconduct of the tow truck operator.

Any appointment may be canceled by the director upon evidence that the appointed tow truck operator is not complying with all laws, rules and regulations relative to the handling and disposition of abandoned motor vehicles.

Any tow truck operator under contract to a city or county for the impounding of vehicles shall comply with such administrative regulations relative to the handling and disposing of vehicles as may be promulgated by such city or county and as hereinafter set forth.

Sec. 166. Section 46.52.110, chapter 12, Laws of 1961 as last amended by section 6, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.110 are each amended to read as follows:

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index". He shall also file any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of (~~motor vehicles~~) licensing as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the

Washington state patrol and constables to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a public highway or at any other place and the same shall thereafter, at the direction of such law enforcement officer, be placed in the custody of a tow truck operator.

Sec. 167. Section 7, chapter 42, Laws of 1969 ex. sess. as amended by section 41, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.111 are each amended to read as follows:

Such tow truck operator shall take custody of such abandoned vehicle or automobile hulk, remove the same to the established place of business of the tow truck operator where the same shall be stored, and such tow truck operator shall have a lien upon such vehicle or hulk for services provided in the towing and storage of the same, and shall also have a claim against the last registered owner of such vehicle or hulk for services provided in the towing and storage of the same, not to exceed the sum of one hundred dollars. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

Within five days after receiving custody of such abandoned vehicle or automobile hulk, the tow truck operator shall give notice of his custody to the department of (~~motor vehicles~~) licensing and the chief of the Washington state patrol and within five days after having received the name and address of the owner, he shall notify the registered and legal owner of the same with copies of such notice being sent to the chief of the Washington state patrol and to the department of (~~motor vehicles~~) licensing. The notice to the registered and legal owner shall be sent by the tow truck operator to the last known address of said owner appearing on the records of the department of (~~motor vehicles~~) licensing, and such notice shall be sent to the registered and legal owner by certified or registered mail with a five-day return receipt requested. Such notice shall contain a description of the vehicle or hulk including its license number and/or motor number if obtainable, and shall state the amount due the tow truck operator for services in the towing and storage of the same and the time and place of public sale if the amount remains unpaid.

The department of (~~motor vehicles~~) licensing shall supply the last known names and addresses of registered and legal owners of abandoned vehicles or automobile hulks appearing on the records of the department to tow truck operators on request without charge.

Sec. 168. Section 8, chapter 42, Laws of 1969 ex. sess. as amended by section 42, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.112 are each amended to read as follows:

If, after the expiration of fifteen days from the date of mailing of notice to the registered and legal owner, the vehicle or automobile hulk remains unclaimed and has not been listed as a stolen or recovered vehicle, then the

tow truck operator having custody of such vehicle or hulk shall conduct a sale of the same at public auction after having first published a notice of the date, place and time of such auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of such auction.

Such abandoned vehicle or automobile hulk shall be sold at such auction to the highest bidder. The proceeds of such sale, after deducting the towing and storage charges due the tow truck operator, including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the auction is insufficient to compensate the tow truck operator for his towing and storage charges and the cost of sale, such tow truck operator shall be entitled to assert a claim for any deficiency, not to exceed one hundred dollars less the amount bid at the auction, against the last registered owner of such vehicle or automobile hulk. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

After the public auction and sale of any abandoned vehicle or automobile hulk as in this section provided, and after an application for certificate of title accompanied by applicable fees and taxes and supported by an appropriate affidavit reciting compliance with the procedures of this chapter has been submitted, the director of (~~the department of motor vehicles~~) licensing shall issue a certificate of title showing ownership of the vehicle or automobile hulk in the name of the successful bidder at such auction. The issuance of such certificate of title by the director of (~~the department of motor vehicles~~) licensing shall terminate any and all rights or claims of prior lienholders and all rights of former owners in and to such vehicle or automobile hulk.

The director of (~~the department of motor vehicles~~) licensing shall establish such additional administrative rules and regulations, not inconsistent with the provisions of this chapter, as may be necessary to facilitate the disposition of abandoned vehicles and automobile hulks in those instances where the ownership of such a vehicle or hulk is not known.

Sec. 169. Section 9, chapter 42, Laws of 1969 ex. sess. and RCW 46-.52.113 are each amended to read as follows:

Any vehicle left in a garage for storage more than five days where the same has not been left by the registered owner under a contract of storage and has not during such period been removed by a person leaving the same shall be an abandoned vehicle and notice shall be given to the registered and legal owner and to the chief of the Washington state patrol and to the department of (~~motor vehicles~~) licensing of the existence of such abandoned

vehicle. Any garage keeper failing to report such fact to the chief of the Washington state patrol and the department of (~~motor vehicles~~) licensing within ten days after the commencement of such storage shall forfeit any claim for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of by the garage keeper in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicles left in excess of five days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state.

Sec. 170. Section 2, chapter 42, Laws of 1969 ex. sess. as amended by section 45, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.115 are each amended to read as follows:

The director of (~~the department of motor vehicles~~) licensing, in cooperation with the chief of the Washington state patrol and other law enforcement agencies throughout this state, after appropriate notice and hearing, shall establish from time to time rules and regulations for the disposition of abandoned vehicles and abandoned automobile hulks not inconsistent with the provisions of this chapter.

Sec. 171. Section 11, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.116 are each amended to read as follows:

A city or county may adopt an ordinance or resolution establishing procedures for the disposition of abandoned vehicles. Any vehicle impounded pursuant to an ordinance or resolution of any city or county and left unclaimed for a period of fifteen days shall be deemed to be an abandoned vehicle, and at the expiration of such period said vehicle shall be deemed to be in the custody of the sheriff of the county where said vehicle is located and the sheriff of the county shall deliver the vehicle to a tow truck operator who shall dispose of such vehicle in the manner provided in RCW 46.52.111 and 46.52.112: PROVIDED, That if the vehicle is of a model year ten or more years prior to the calendar year in which such vehicle is stored, the sheriff may be authorized to declare that such vehicle is a public nuisance, and may dispose of such vehicle without notice of sale, and in such case, the director of (~~motor vehicles~~) licensing shall issue an appropriate bill of sale to the tow truck operator to dispose of the vehicle as he may determine.

Sec. 172. Section 12, chapter 42, Laws of 1969 ex. sess. as amended by section 43, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.117 are each amended to read as follows:

Notwithstanding any other provision of law, a city, town, or county may adopt an ordinance establishing procedures for the abatement and removal

as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or automobile hulks or parts thereof from private property not including highways. Costs of removal may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of such owner can be determined, unless such owner in the transfer of ownership of such vehicle or automobile hulk has complied with RCW 46.52.104, or the costs may be assessed against the owner of the property on which the vehicle is stored.

Such ordinance shall contain:

(1) A provision requiring notice to the last registered owner of record and the property owner of record that a public hearing may be requested before the governing body of the city, town or county as designated by the governing body, and that if no hearing is requested, the vehicle or automobile hulk will be removed.

(2) A provision requiring that if a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified or registered mail, with a five-day return requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(3) A provision that the ordinance shall not apply to (a) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (b) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130.

(4) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from the owner.

(5) A provision that after notice has been given of the intent of the city, town or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof, shall be removed, at the request of a law enforcement officer, and disposed of to a licensed auto wrecker with notice to the Washington state patrol and the department of (~~motor vehicles~~) licensing that the vehicle has been wrecked. The city, town or county may operate such a disposal site when its governing body determines that

commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

Sec. 173. Section 3, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1192 are each amended to read as follows:

No person shall have the right to tow, remove, impound or otherwise disturb any motor vehicle other than an abandoned vehicle as defined in RCW 46.52.102, which may be parked, stalled or otherwise left on private property, other than family residential property, owned or controlled by such person, unless there is posted on or near the property in a clearly conspicuous location a sign or notice in compliance with rules and regulations of the director of ~~((the department of motor vehicles))~~ licensing providing for, without limitation, specifications for signs and posting thereof by persons intending to have unauthorized vehicles removed from property other than family residential property. Such regulations shall provide for notification to any person of the intent of the property holder to remove any unauthorized vehicles and sufficient information to assist in the prompt recovery of any vehicle removed. Such regulations shall require as a minimum that the language on any such sign provide:

- (1) Notice that unauthorized vehicles will be removed;
- (2) The name, telephone number and location of the towing firm authorized to remove vehicles.

Sec. 174. Section 2, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.150 are each amended to read as follows:

Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director of ~~((motor vehicles))~~ licensing shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle, the serial number if available, and shall also detail the damage or missing equipment to substantiate the value at fifty dollars or less.

Any moneys arising from the disposal of abandoned junk motor vehicle shall be deposited in the county general fund.

Sec. 175. Section 23, chapter 121, Laws of 1965 ex. sess. as amended by section 71, chapter 32, Laws of 1967 and RCW 46.64.025 are each amended to read as follows:

Whenever any person has for a period of fifteen or more days violated his written promise to appear in court, the court in which the defendant so promised to appear shall forthwith give notice of such fact to the department of ~~((motor vehicles))~~ licensing. Whenever thereafter the case in which such promise was given is adjudicated the court hearing the case shall file

with the department a certificate showing that the case has been adjudicated.

**Sec. 176. Section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46-.65.020 are each amended to read as follows:*

As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender shall mean any person, resident or nonresident, who has accumulated convictions or, if a minor, shall have violations recorded with the department of ~~((motor vehicles))~~ licensing, or forfeited bail for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five year period, as evidenced by the records maintained in the department of ~~((motor vehicles))~~ licensing: PROVIDED, That where more than one described offense shall be committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

(a) Negligent homicide as defined in RCW 46.61.520; or

(b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs; or

(c) Driving a motor vehicle while his license, permit, or privilege to drive has been suspended or revoked; or

(d) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled the requirements of RCW 46.52.020.

(2) Twenty or more convictions or bail forfeitures for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle which are required to be reported to the department of ~~((motor vehicles))~~ licensing. Such convictions or bail forfeitures shall include those for offenses enumerated in subsection (1) above when taken with and added to those offenses described herein but shall not include convictions or forfeitures for any nonmoving violation.

The offenses included in subsections (1) and (2) hereof shall be deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in said subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions.

**Sec. 176. was vetoed, see message at end of chapter.*

**Sec. 177. Section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46-.65.030 are each amended to read as follows:*

The director of ~~((the department of motor vehicles))~~ licensing shall certify three transcripts or abstracts of the conviction record as maintained by the

department of ~~((motor vehicles))~~ licensing of any person whose record brings him within the definition of an habitual offender, as defined in RCW 46.65-.020, to the prosecuting attorney of the county in which such person resides according to the records of the department or to the attorney general of the state of Washington if such person is not a resident of this state. Such transcript or abstract may be admitted as evidence and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he shall have the burden of proving that such fact is untrue.

*Sec. 177. was vetoed, see message at end of chapter.

*Sec. 178. Section 7, chapter 284, Laws of 1971 ex. sess. and RCW 46-.65.050 are each amended to read as follows:

The court in which such complaint is filed shall enter an order, which incorporates the aforesaid transcript or abstract and is directed to the person named therein, to show cause why he should not be barred as an habitual offender from operating a motor vehicle on the highways of this state. A copy of the show cause order and such transcript or abstract shall be served on the person named therein in the manner prescribed by law for the service of process under chapter 4.28 RCW. Service thereof on any nonresident of the state may be made by the director of ~~((the department of motor vehicles))~~ licensing in the same manner as service of process on a nonresident motor vehicle operator under the provisions of RCW 46.64.040.

*Sec. 178. was vetoed, see message at end of chapter.

*Sec. 179. Section 8, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 83, Laws of 1973 1st ex. sess. and RCW 46.65.060 are each amended to read as follows:

If the court finds that such person is not the same person named in the aforesaid transcript or abstract or that he is not an habitual offender under this chapter, the proceeding shall be dismissed but if the court finds that such person is the same person named in the aforesaid transcript or abstract and that such person is an habitual offender, the court shall so find and by appropriate order direct such person not to operate a motor vehicle on the highways of the state of Washington and to surrender to the court all licenses or permits to operate a motor vehicle on the highways of this state for disposal. The clerk of the court shall file with the department of ~~((motor vehicles))~~ licensing a copy of such order which shall become a part of the permanent records of the department. Upon receipt of the court order finding such person to be an habitual offender the department of ~~((motor vehicles))~~ licensing shall revoke the operator's license for a period of five years: **PROVIDED**, That a judge may stay the effective date of the order declaring the person to be a habitual traffic offender if he finds that the traffic offenses upon which it is based were caused by or are the result of the alcoholism of the person, as defined in RCW 70.96A.020, as now or hereafter amended and

that since his last offense he has undertaken and followed a course of treatment for alcoholism on a program approved by the department of social and health services; notice of such stay shall be entered on the copy of the order filed with the department of ((motor vehicles)) licensing. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020(1). Upon a subsequent conviction for any offense listed in RCW 46.65.020(1), the stay shall be removed and the department of ((motor vehicles)) licensing shall revoke the operator's license for a period of five years.

**Sec. 179. was vetoed, see message at end of chapter.*

**Sec. 180. Section 9, chapter 284, Laws of 1971 ex. sess. and RCW 46-.65.070 are each amended to read as follows:*

No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of five years from the date of the order of the court finding such person to be an habitual offender, and (2) until the privilege of such person to operate a motor vehicle in this state has been restored by the department of ((motor vehicles)) licensing as hereinafter in this chapter provided.

**Sec. 180. was vetoed, see message at end of chapter.*

Sec. 181. Section 10, chapter 284, Laws of 1971 ex. sess. and RCW 46-.65.080 are each amended to read as follows:

At the end of two years, the habitual offender may petition the department of ((motor vehicles)) licensing for the return of his operator's license and upon good and sufficient showing, the department of ((motor vehicles)) licensing may, wholly or conditionally, reinstate the privilege of such person to operate a motor vehicle in this state.

Sec. 182. Section 12, chapter 284, Laws of 1971 ex. sess. and RCW 46-.65.100 are each amended to read as follows:

At the expiration of five years from the date of any final order finding a person to be an habitual offender and directing him not to operate a motor vehicle in this state, such person may petition the department of ((motor vehicles)) licensing for restoration of his privilege to operate a motor vehicle in this state. Upon receipt of such petition, and for good cause shown, the department of ((motor vehicles)) licensing shall restore to such person the privilege to operate a motor vehicle in this state upon such terms and conditions as the department of ((motor vehicles)) licensing may prescribe, subject to the provisions of chapter 46.29 RCW and such other provisions of law relating to the issuance or revocation of operators' licenses.

**Sec. 183. Section 46.68.010, chapter 12, Laws of 1961 as amended by section 73, chapter 32, Laws of 1967 and RCW 46.68.010 are each amended to read as follows:*

Whenever any license fee, paid under the provisions of this title, shall have been erroneously paid, wholly or in part, the person paying the same,

upon satisfactory proof to the director of ~~((motor-vehicles))~~ licensing, shall be entitled to have refunded the amount so erroneously paid. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto: PROVIDED, That no claim for refund shall be allowed for such erroneous payments unless filed with the director within thirteen months after such claimed erroneous payment was made.

***Sec. 183. was vetoed, see message at end of chapter.**

Sec. 184. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 8, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.090 are each amended to read as follows:

All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and special fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of ~~((motor-vehicles))~~ licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount".

Sec. 185. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 42, chapter 151, Laws of 1977 ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the transportation commission has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of (~~the department of motor vehicles~~) licensing for the year next preceding the date of calculation of the allocation amounts. The director of (~~the department~~) licensing shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955, and on October 1st of each odd-numbered year thereafter furnish the transportation commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the transportation commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road

mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the county legislative authority.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as provided for in subsection (e) of this subsection and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the transportation commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956, and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The transportation commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c), and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The transportation commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The transportation commission and the legislative transportation committee shall study and report their findings and recommendations to the

legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

- (1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated;
- (2) Average costs per trunk mile;
- (3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted;
- (4) Reassessment of bridge costs based on current information and re-logging of bridges;
- (5) The items in the list of resources used in determining the "need factor";
- (6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs;
- (7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Sec. 186. Section 3, chapter 11 (HB 345), Laws of 1979 and RCW 46-.70.011 are each amended to read as follows:

As used in this chapter:

- (1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.
- (2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.
- (3) "Vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers: **PROVIDED**, That vehicle dealers shall be classified as follows:
 - (a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;
 - (b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;
 - (c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.
- (4) The term "vehicle dealer" does not include:
 - (a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

- (b) Public officers while performing their official duties; or
 - (c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or
 - (d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or
 - (e) Any person, firm, association, corporation or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes; or
 - (f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a mobile home, assists with the sale of the mobile home in conjunction with the sale of the real estate upon which the mobile home is located.
- (5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.
- (6) The term "department" means the department of (~~motor vehicles~~) licensing which shall administer and enforce the provisions of this chapter.
- (7) "Director" means the director of (~~the department of motor vehicles~~) licensing.
- (8) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:
- (a) "Distributor" which means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.
 - (b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.
 - (c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.
- (9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use

regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both.

Sec. 187. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 125, Laws of 1977 ex. sess. and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer or a vehicle salesman's license shall contain the following information to the extent the same is applicable to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a vehicle dealer, any partner, officer or director;

(d) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) Any other information the department may reasonably require.

(2) If the applicant is a vehicle dealer:

(a) Name or names of new vehicles the vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

(d) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department (~~(of motor vehicles)~~) that the applicant has an established place of business at each business location in the state of Washington: PROVIDED, That in no event shall such certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons;

(e) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty: PROVIDED, That this requirement shall only apply to applicants seeking to sell, to exchange, to offer, to broker, to auction, to solicit or to advertise new or current-model vehicles with factory or distributor warranties;

(f) The class of vehicles the vehicle dealer will be buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, or for which the dealer will be providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers, and which classification or classifications the dealer wishes to be designated as;

(g) 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.

(3) If the applicant is a vehicle salesman, such application shall contain, in addition, a certification by the 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;

(4) If the applicant is a manufacturer such application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of

Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. 188. Section 46.72.020, chapter 12, Laws of 1961 as amended by section 80, chapter 32, Laws of 1967 and RCW 46.72.020 are each amended to read as follows:

No for hire operator shall cause operation of a for hire vehicle upon any highway of this state without first obtaining a permit from the director of (~~motor vehicles~~) licensing. Application for a permit shall be made on forms provided by the director and shall include (1) the name and address of the owner or owners, and if a corporation, the names and addresses of the principal officers thereof; (2) city, town or locality in which any vehicle will be operated; (3) name and motor number of any vehicle to be operated; (4) the endorsement of a city official authorizing an operator under a law or ordinance requiring a license; and (5) such other information as the director may require.

Sec. 189. Section 46.76.020, chapter 12, Laws of 1961 as amended by section 91, chapter 32, Laws of 1967 and RCW 46.76.020 are each amended to read as follows:

Application for a transporter's license shall be made on a form provided for that purpose by the director of (~~motor vehicles~~) licensing and when executed shall be forwarded to the director together with the proper fee. The application shall contain the name and address of the applicant and such other information as the director may require.

Sec. 190. Section 1, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.010 are each amended to read as follows:

As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

(1) "Abandoned vehicle" means any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(2) "Abandoned automobile hulk" means the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of parts of mechanisms and the application of a substantial amount of labor to effect repairs.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

(4) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

(5) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained and who may not sell second-hand motor vehicle parts to anyone other than a scrap processor.

(6) "Director" means the director of (~~the department of motor vehicles~~) licensing.

Sec. 191. Section 2, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.020 are each amended to read as follows:

Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk abandoned automobile hulk whether such hulk is from in state or out of state, to a scrap processor upon obtaining the certificate of title and/or registration and/or any release of interest from the owner or custodian of such hulk. The scrap processor shall forward such document(s) to the department (~~of motor vehicles~~), together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) Transport any vehicle upon obtaining ownership thereof as otherwise required by law.

Sec. 192. Section 46.80.020, chapter 12, Laws of 1961 as last amended by section 3, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.020 are each amended to read as follows:

It shall be unlawful for any motor vehicle wrecker, as defined herein, to engage in the business of wrecking motor vehicles or trailers without having first applied for and received a license from the department of (~~motor vehicles~~) licensing authorizing him so to do.

Sec. 193. Section 46.80.030, chapter 12, Laws of 1961 as last amended by section 4, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.030 are each amended to read as follows:

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 department of (~~motor vehicles~~) licensing, 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, as now or hereafter amended, and the provisions of Title 46 RCW, 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)) licensing;

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

Sec. 194. Section 46.80.090, chapter 12, Laws of 1961 as last amended by section 7, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.090 are each amended to read as follows:

Within thirty days after a vehicle has been acquired by the motor vehicle wrecker it shall be the duty of such motor vehicle wrecker to furnish a written report to the department on forms furnished by the department. This report shall be in such form as the department shall prescribe and shall be accompanied by the certificate of title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a certificate of title. No motor vehicle wrecker shall acquire a vehicle without first obtaining such record or title. It shall be the duty of the motor vehicle wrecker to furnish a monthly report of all vehicles wrecked, dismantled, disassembled, or substantially changed in form by him. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the motor vehicle wrecker or his authorized representative and the facts therein sworn to before a notary public, or before an officer or employee of the department of ((motor vehicles)) licensing designated by the director to administer oaths or acknowledge signatures, pursuant to RCW 46.01.180.

Sec. 195. Section 2, chapter 39, Laws of 1963 as last amended by section 2, chapter 76, Laws of 1977 and RCW 46.81.010 are each amended to read as follows:

The following words and phrases whenever used in chapter 46.81 RCW shall have the following meaning:

(1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.

(2) "Traffic safety education course" shall mean an accredited course of instruction in traffic safety education which shall consist of two phases, classroom instruction, and laboratory experience. "Laboratory experience" shall include on-street, driving range, or simulator experience or some combination thereof. Each phase shall meet basic course requirements

which shall be established by the superintendent of public instruction and each part of said course shall be taught by a qualified teacher of traffic safety education. Any portions of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.

(3) "Qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.70 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: PROVIDED, That the laboratory experience phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.70 RCW. Professional instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to reasonable qualification requirements jointly adopted by the superintendent of public instruction and the director of ~~((the department of motor vehicles))~~ licensing.

(4) "Realistic level of effort" ~~((for the purpose of this 1977 amendatory act))~~ means the classroom and laboratory student learning experiences considered acceptable to the superintendent of public instruction that must be satisfactorily accomplished by the student in order to successfully complete the traffic safety education course.

Sec. 196. Section 3, chapter 39, Laws of 1963 as last amended by section 3, chapter 76, Laws of 1977 and RCW 46.81.020 are each amended to read as follows:

(1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective statewide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit a report to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects

to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory phase of the traffic safety education course. Instructors provided by any such contracting drivers' school must be properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of ~~((the department of motor vehicles))~~ licensing.

Sec. 197. Section 46.82.010, chapter 12, Laws of 1961 as amended by section 106, chapter 32, Laws of 1967 and RCW 46.82.010 are each amended to read as follows:

For the purpose of this chapter:

"Drivers' school" means a commercial automobile training school engaged in the business of giving instruction for hire in the operation of automobiles.

"Director" means the director of ~~((motor vehicles))~~ licensing of the state of Washington.

"Instructor" means any natural person employed by a drivers' school to instruct persons in the operation of automobiles.

"Place of business" means a designated location at which the business of a drivers' school is transacted and its records are kept.

"Person" includes an individual, firm, corporation, partnership or association.

Sec. 198. Section 46.82.060, chapter 12, Laws of 1961 as last amended by section 107, chapter 32, Laws of 1967 and RCW 46.82.060 are each amended to read as follows:

The director, or any employee of the department of ~~((motor vehicles))~~ licensing deputized by him for such purposes, may suspend or revoke a drivers' school license or refuse to issue a renewal thereof for any of the following causes:

(1) The conviction of the licensee of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(2) Where the licensee has made a material false statement or concealed a material fact in connection with his application for the license or a renewal thereof;

(3) Where the licensee has failed to comply with any of the provisions of this chapter or any of the rules and regulations of the director made pursuant thereto;

(4) Where the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing

another to resort to fraud or fraudulent practices in relation to securing for himself or another a license to drive an automobile. The term "fraudulent practices" as used in this section shall include, but not be limited to, any conduct or representation on the part of the licensee tending to induce anyone to believe, or to give the impression that a license to operate an automobile, or any other license, registration or service granted by the director, may be obtained by any means other than the ones prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, exacting, or collecting money for such purpose.

Notwithstanding the renewal of a license, the director may revoke or suspend such license for causes and violations, as prescribed by this section, occurring during the two license periods immediately preceding the renewal of such license.

Sec. 199. Section 46.82.140, chapter 12, Laws of 1961 as last amended by section 136, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.82.140 are each amended to read as follows:

Examinations for a driving instructor's certificate shall be prepared and conducted by a driving instructor's examination committee to be composed of a representative from the Washington state department of education, a representative of the department of (~~motor vehicles~~) licensing and a representative of the commercial driving schools. Members shall be appointed by the governor for a one year term. The commercial driving school representative shall receive compensation not to exceed twenty-five dollars for each day spent on official committee business and all committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The director shall arrange for the examination of each applicant for an instructor's certificate and furnish the necessary clerical help to the examining committee.

Sec. 200. Section 3, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.020 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the terms:

(1) "Administrator" shall mean the employee of the department of (~~motor vehicles~~) licensing designated to administer reciprocal or proportional registration agreements.

(2) "Single cab card" shall mean the single document issued pursuant to the provisions of this chapter to indicate compliance with the various applicable requirements of the department of (~~highways~~) transportation, the department of (~~motor vehicles~~) licensing, 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~~) transportation, the department of (~~motor vehicles~~) licensing, 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))~~ licensing.

Sec. 201. Section 4, chapter 94, Laws of 1967 ex. sess. and RCW 46-.86.030 are each amended to read as follows:

The department of ~~((highways))~~ transportation, the department of ~~((motor vehicles))~~ licensing, 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 chapter. 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.

Sec. 202. Section 32, chapter 281, Laws of 1969 ex. sess. and RCW 46-.88.010 are each amended to read as follows:

The owner of any commercial vehicle or vehicles lawfully registered in another state and who wishes to use such vehicle or vehicles in this state in intrastate operations for periods less than a year may obtain permits for such operations upon application to the department of ~~((motor vehicles))~~ licensing or a county auditor. Such permits may be issued for thirty, sixty, or ninety day periods. The cost of each such permit shall include the fees provided for in RCW sections 46.01.140, 46.16.061, 46.16.060 and one-twelfth of the fees provided for in RCW 46.16.070 and 82.44.020 for each thirty days' operations provided for in the permit.

Sec. 203. Section 10, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.121 are each amended to read as follows:

"Department" means the department of ~~((motor vehicles))~~ licensing unless otherwise specified in this chapter.

Sec. 204. Section 26, chapter 151, Laws of 1977 ex. sess. and RCW 47-.01.250 are each amended to read as follows:

The chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of ~~((the department of motor vehicles))~~ licensing are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and

the director of (~~(motor vehicles)~~) licensing shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of (~~(motor vehicles)~~) licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the state patrol's, the traffic safety commission's, the county road administration board's, and the department of (~~(motor vehicles's)~~) licensing's final plans, programs, and budgets are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

Sec. 205. Section 23, chapter 165, Laws of 1947 as last amended by section 2, chapter 68, Laws of 1967 ex. sess. and RCW 47.68.230 are each amended to read as follows:

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)~~) licensing, if registration of the aircraft with the department of (~~(motor vehicles)~~) licensing 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)~~) department of transportation as required by RCW (~~(+4.04.233)~~) 47.68.233.

Where a certificate, permit, rating or license is required for an airman by the United States or by RCW (~~(+4.04.233)~~) 47.68.233, 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)~~) department of transportation 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.

Sec. 206. Section 25, chapter 165, Laws of 1947 as last amended by section 8, chapter 9, Laws of 1967 ex. sess. and RCW 47.68.250 are each amended to read as follows:

Every aircraft shall be registered with the department of (~~(motor vehicles)~~) licensing 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 RCW 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)~~) licensing. 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)~~) licensing at the time of the collection by him of the said excise tax. If the director of (~~(the department of motor vehicles)~~) licensing 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)~~) licensing 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)~~) licensing with originals or copies of federal certificates, permits, ratings, or licenses. The director of (~~(the department of motor vehicles)~~) licensing 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;

(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~~) licensing 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~~) licensing, the registration of that aircraft may be canceled by the director of (~~the department of motor vehicles~~) licensing, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

Sec. 207. Section 8, chapter 163, Laws of 1977 ex. sess. and RCW 48.40.035 are each amended to read as follows:

The commissioner shall give a funeral establishment notice of his intention to suspend, revoke, or refuse to renew the establishment's certificate of registration not less than ten days before the order of suspension, revocation or refusal is to become effective.

No funeral establishment whose certificate of registration has been suspended, revoked, or refused shall subsequently be authorized to enter into prearrangement contracts unless the grounds for such suspension, revocation, or refusal in the opinion of the commissioner no longer exist and the funeral establishment is otherwise fully qualified.

Upon the suspension, revocation or refusal of a funeral establishment's certificate of registration, the commissioner shall give written notice of such action to the director of the department of (~~motor vehicles~~) licensing.

Sec. 208. Section 2, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) "Blanket encumbrance" shall mean a trust deed, mortgage, mechanic's lien, or any other lien or encumbrance, securing or evidencing the payment of money and affecting the land to be developed or affecting more than one lot or parcel of developed land, or an agreement affecting more than one such lot or parcel by which the developer holds said development under option, contract, sale, or trust agreement. The term shall not include taxes and assessments levied by a public authority.

(2) "Director" means the director of ~~((the department of motor vehicles))~~ licensing or his authorized designee.

(3) "Developer" means any owner of a development who offers it for disposition, or the principal agent of an inactive owner.

(4) "Development" or "developed lands" means land which is divided or is proposed to be divided for the purpose of disposition into ten or more lots, parcels, or units (excluding interests in camping clubs regulated under chapter 19.105 RCW) and any other land whether contiguous or not, if ten or more lots, parcels, units, or interests are offered as a part of a common promotional plan of advertising and sale.

(5) "Disposition" includes any sale, lease, assignment, or exchange of any interest in any real property which is a part of or included within a development, and also includes the offering of property as a prize or gift when a monetary charge or consideration for whatever purpose is required in conjunction therewith, and any other transaction concerning a development if undertaken for gain or profit.

(6) "Offer" includes every inducement, solicitation, or media advertisement which has as a principal aim to encourage a person to acquire an interest in land.

(7) "Hazard" means all existing or proposed unusual conditions relating to the location of the development, noise, safety, or other nuisance which affect or might affect the development.

(8) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

(9) "Purchaser" means a person who acquires or attempts to acquire or succeeds to any interest in land.

(10) "Residential buildings" shall mean premises that are actually intended or used as permanent residences of the purchasers and that are not devoted exclusively to any other purpose.

Sec. 209. Section 3, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.030 are each amended to read as follows:

(1) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter shall not apply to land and offers or dispositions:

(a) By a purchaser of developed lands for his own account in a single or isolated transaction;

(b) If fewer than ten separate lots, parcels, units, or interests in developed lands are offered by a person in a period of twelve months;

(c) If each lot offered in the development is five acres or more;

(d) On which there is a residential, commercial, or industrial building, or as to which there is a legal obligation on the part of the seller to construct such a building within two years from date of disposition;

(e) To any person who acquires such lot, parcel, unit or interest therein for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease or other disposition of such lots to persons engaged in such business or businesses;

(f) Any lot, parcel, unit or interest if the development is located within an area incorporated prior to January 1, 1974;

(g) Pursuant to court order; or

(h) As cemetery lots or interests.

(2) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter shall not apply to:

(a) Offers or dispositions of evidence of indebtedness secured by a mortgage or deed of trust of real estate;

(b) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any state or federal statute;

(c) A development as to which the director has waived the provisions of this chapter as provided in RCW 58.19.040;

(d) Offers or dispositions of securities currently registered with the (~~division of securities of~~) business and professions administration in the department of (~~motor vehicles~~) licensing;

(e) Offers or dispositions of any interest in oil, gas, or other minerals or any royalty interest therein if the offers or dispositions of such interests are regulated as securities by the United States or by the (~~division of securities of~~) business and professions administration in the department of (~~motor vehicles~~) licensing.

Sec. 210. Section 9-302, chapter 157, Laws of 1965 ex. sess. as last amended by section 6, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-302 are each amended to read as follows:

(1) A financing statement must be filed to perfect all security interests except the following:

(a) a security interest in collateral in possession of the secured party under RCW 62A.9-305;

(b) a security interest temporarily perfected in instruments or documents without delivery under RCW 62A.9-304 or in proceeds for a ten day period under RCW 62A.9-306;

(c) a purchase money security interest in farm equipment having a purchase price not in excess of two thousand five hundred dollars; but filing is required for a fixture under RCW 62A.9-313 or for a motor vehicle required to be licensed;

(d) a purchase money security interest in consumer goods; but filing is required for a fixture under RCW 62A.9-313 or for a motor vehicle required to be licensed;

(e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;

(f) a security interest of a collecting bank (RCW 62A.4-208) or arising under the Article on Sales (RCW 62A.9-113) or covered in subsection (3) of this section.

(2) If a secured party assigns a perfected security interest, no filing under this Article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this Article do not apply to a security interest in property subject to a statute

(a) of the United States which provides for a national registration or filing of all security interests in such property; or

(b) of this state which provides for central filing of, or which requires indication on a certificate of title of, such security interests in such property.

(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

(5) Part 4 of this Article does not apply to a security interest in property of any description created by a deed of trust or mortgage made by any corporation primarily engaged in the railroad or street railway business, the furnishing of telephone or telegraph service, the transmission of oil, gas or petroleum products by pipe line, or the production, transmission or distribution of electricity, steam, gas or water, but such security interest may be perfected under this Article by filing such deed of trust or mortgage with the department of (~~(motor vehicles)~~) licensing. When so filed, such instrument shall remain effective until terminated, without the need for filing a continuation statement. Assignments and releases of such instruments may also be filed with the department of (~~(motor vehicles)~~) licensing. The director of (~~(motor vehicles)~~) licensing shall be a filing officer for the foregoing purposes, and the uniform fee for filing, indexing, and furnishing filing data pursuant to this subsection shall be five dollars.

Sec. 211. Section 9-401, chapter 157, Laws of 1965 ex. sess. as amended by section 7, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-401 are each amended to read as follows:

(1) The proper place to file in order to perfect a security interest is as follows:

(a) when the collateral is equipment used in farming operations, or farm products, or accounts, contract rights or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the auditor in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the auditor in the

county where the goods are kept, and in addition when the collateral is crops in the office of the auditor in the county where the land on which the crops are growing or to be grown is located;

(b) when the collateral is goods which at the time the security interest attaches are or are to become fixtures, then in the office where a mortgage on the real estate concerned would be filed or recorded;

(c) in all other cases, with the department of (~~motor vehicles~~) licensing.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this Article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) If collateral is brought into this state from another jurisdiction, the rules stated in RCW 62A.9-103 determine whether filing is necessary in this state.

Sec. 212. Section 9-403, chapter 157, Laws of 1965 ex. sess. as last amended by section 8, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-403 are each amended to read as follows:

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this Article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or on the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (i) within six months before and sixty days after a stated maturity date of five years or less, and (ii) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the

original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing, indexing, and furnishing filing data for an original or a continuation statement on a form conforming to standards prescribed by the department of ~~((motor vehicles))~~ licensing shall be three dollars, but if the form of the statement does not conform to the standards prescribed by the department the uniform fee shall be five dollars.

Sec. 213. Section 9-404, chapter 157, Laws of 1965 ex. sess. as last amended by section 9, chapter 117, Laws of 1977 ex. sess. and RCW 62A-9-404 are each amended to read as follows:

(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof on a form conforming to standards prescribed by the department of ~~((motor vehicles))~~ licensing shall be one dollar, but if the form of the statement does not conform to the standards prescribed by the department the uniform fee shall be two dollars. If the affected secured party fails to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "terminated" and send or deliver to the secured party the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

(3) There shall be no fee for filing and indexing a termination statement including sending or delivering the financing statement.

Sec. 214. Section 9-405, chapter 157, Laws of 1965 ex. sess. as last amended by section 10, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-405 are each amended to read as follows:

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement, the filing officer shall mark, hold, and index the same as provided in RCW 62A.9-403(4), and shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing, and furnishing filing data for a financing statement so indicating an assignment on a form conforming to standards prescribed by the department of (~~motor vehicles~~) licensing shall be three dollars, but if the form of the financing statement does not conform to the standards prescribed by the department the uniform fee shall be five dollars.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment on a form conforming to standards prescribed by the department shall be one dollar, but if the form of the financing statement does not conform to the standards prescribed by the department the uniform fee shall be two dollars.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

Sec. 215. Section 9-406, chapter 157, Laws of 1965 ex. sess. as last amended by section 11, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-406 are each amended to read as follows:

A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of

the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release on a form conforming to standards prescribed by the department of ~~((motor vehicles))~~ licensing shall be one dollar, but if the form of the statement does not conform to the standards prescribed by the department the uniform fee shall be two dollars.

Sec. 216. Section 12, chapter 114, Laws of 1967 as amended by section 12, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-409 are each amended to read as follows:

In relation to Article 62A.9 RCW:

(1) The department of ~~((motor vehicles))~~ licensing may by rule prescribe standard filing forms and uniform procedures for filing with, and obtaining information from, filing officers.

(2) Unless a filing officer has filed with the secretary of state on or before June 1, 1967, his certificate that financing statements, as defined in RCW 62A.9-402, will not be accepted by him for filing on and after June 12, 1967, such filing officer shall accept such financing statements for filing on and after June 12, 1967. Financing statements so filed shall be received, marked, indexed, and filed as provided in ~~((chapter 157, Laws of 1965 extraordinary session))~~ Title 62A RCW. The filing fees for filing such statements shall be as provided in ~~((chapter 157, Laws of 1965 extraordinary session, as amended))~~ Title 62A RCW.

Sec. 217. Section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.16.040 are each amended to read as follows:

Except as otherwise provided by law, an employee in a state liquor store or agency may sell liquor to any person of legal age to purchase alcoholic beverages ~~((as provided in chapter 100, Laws of 1973))~~ and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows his correct age and bears his signature and photograph:

(1) Liquor control authority card of identification of any state.

(2) Driver's license of any state or "identocard" issued by the Washington state department of ~~((motor vehicles))~~ licensing pursuant to RCW 46.20.117.

(3) United States active duty military identification.

(4) Passport.

The board may adopt such regulations as it deems proper covering the acceptance of such cards of identification.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash.

Sec. 218. Section 14, chapter 108, Laws of 1937 and RCW 68.08.230 are each amended to read as follows:

Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the incinerated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, and the relatives of, or persons interested in, the deceased person shall fail, neglect or refuse for such periods of time, respectively, to direct the disposition to be made of such body or remains, such body or remains may be disposed of by the person, firm, corporation or association having such lawful possession thereof, under and in accordance with such rules and regulations as may be made and promulgated by said director of ~~((licenses))~~ licensing, not inconsistent with any statute of the state of Washington or rule or regulation prescribed by the state board of health.

Sec. 219. Section 10, chapter 307, Laws of 1971 ex. sess. and RCW 70-.93.100 are each amended to read as follows:

The department may design and produce a litter bag bearing the state-wide anti-litter symbol and a statement of the penalties prescribed herein for littering in this state. ~~((As soon as possible after May 21, 1971,))~~ Such litter bags may be distributed by the department of ~~((motor vehicles))~~ licensing at no charge to the owner of every licensed vehicle in this state at the time and place of license renewal. The department of ecology may make such litter bags available to the owners of water craft in this state and may also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming vehicles and watercraft. The owner of any vehicle or watercraft who fails to keep and use a litter bag in his vehicle or watercraft shall be guilty of a violation of this section and shall be subject to a fine as provided in this chapter.

Sec. 220. Section 6, chapter 122, Laws of 1972 ex. sess. and RCW 70-.96A.060 are each amended to read as follows:

(1) An interdepartmental coordinating committee is established, composed of the superintendent of public instruction or his designee, the director of ~~((the department of motor vehicles))~~ licensing or his designee, the executive secretary of the Washington state law enforcement training commission or his designee, and one or more designees (not to exceed three) of the secretary of the department of social and health services. The committee shall meet at least twice annually at the call of the secretary, or his designee, who shall be its chairman. The committee shall provide for the coordination, and exchange of information on, all programs relating to alcoholism, and shall act as a permanent liaison among the departments engaged in activities affecting alcoholics, persons incapacitated by alcohol, and intoxicated persons. The committee shall assist the secretary and director in formulating a comprehensive plan for prevention of alcoholism and

for treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons.

(2) In exercising its coordinating functions, the committee shall assure that:

(a) The appropriate state agencies provide or assure all necessary medical, social, treatment, and educational services for alcoholics, persons incapacitated by alcohol, and intoxicated persons and for the prevention of alcoholism, without unnecessary duplication of services;

(b) The several state agencies cooperate in the use of facilities and in the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons; and

(c) All state agencies adopt approaches to the prevention of alcoholism and the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons consistent with the policy of this chapter.

Sec. 221. Section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 60, Laws of 1972 ex. sess. and RCW 73.04.110 are each amended to read as follows:

Any veteran who is a veteran of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, who shall submit to the director of ~~((motor vehicles))~~ licensing satisfactory proof that he has lost the use of one or both of his arms or legs or that he had become blind in both eyes as the result of his military service in such war or military campaign, shall be entitled to have issued to him by the director of ~~((motor vehicles))~~ licensing an annual motor vehicle license for one automobile without the payment of any license fee or excise tax thereon.

For the purposes of this section, "blind" shall mean that definition of "blind" utilized by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Sec. 222. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1969 ex. sess. and RCW 82.12.045 are each amended to read as follows:

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term

"motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of one dollar for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

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

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

Sec. 223. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 317, Laws of 1977 ex. sess. and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas, or liquid, by whatsoever name such gasoline, gas or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of ~~((motor vehicles))~~ licensing;

(6) "Director" means the director of ~~((motor vehicles))~~ licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

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

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "Weighted average retail sales price of motor vehicle fuel" means the average retail sales price excluding any federal excise tax of the several grades of motor vehicle fuel (other than special fuels taxed pursuant to chapter 82.38 RCW) sold by service stations throughout the state (less any state excise taxes on the sale, distribution, or use thereof) weighted to reflect the quantities sold at each different price;

(16) "Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW, as now or hereafter amended, for any designated fiscal period, whether or not such amounts are actually received by the department of (~~motor vehicles~~) licensing. The phrase does not include fines or penalties assessed for violations;

(17) "Fiscal half-year" means a six month period ending June 30th or December 31st.

Sec. 224. Section 6, chapter 317, Laws of 1977 ex. sess. and RCW 82-36.025 are each amended to read as follows:

(1) (a) During the fifth month of each fiscal half-year ending June 30th and December 31st of each year, the department of (~~motor vehicles~~) licensing shall compute a motor vehicle fuel tax rate to the nearest one-half cent per gallon of motor vehicle fuel by multiplying twenty-one and one-half percent times the weighted average retail sales price of motor vehicle fuel, per gallon, sold within the state in the third month of such fiscal half-year. The department of (~~motor vehicles~~) licensing shall determine the weighted average retail sales price of motor vehicle fuel by state-wide sampling and survey techniques designed to reflect such prices for the third month of such fiscal half-year. The department shall establish reasonable guidelines for its sampling and survey methods.

(b) Subject to provisions of subsections (2) and (3) of this section the excise tax rate computed in the manner provided in subsection (1) of this section shall apply to the sale, distribution, or use of motor vehicle fuel beginning the fiscal half-year following computation of the rate and shall remain in effect for each succeeding fiscal half-year until a subsequent computation requires a change in the rate. For the first fiscal half-year after July 1, 1977, the motor vehicle fuel tax shall be eleven cents per gallon.

(2) (a) The motor vehicle fuel tax rate for any fiscal half-year shall not exceed twelve cents per gallon nor exceed a rate as computed in this subsection.

(b) Each fiscal half-year at the time the department of (~~motor vehicles~~) licensing computes the excise tax rate for the ensuing fiscal half-year of a biennium, the department shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other state revenues which will

accrue to the motor vehicle fund during the full biennium. The estimated total aggregate motor vehicle fuel tax revenues for the biennium shall include those revenues which have accrued to the motor vehicle fund for the half-year or half-years of the biennium that have then elapsed plus revenues which the department determines will accrue during the remaining fiscal half-years of the biennium, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the remaining fiscal half-years of the biennium shall be at the same volume as during the fiscal half-year last ended, adjusted however for the historic variations in sales, distribution, and use according to half-yearly periods and for projected trends, and at the weighted average retail sales price of motor vehicle fuel as last determined by the department of ~~((motor vehicles))~~ licensing. The estimated total of all other state revenues to accrue to the motor vehicle fund during the biennium shall include those revenues (other than the aggregate motor vehicle fuel tax revenues) which have accrued to the motor vehicle fund for the half-year or half-years of the biennium that have then elapsed plus revenues which the department of ~~((highways))~~ transportation with the concurrence of the office of ~~((program planning and fiscal))~~ financial management determines will accrue during the remaining fiscal half-years of the biennium, assuming that collections of such revenues for the remaining fiscal half-years of the biennium shall be at the same level as during the fiscal half-year just ended, adjusted however for historic variations in collections according to half-yearly periods and for projected trends, and shall include state revenues in the motor vehicle fund balance as of the end of the prior biennium as certified by the state treasurer, less an appropriate minimum balance for the biennium as determined by the department of ~~((highways))~~ transportation with the concurrence of the office of ~~((program planning and fiscal))~~ financial management and the proceeds of the sale of bonds but shall not include reimbursements to the motor vehicle fund for services performed by the department of ~~((highways))~~ transportation for others.

(c) If the estimated biennial aggregate motor vehicle fuel tax revenues as computed in paragraph (b) of this subsection, exceed the total of all appropriations, reappropriations, and transfers of state revenues from the motor vehicle fund for the biennium (less the estimated total of all other state revenues which will accrue to the motor vehicle fund during the biennium as computed in paragraph (b) of this subsection) by more than five percent thereof, the rate of the motor vehicle fuel tax (computed as provided in subsection (1) of this section) shall be reduced by one-half cent increments, commencing at the beginning of the ensuing fiscal half-year, as may be necessary to reduce such estimated total revenues for the full biennium to within the total of such appropriations, reappropriations, and transfers plus five percent thereof.

(3) (a) Notwithstanding any other provisions of this section the excise tax rate for any fiscal half-year shall not be less than nine cents per gallon nor less than the rate as computed in this subsection.

(b) Each fiscal half-year at the time the department of (~~(motor vehicles)~~) licensing computes the excise tax rate for the ensuing fiscal half-year of a fiscal year, the department shall estimate the total aggregate motor vehicle fuel tax revenues which will accrue to the motor vehicle fund during such fiscal year in the same manner that such revenues are estimated for a full biennium. If such estimated aggregate motor vehicle fuel tax revenues for the fiscal year are less than an amount equal to the aggregate motor vehicle fuel tax revenues collected during the fiscal year ending June 30, 1973, increased by six percent per year compounded annually for each year which has elapsed from June 30, 1973, to June 30th of the fiscal year for which estimated aggregate motor vehicle fuel tax revenues were computed, the department shall increase the rate of the excise tax by one-half cent increments, but not to exceed a total excise tax of twelve cents per gallon, commencing at the beginning of the ensuing fiscal half-year as necessary to produce estimated aggregate motor vehicle fuel tax revenues for such fiscal year as great as such revenues collected during the 1973 fiscal year increased by six percent per year compounded annually from June 30, 1973, to June 30th of the fiscal year for which such minimum half-yearly tax rate is being computed.

(4) (a) Except as otherwise provided in paragraph (b) of this subsection, if the department of (~~(highways)~~) transportation receives notification that unanticipated federal funds in excess of one million dollars above appropriations of federal funds from the motor vehicle fund for a biennium will be received for expenditure during that biennium, the (~~(highway commission)~~) department of transportation shall give notice of the amount of such unanticipated funds to the department of (~~(motor vehicles)~~) licensing which shall include such amount in the computation of the estimated total of all other state revenues to accrue during the biennium under paragraph (b) of subsection (2) of this section for purposes of computing the maximum rate of motor vehicle fuel tax as provided in this section.

(b) Upon receipt by the department of (~~(highways)~~) transportation of notification that unanticipated federal funds in excess of one million dollars above appropriations of federal funds from the motor vehicle fund for a biennium will be received for expenditure during that biennium, if the (~~(highway commission)~~) department of transportation determines that such funds or any part thereof may not legally or operationally be substituted for purposes for which state motor vehicle fund moneys have been appropriated, or determines that substitution of such federal funds for state funds would delay the construction of needed highway improvements, the (~~(highway commission)~~) department of transportation shall forthwith notify the governor and the standing committees on transportation of the house and senate

of its determination. If both the governor and the standing committees concur in the ~~((commission's))~~ department of transportation's determination, the unanticipated federal funds shall not be considered by the department of ~~((motor vehicles))~~ licensing in computing the estimated total of all other state revenues to accrue during the biennium under paragraph (b) of subsection (2) of this section.

Sec. 225. Section 2, chapter 22, Laws of 1963 ex. sess. as amended by section 1, chapter 67, Laws of 1965 and RCW 82.37.020 are each amended to read as follows:

The following words, terms, and phrases when used in this chapter have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

(1) "Commercial motor vehicle" means any motor vehicle used or maintained for the transportation of persons for hire, or any vehicle designed, used or maintained primarily for the transportation of commodities, merchandise, produce, freight and animals.

(2) "Motor carrier" means and includes a natural person, individual, partnership, firm, association, or private or public corporation, which is engaged in interstate commerce and which operates or causes to be operated on any highway in this state any commercial motor vehicle.

(3) "Operations", when applied to a motor carrier, means operations of all commercial motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated into or out of or through this state.

(4) "Motor vehicle fuel" means gasoline or any other inflammable liquids, by whatsoever name such liquid may be known or sold, the use of which is as fuel for the propulsion of commercial motor vehicles except fuel as defined in chapter 82.40 RCW.

(5) "Use" means and includes the consumption of motor vehicle fuel by any motor carrier in a commercial motor vehicle for the propulsion thereof upon the public highways of this state.

(6) "Motor vehicle fuel importer for use" means and includes any motor carrier importing motor vehicle fuel into this state in the fuel supply tank or tanks of any commercial motor vehicle for use in propelling said vehicle upon the highways of this state.

(7) "Public highways" means and includes every way, lane, road, street, boulevard, and every way or place open as a matter of right to public vehicular travel both inside and outside the limits of cities and towns.

(8) "Director" means the director of ~~((licenses))~~ licensing.

***Sec. 226. Section 3, chapter 175, Laws of 1971 ex. sess. and RCW 82-.38.020 are each amended to read as follows:**

As hereinafter used in this chapter:

(1) "Person" means every natural person, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(2) "Department" means the department of ~~((motor vehicles))~~ licensing.

(3) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

(4) "Motor vehicle" means every self-propelled vehicle required to be licensed for operation upon the highways.

(5) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel as defined in chapter 82.36 RCW.

(6) "Use" means the consumption by a special fuel user of special fuels in propulsion of a motor vehicle on the highways of this state.

(7) "Special fuel dealer" means any person engaged in the business of handling special fuel who delivers any part thereof into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him, or places special fuel into the storage facilities used for the fueling of motor vehicles at an unbonded service station. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

(8) "Special fuel user" means any person who consumes in this state special fuel for the propulsion of motor vehicles owned or controlled by him upon the highways of this state.

(9) "Special fuel supplier" means any person engaged in the business of selling special fuel where delivery thereof is made other than, or in addition to, the manner prescribed under the definition of "special fuel dealer".

(10) "Service station" means any location at which fueling of motor vehicles is offered to the general public.

(11) "Unbonded service station" means any service station at which an unbonded special fuel dealer regularly makes sales of special fuel by means of delivery thereof into the fuel supply tanks of motor vehicles.

(12) "Bond" means: (a) A bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 48.28 RCW which bond shall be payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations of such dealer, arising out of this chapter, or (b) a deposit with the state treasurer by the special fuel dealer or special fuel user, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington, or any county of said state, of an actual market value not less than the amount so fixed by the department.

(13) "Lessor" means any person (a) whose principal business is the bona fide leasing or renting of motor vehicles without drivers for compensation to the general public, and (b) who maintains established places of business and whose lease or rental contracts require such motor vehicles to be returned to the established places of business.

(14) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.

(15) "Standard pressure and temperature" means fourteen and seventy-three hundredths pounds of pressure per square inch at sixty degrees Fahrenheit.

*Sec. 226. was vetoed, see message at end of chapter.

*Sec. 227. Section 1, chapter 335, Laws of 1977 ex. sess. and RCW 82.38.075 are each amended to read as follows:

In order to encourage the use of nonpolluting fuels, until July 1, 1979, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, in accordance with the following schedule:

VEHICLE TONNAGE (GVW)	FEE
0 - 6,000	\$ 60
6,001 - 10,000	\$ 70
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

The department (~~of motor vehicles~~), in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.

The director of the department (~~of motor vehicles~~) shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.

*Sec. 227. was vetoed, see message at end of chapter.

*Sec. 228. Section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 3, chapter 26, Laws of 1977 and RCW 82.38.170 are each amended to read as follows:

(1) If any special fuel dealer or special fuel user fails to pay any taxes collected or due the state of Washington by said dealer or user within the time prescribed by RCW 82.38.150, said dealer or user shall pay in addition to such tax a penalty of ten percent of the amount thereof plus interest at the rate of one percent per month, or fraction thereof, from the date such tax was due until paid.

(2) If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency a penalty of ten percent of the amount of the deficiency together with interest at the rate of one percent per month, or fraction thereof, from the date the report was due until paid: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, That the department may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department ((of motor vehicles)) determines that the cost of processing the collection of the interest exceeds the amount of interest due.

(3) If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax report, the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the department shall add the penalty and interest provided in subsection (2) of this section. An assessment made by the department pursuant to this subsection or to subsection (2) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(4) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or wilful, the department may waive the penalty prescribed in subsections (1), (2), and (3) of this section.

(5) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency together with interest at one percent per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment, in addition to the penalty provided in subsection (2) of this section and all other penalties prescribed by law: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, That the director may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department ((of motor vehicles)) determines that the cost of processing the collection of the interest exceeds the amount of interest due.

(6) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection (2) of this section within three years from the twenty-fifth day of the next succeeding

calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

(7) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections (2) or (3) of this section may petition for a reassessment thereof within thirty days after service upon the special fuel dealer or special fuel user of notice thereof. If such petition is not filed within such thirty day period, the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the special fuel dealer or special fuel user has so requested in his petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty days after service upon the special fuel dealer or special fuel user of notice thereof.

Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.

(8) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his address as the same appears in the records of the department.

(9) Any licensee who has had their special fuel user ~~((license))~~ license, special fuel dealer ~~((license))~~ license, special fuel supplier ~~((license))~~ license, or combination thereof revoked shall pay a one hundred dollar penalty prior to the issuance of a new license.

*Sec. 228. was vetoed, see message at end of chapter.

Sec. 229. Section 1, chapter 10, Laws of 1967 ex. sess. as amended by section 1, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.010 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Department" means the department of ~~((motor vehicles))~~ licensing;
- (2) "Director" means the director of ~~((the department of motor vehicles))~~ licensing;
- (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;

(7) "Distributor" means any person engaged in the sale of aircraft fuel to any dealer and shall include any dealer from whom the tax hereinafter imposed has not been collected.

Sec. 230. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 332, Laws of 1977 ex. sess. and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under dealer's licenses. The annual amount of such excise shall be two percent of the fair market value of such vehicle.

(2) From and after August 1, 1978 and until August 1, 2008, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle.

(3) The department of (~~motor vehicles~~) licensing and county auditors shall collect the additional tax imposed by subsection (2) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(4) In no case shall the total tax be less than two dollars.

Sec. 231. Section 82.44.040, chapter 15, Laws of 1961 as last amended by section 12, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.040 are each amended to read as follows:

~~((+))~~ The department of revenue, in consultation with the department of (~~motor vehicles~~) licensing shall prepare at least once each year a schedule for use in the collection of the excise tax imposed by this chapter. Such schedule shall be based upon such information as may be available to them pertaining to the fair market value of motor vehicles. Such vehicles shall be classified into a convenient number of classes on the basis of price, make, type, year of manufacture, or any other reasonable basis, and to the value of vehicles within the classes as thus determined shall be applied the rate of tax prescribed in RCW 82.44.020. In determining fair market value, the department of revenue may use any guidebook, report, or compendium of recognized standing in the automotive industry. The schedule shall show, so far as possible, the amount of excise tax for vehicles within each class and shall sufficiently describe the various motor vehicles included within

each classification to enable the department of (~~motor vehicles~~) licensing and its agents to ascertain readily the amount of tax applicable to any particular motor vehicle.

Sec. 232. Section 52, chapter 299, Laws of 1971 ex. sess. as amended by section 13, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.045 are each amended to read as follows:

The department of revenue and the department of (~~motor vehicles~~) licensing shall include campers on the schedule prepared by them as required under RCW 82.44.040, and any unlisted campers shall be appraised in the same manner as motor vehicles as provided in RCW 82.44.050.

Sec. 233. Section 82.44.060, chapter 15, Laws of 1961 as last amended by section 2, chapter 54, Laws of 1975-'76 2nd ex. sess. and RCW 82.44.060 are each amended to read as follows:

The excise tax hereby imposed shall be due and payable to the department of (~~motor vehicles~~) licensing or its agents at the time of registration of a motor vehicle. Whenever an application is made to the department of (~~motor vehicles~~) licensing or its agents for a license for a motor vehicle there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040, and no dealer's license or license plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. The excise tax hereby imposed shall be collected for each registration year: PROVIDED, That the excise tax upon a motor vehicle licensed for the first time in this state after the last day of any registration month shall only be levied for the remaining months of the registration year including the month in which the motor vehicle is being licensed: PROVIDED FURTHER, That the tax shall in no case be less than two dollars.

A motor vehicle shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year immediately preceding the registration year in which the application for license is made or when the vehicle has been registered in another jurisdiction subsequent to any prior registration in this state.

No additional tax shall be imposed under this chapter upon any vehicle upon the transfer of ownership thereof if the tax imposed with respect to such vehicle has already been paid for the registration year or fraction of a registration year in which transfer of ownership occurs.

Sec. 234. Section 82.44.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.070 are each amended to read as follows:

Whenever any person shall apply to the utilities and transportation commission for a permit or identification plates to operate a motor vehicle in interstate commerce, in any year, under the provisions of Title 81 RCW,

and it appears to said commission that the vehicle will be operated in the state less than fifty percent of the total mileage it will be operated in such year, said person shall pay the fee for such permit or plates to said commission, and shall also make to the department of ~~((motor vehicles))~~ licensing a partial payment of fifty percent of the full excise fee payable for that year on the vehicle under the provisions of this chapter, except in the following cases:

(1) If the excise fee for such vehicle, whether owned, leased or rented, for such year has theretofore been paid and such person furnishes a receipt, or other satisfactory proof, evidencing such payment, which receipt, or other evidence, after any necessary verification, shall be returned to him upon request; or

(2) If the application is for a permit or plates for a vehicle, licensed in another state, which will simply permit an occasional irregular trip or trips from another state into this state.

In either of the two above enumerated cases the director of ~~((motor vehicles))~~ licensing, in accounting to the state treasurer, shall note the reason for noncollection of the excise.

In any case where a person has paid the excise fee for any vehicle for any year and later applies to a county auditor for a motor vehicle license for such year, such auditor shall issue the license without collecting the excise fee but only after verifying such payment from the excise fee receipt, or from a signed statement, issued by the director of ~~((motor vehicles))~~ licensing, and in accounting to the state treasurer for such noncollection the auditor shall note the number of the receipt or the number of the identification plates issued by the utilities and transportation commission.

The director shall account for and pay over to the state treasurer, at the latest within thirty days after he has received payment, the excise fees he has collected under this chapter, and the state treasurer shall credit the same to the general fund.

It is the intent of this chapter that not more than one excise fee imposed under RCW 82.44.020 shall be collected for any vehicle for any year.

For the purposes of this section, the several provisions of this chapter applying to the county auditor shall apply to the utilities and transportation commission and those applying to the county assessor shall apply to the department of revenue.

Sec. 235. Section 82.44.110, chapter 15, Laws of 1961 as last amended by section 2, chapter 332, Laws of 1977 ex. sess. and RCW 82.44.110 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of ~~((motor vehicles))~~ licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer, ninety-eight percent of which excise tax revenue shall upon receipt thereof be credited by

the state treasurer to the general fund, and two percent of which excise tax revenue shall be credited by the state treasurer to the motor vehicle fund to defray administrative and other expenses incurred by the state department of ~~((motor vehicles))~~ licensing in the collection of the excise tax: PROVIDED, That one hundred percent of the proceeds of the additional two-tenths of one percent excise tax imposed by RCW 82.44.020, as now or hereafter amended, shall be credited by the state treasurer to the Puget Sound capital construction account in the motor vehicle fund.

**Sec. 236. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 95, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.120 are each amended to read as follows:*

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of ~~((motor vehicles))~~ licensing determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then he shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the department of revenue and the association of county assessors.

In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the department of ~~((motor vehicles))~~ licensing shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

No refund of excise tax shall be allowed under the first paragraph of this section unless application for a refund of license fee is filed with the director of ~~((motor vehicles))~~ licensing within the period provided by law, and no such refund shall be allowed under the second paragraph of this section unless filed with the department of ~~((motor vehicles))~~ licensing within thirteen months after such claimed excessive excise tax was paid.

Any person authorized by the utilities and transportation commission to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state: PROVIDED, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined:

PROVIDED FURTHER, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty percent of the total miles operated, a balance of the tax is due equal to an amount which is the same percentage of the full excise fee as is the percentage of mileage the vehicle was operated in this state minus the one-half fee previously paid, and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund shall be filed with the department of (~~motor vehicles~~) licensing at Olympia not later than December 31st of the calendar year following the year for which refund is claimed and any claim filed after said date shall not be allowed. When a claim is filed the applicant must therewith furnish to the department his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

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

*Sec. 236. was vetoed, see message at end of chapter.

Sec. 237. Section 82.44.140, chapter 15, Laws of 1961 as amended by section 3, chapter 121, Laws of 1967 and RCW 82.44.140 are each amended to read as follows:

Any duties required by this chapter to be performed by the county auditor may be performed by any other person designated by the director of (~~motor vehicles~~) licensing and authorized by him to receive motor vehicle license fees and issue receipt therefor.

Sec. 238. Section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150 are each amended to read as follows:

(1) The director of (~~motor vehicles~~) licensing shall on the twenty-fifth day of February, May, August and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of (~~motor vehicles~~) licensing during the preceding calendar quarter ending on the last day of March, June, September and December, respectively, except for those payable under RCW 82.44.030 and 82.44.070, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.030 and 82.44.070, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of (~~program planning and fiscal~~) financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of (~~motor vehicles~~) licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund. A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to seventy percent of all motor vehicle excise tax receipts shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) The amount required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds authorized by chapter 26, Laws of 1963 extraordinary session in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred from the state school equalization fund to the 1963 public school building bond retirement fund.

(b) Any remaining amounts in the state school equalization fund from the motor vehicle excise taxes not required for debt service on the above bond issues shall be transferred and credited to the general fund.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state ratably, on the basis of the population as last determined by the (~~board~~) office of financial management.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) The amount required to remit to a municipality the proceeds of the tax authorized under RCW 35.58.273 shall be remitted to the municipality levying such tax. The amount required to be remitted by the state treasurer to the treasurer of any municipality levying such tax shall not exceed in any one calendar year the amount of locally generated tax revenues other than the excise tax imposed under RCW 35.58.273, which shall have been budgeted by such municipality to be collected in such year for any public transportation purposes including but not limited to operating costs, capital costs and debt service on general obligation or revenue bonds issued for such purposes.

This section shall expire on June 30, 1981.

Sec. 239. Section 82.48.010, chapter 15, Laws of 1961 as amended by section 1, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.010 are each amended to read as follows:

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

"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))~~ licensing; and

"Person" includes a firm, partnership or corporation.

Sec. 240. Section 82.48.020, chapter 15, Laws of 1961 as last amended by section 27, chapter 149, Laws of 1967 ex. sess. 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))~~ licensing, 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))~~.

****Sec. 241. Section 55, chapter 299, Laws of 1971 ex. sess. as amended by section 15, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.400 are each amended to read as follows:***

An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. The tax shall be collected for each registration year by the department of ~~((motor vehicles))~~ licensing or the county auditor of the county in which the travel trailer or camper is located at the time payment is made and shall be due on and after the first day of the registration year or on the date the travel trailer or camper is first purchased or brought into this state, and paid on or before the first day of each registration year or thirty days after the travel trailer or camper is first purchased or brought into this state, whichever is later. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs.

**Sec. 241. was vetoed, see message at end of chapter.*

Sec. 242. Section 59, chapter 299, Laws of 1971 ex. sess. as amended by section 2, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.440 are each amended to read as follows:

The county auditor or the department of ~~((motor vehicles))~~ licensing 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 and a description of the travel trailer or camper, which receipt shall be printed by the department of ~~((motor vehicles))~~ licensing 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.

**Sec. 243. Section 3, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.471 are each amended to read as follows:*

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: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, The director may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of ~~((motor vehicles))~~ licensing determines that the cost of processing the collection of the interest exceeds the amount of interest due.

The tax hereunder shall be a specific lien on the travel trailer or camper 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 travel trailer or camper may become charged or liable, after July 1, 1975, and no sale or transfer of any

travel trailer or camper shall in any way affect the lien for such excise tax upon the travel trailer or camper.

*Sec. 243. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 244. The following sections are each decodified: RCW 43.24.022; RCW 46.01.061; and RCW 46.09.230.

NEW SECTION. Sec. 245. Section 46.04.680, chapter 12, Laws of 1961, section 2, chapter 32, Laws of 1967 and RCW 46.04.680 are each repealed.

NEW SECTION. Sec. 246. 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 February 21, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 30, 1979, with the exception of Section 6, Section 85, Section 176, Section 177, Section 178, Section 179, Section 180, Section 183, Section 226, Section 227, Section 228, Section 236, Section 241, and Section 243 which are vetoed.

Filed in Office of Secretary of State March 30, 1979.

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

"I am returning herewith without my approval as to fourteen sections House Bill No. 849 entitled:

"AN ACT Relating to state government;"

The purpose of the bill is to change statutory references to the "department of motor vehicles" and its predecessors to the "department of licensing." Several sections of the bill amend RCW sections which have been amended in other bills which made various substantive changes in the law and also make the same name change as House Bill No. 849. The table below sets forth the section of HB 849 vetoed, the RCW section affected, the other bill and its section number also making the name change, the date it was approved by me, and its 1979 session law chapter number.

[A table has been omitted from this veto message. See actual veto message for the table.]

The foregoing sections of House Bill No. 849 are therefore unnecessary and have been vetoed.

Sections 178 and 243 of the bill amend RCW 46.65.050 and 82.50.471, respectively. Because section 9(2) of Senate Bill No. 2068, chapter 62, Laws of 1979, approved by me on March 21, 1979, and section 5(3) of Senate Bill No. 2066, chapter 123, Laws of 1979, approved by me on March 26, 1979, repealed those sections of the RCW, sections 178 and 243 of House Bill No. 849 are therefore unnecessary.

With the exception of these fourteen sections which I have vetoed, the remainder of House Bill No. 849 is approved."

AUTHENTICATION

I, Dennis W. Cooper, Code Reviser of the State of Washington do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20.060, the laws published herein are a true and correct reproduction of the copies of the enrolled laws of the 1979 regular session (46th Legislature) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this first day of May, 1979.



Dennis W. Cooper

DENNIS W. COOPER
Code Reviser

